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S. Hrg. 113–776

CHALLENGES AT THE BORDER

HEARING

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

JULY 9, 2014
EXAMINING THE CAUSES, CONSEQUENCES, AND RESPONSES TO THE RISE IN APPREHENSIONS AT THE SOUTHERN BORDER

JULY 16, 2014
EXAMINING AND ADDRESSING THE ROOT CAUSES BEHIND THE RISE IN APPREHENSIONS AT THE SOUTHERN BORDER

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CHALLENGES AT THE BORDER: EXAMINING THE CAUSES, CONSEQUENCES, AND RESPONSES TO THE RISE IN APPREHENSIONS AT THE SOUTHERN BORDER

WEDNESDAY, JULY 9, 2014

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:01 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Thomas R. Carper, Chairman of the Committee, presiding.

Present: Senators Carper, Landrieu, McCaskill, Baldwin, Heitkamp, Coburn, McCain, Johnson, and Ayotte.

OPENING STATEMENT OF CHAIRMAN CARPER

Chairman CARPER. Let me begin today by calling us to order and thanking our witnesses for joining us to discuss the current humanitarian challenge that is playing out along our Southern Border with Mexico, with unaccompanied children as young as 4 years old arriving in record numbers almost every day.

Before discussing the Administration's robust response to this current situation, however, I think it is important to try to put things into context. Over the past decade, we have made significant progress in securing our borders. Since 2003, for example, we have spent about a quarter-of-a-trillion dollars to enforce our immigration laws, more than doubling the size of the Border Patrol along the way. We have also built 670 miles of fencing and have deployed force multipliers such as high-tech cameras, radars, drones, and other aircraft up and down our border.

In 2006, just 8 years ago, the Border Patrol apprehended more than a million people at the border. Last year, we stopped just over 420,000. Some got through, but most did not. And while the most recent recession played a role in that drop, I think it is clear that the investments we have made in recent years have paid off. Although overall migration is still at historic lows, we are now facing a large surge, as we know, in undocumented immigration from the Central American countries, including unprecedented numbers of unaccompanied children and families showing up at our borders.

Some are saying that the current situation shows that our borders are not secure. I do not believe this is true. And, let me be clear. These children and their families are not slipping past our borders undetected. They are being apprehended in large numbers

by the Border Patrol almost as soon as they touch the United States, often turning themselves in voluntarily.

People from Central America, unlike Mexico, must be flown back to their countries. This is a costly process that can take months and sometimes even years. This process is even more complicated for unaccompanied children and families because our laws, appropriately, require different treatment for these groups. Children must be handed over to the Department of Health and Human Services (HHS) and families must be detained in special facilities that include educational opportunities for children.

Our border security system has been overwhelmed by the sheer numbers of these children and families. The Administration and Secretary Johnson have responded to the situation with what I describe as an "all hands on deck" approach. The Federal Emergency Management Agency (FEMA) is coordinating with the Department of Homeland Security (DHS)-wide response to the problem. The Department of Defense (DOD) has provided space on some of its military installations to house unaccompanied minors until Health and Human Services can find a placement for them. And, we surged Border Patrol agents, we surged immigration judges and other personnel to the border to help process these individuals.

Finally, just yesterday, the Administration proposed some $3.7 billion in emergency funding to deal with this situation. And, while we are still trying to drill down on it and understand fully what it calls for, we do know that the Department of Homeland Security will receive $1.5 billion to detain and deport more families, build some temporary additional detention facilities for the Border Patrol, and enhance investigations into human smuggling networks. These resources are urgently needed.

I am concerned, however, that while we continue to focus a great deal of attention on the symptoms of the problems along the border, we also continue to focus too little attention in addressing the underlying causes. As I mentioned earlier, we spent nearly a quarter-of-a-trillion dollars securing our borders since 2003. At the same time, only a small fraction of this amount has been invested in addressing the root causes in Central America that are encouraging young people and their families to risk life and limb and make the long and dangerous trek to South Texas.

Seeking a better life in the United States is nothing new. Most of us here today are here because someone in our family a generation or more ago decided to come here to take advantage of what America has to offer. But, for some of those Central Americans, especially the children and parents who often send them on their journeys, the decision can be a desperate one. Life in parts of Guatemala, El Salvador, and Honduras is more than difficult today. It can be deadly. I have seen it firsthand, even this year.

Violence has been steadily increasing in the region, with homicide rates in all three countries among the highest in the entire world. Kidnapping and extortion are endemic. Meanwhile, these countries have stagnant economies that create too few jobs and opportunities for their citizens. Faced with this violence and lack of hope at home, people from the region are voting with their feet and risking their lives on the nearly 1,500-mile journey to the United States.

I believe that the United States, along with Mexico, Colombia, and along with many others, need to do a better job of helping Central American countries help themselves. How? In large part, by helping them create a more nurturing environment for job creation. Restore the rule of law. Lower energy costs. Improve workforce skills and access to capital. And, improve the prospects for the young people so that more of them are willing, even eager, to stay home and help build their country up.

I am dismayed to hear some of our colleagues suggest that the answer is to cutoff funding for these countries. And, while I am a strong advocate of tough love, it strikes me as an extremely shortsighted step to take and one that will likely do more good than harm in the long run. If we had taken that approach with Colombia some 20 years ago, a country I visited earlier this year, it would be a failed nation today instead of one with a vibrant economy that has become a strong ally of ours.

Do our neighbors and their leaders in Central America need to do more to provide a brighter future for their own citizens? You bet they do! But, this is not the time to abandon them. Do we really think that making things worse in these countries is going to somehow improve the situation on our borders? I do not think so.

I am encouraged that the Administration has included $300 million in its emergency supplemental request for the State Department, some of which will be used to deal with the root causes of South American migration. But, these funds should be seen as a downpayment. This cannot be one and done. If we are serious about improving conditions in this region, we will need to do more, and, frankly, so will others. And, I would emphasize this. This is a shared responsibility. This should not be all on America's shoulders. This is a shared responsibility. That includes the Mexicans. It includes the Colombians. It includes other countries in Latin America. It includes many development banks and so forth.

But, keep in mind, Plan Colombia took more than a decade to bear fruit. I think we face a similar commitment here today, hopefully, not that long, but a similar commitment. And, making that commitment will not only prove ourselves good neighbors, but ensure that we will not continue to face an expensive humanitarian crisis at our borders a decade from now.

Addressing the factors that are pushing people out of Central America is important, but we also need to address the factors that are pulling them here in the first place. Some are saying that the current surge in migration from Central America is somehow tied to the actions that President Obama has taken to help undocumented immigrants who were brought here as children years ago come out of the shadows and live without fear. Many of those making this argument are the same people who oppose immigration reform and have rejected our bipartisan Senate efforts to update the outdated immigration laws that often drive people to try and enter our country illegally.

From what I have seen and heard, the biggest factor that pulls people to come here is the desire to have a better life, a job, and in the United States. But, our broken immigration systems do not do enough to provide legal avenues for workers we want and need,

nor does it provide the most effective tools to ensure that employers do not exploit undocumented workers.

The Senate passed a comprehensive immigration reform bill more than a year ago. I would be the first to say it is not perfect. Are there parts of it I would like to change? You bet, I would, and I am sure Dr. Coburn and others feel the same way. And, parts of it need to be changed. But, it would tackle some of the root causes that are pulling these migrants to come here and to live and to work by providing legal avenues for them to do so and then return to their own countries. It would also further increase the security of our borders and enhance our ability to enforce our immigration and workforce laws in the interior of the country.

Last, The Congressional Budget Office (CBO) concluded that the immigration reform bill passed by the Senate would increase our country's gross domestic product (GDP)—increase our country's GDP—by, I think, anywhere from 3 to 5 percent, and decrease our budget deficit by a trillion dollars over the next 20 years. And yet, just last week, we learned that our friends in the House of Representatives have decided not to even debate immigration reform this year. I believe this is a mistake. I truly hope they will reconsider this decision.

With that having been said, let me turn to my friend, Dr. Coburn, and then we will hear from our witnesses today. Thank you all for joining us.

OPENING STATEMENT OF SENATOR COBURN

Senator COBURN. I would ask unanimous consent that my remarks be submitted.

Chairman CARPER. Without objection.

Senator COBURN. I would welcome each of you here.

I would make some observations, as I have studied this. No. 1 is that we have known about this problem escalating since January, and yet there was no mention of it or any request for it in the President's budget.

No. 2, the best way to stop the flow is to send them back. I understand our 2008 trafficking law prohibits us to do that at this time in a timely manner, but, in fact, we want to stop this flow.

No. 3, the root cause of this can be mediated somewhat by our ally, the Mexican government, and whether or not we have done everything that we can do in that regard to utilize their help in this problem remains to be seen.

I want to welcome each of you here. Thank you for being here and I look forward to your testimony. As many of you know, I sent questions to you ahead of time so that we could get complete answers rather than waiting on answers for the record, and I thank you for being here.

Chairman CARPER. Thank you, Dr. Coburn.

We welcome our colleagues, as well.

I am going to provide brief introductions for our witnesses and then listen to you and then we will have a good conversation.

Our first witness is no stranger here, William Craig Fugate. Mr. Fugate is Administrator of the Federal Emergency Management Agency at the Department of Homeland Security. In this role, Mr. Fugate has helped coordinate emergency management efforts be-

tween all levels of government and external partners in the private and the community sectors. Prior to joining FEMA, Mr. Fugate served as the Director of the Florida Division of Emergency Management. Craig, nice to see you. Thanks for joining us and for your service.

Our second witness today is Gil Kerlikowske. Mr. Kerlikowske is the Commissioner of U.S. Customs and Border Protection (CBP). In this position, he oversees this Nation's dual mission of protecting national security objectives while promoting economic prosperity and security. As Commissioner, he runs the largest Federal law enforcement agency and the second largest revenue collecting source in the Federal Government. Prior to joining CBP, Mr. Kerlikowske was the Director of the White House Office of National Drug Control Policy, and as I recall, he has been a police chief in a place or two, maybe even Buffalo and Seattle, if I am not mistaken.

Our next witness is Thomas Winkowski. Mr. Winkowski is the Principal Deputy Assistant Secretary of the U.S. Immigration and Customs Enforcement (ICE). In this position, Mr. Winkowski advances ICE's missions to promote homeland security and public safety through the criminal and civil enforcement of approximately 400 Federal laws governing border control, customs, trade, and immigration. Mr. Winkowski has also served in a variety of leadership roles during a long and distinguished career with CBP. Most recently, he served as the Acting Commissioner prior to the appointment of Mr. Kerlikowske.

Next, we have Mark Greenberg. Mark is Acting Assistant Secretary for the Administration for Children and Families (ACF) at the Department of Health and Human Services. Prior to this, Mr. Greenberg directed the Georgetown University Center of Poverty, Inequality, and Public Policy. During his career, he has frequently provided technical assistance to State and local government regarding poverty reduction strategies. Mr. Greenberg also serves as both the Principal Deputy Assistant Secretary and the Acting Commissioner for the Administration of Children, Youth, and Families.

Our next witness is Francisco Palmieri. He is the Deputy Assistant Secretary for the Caribbean and Central America, Bureau of Western Hemisphere Affairs for the Department of State. Mr. Palmieri has served in the Dominican Republican, in El Salvador, in Honduras, and is a Senior Desk Officer for Venezuela. He has also led the Bureau of International Narcotics and Law Enforcement Affairs (INL's) Latin American and Caribbean Program Offices, where he was responsible for over $800 million in programs, including the Colombia and Mexico/Merida operations and 19 Narcotics Affairs offices throughout the Western Hemisphere. Prior to his current assignment, he served as Deputy Executive Secretary in the Department of State's Executive Secretariat. We are delighted that you are here today.

Our final witness is Juan Osuna. Mr. Osuna serves as Director of the Executive Office for Immigration Review (EOIR) at the Department of Justice (DOJ). Leading up to his appointment as Director, Mr. Osuna served the Department of Justice as an Associate Deputy Attorney General working on issues such as immigration policy, Indian Country matters, and pardons and commutations. Prior to this, he oversaw civil immigration-related litigation in the

Federal Courts as Deputy Assistant Attorney General in the Civil Division Office of Immigration and Litigation. Mr. Osuna also teaches immigration policy at George Mason University of Law in Arlington, Virginia. We are delighted that you are here.

Thank you all for your presence, for your preparation, for your testimony, and Craig, why do you not lead us off.

TESTIMONY OF HON. W. CRAIG FUGATE,[1] ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. FUGATE. Thank you, Mr. Chairman, Senator Coburn, and other Senators.

Mr. FUGATE. The timeline for FEMA's involvement in this actually started about mid-May. The Secretary had elevated the response based upon the number of children that were being held into detention at Customs and Border Protection. At that time, FEMA offered what assistance we could. We were not sure if this was commodities or technical assistance. The initial assistance we provided was mainly advisory technical assistance and help identifying some resources within the faith-based community for some immediate needs.

Towards the end of May, about May 30, there was a Deputies meeting at the White House with the National Security Council on this issue that we participated in as FEMA. We were asked what else we could do. Based upon authorities that FEMA had received in the Post-Katrina Emergency Management Reform Act, as the principal advisor to the administration on emergency management issues, we felt that there would be some additional resources or assistance we could provide.

Based upon that, we were asked by the President through the Secretary to coordinate—and again, I want to be very clear about this—a very narrow focus on supporting two lead agencies, Customs and Border Protection and the Administration for Children and Families, Office of Refugee Resettlement (ORR), focused on the humanitarian issues surrounding the children that were being held in detention, because there was not enough capacity to place them in beds.

So, our focus has been using our authorities under the National Response Framework (NRF) through interagency agreements to coordinate across the Federal agencies' existing authorities and existing funding to meet the needs of the humanitarian aspect of these children that were, for days, being held in detention cells. We worked with everybody from the General Services Administration (GSA), Department of Defense, within our own Department of Homeland Security, Coast Guard and others for transportation resources. The focus of our assignment has been on what we could do to either bring additional services in the field at the level that CBP had or assisting the Administration for Children and Families on getting more capacity to house children and process children. Through the interagency and through the National Response Framework, that has been our role.

[1] The joint prepared statement of Mr. Fugate appears in the Appendix on page 61.

We have not used our authorities under the Stafford Act, nor have we used any disaster funds in that manner. We have used existing funding that we have had. Most of the additional assistance that FEMA has provided has been done through interagency agreements. That is actually built into the National Response Framework when we respond to disasters where there is not a Stafford Act event. This is similar to what we did in Haiti, when, under direction from the United States Agency for International Development (USAID), FEMA provided additional assistance in Haiti. We did that through interagency agreements where the fund transfers were done so that we were performing work under existing authorities and funding that agencies were authorized to do.

But, since that time, we have added, in cooperation with all the partners, about 3,000 additional beds for children and families. Numbers have come down, but we still faced a problem of too many children that are in detention for more than 24 hours, and too many children that are still within the custody of CBP for more than 72 hours before they are placed. Although we have made progress, that progress is oftentimes disrupted when we see sudden influxes of kids coming in faster than we can discharge them and we back up. The last week, we have seen our numbers drop, but we have not been successful yet in ensuring that no child is in a detention facility for more than 24 hours and no child is in CBP's custody for more than 72 hours.

We work diligently, particularly through the work of the Administration for Children and Families, to try to make sure we are placing all of the youngest children. There was a massive effort this weekend to make sure that children under five were placed, and then we went to children under 12, to try to get as many of those children out of detention, to a bed, to an appropriate level of care.

But, the children continue to come across the border. It is a very fluid situation. Again, we will continue our role until such time as the system is stable and children are being placed in a timely manner, and we will then at that point consider our part of this completed, Mr. Chairman.

Chairman CARPER. Thanks, Mr. Fugate.

And, Gil, please proceed, Gil Kerlikowske.

TESTIMONY OF HON. R. GIL KERLIKOWSKE,[1] COMMISSIONER, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. KERLIKOWSKE. Yes, sir. Chairman Carper, Ranking Member Coburn, distinguished Members of the Committee, thank you for the opportunity to appear before you and to discuss the role that the United States Customs and Border Protection is doing in addressing this influx of unaccompanied children along the Southwest Border.

The Rio Grande Valley (RGV) area of Texas has experienced a significant increase in illegal entrants, including increased numbers of unaccompanied children and family units. Most of these are from El Salvador, Guatemala, and Honduras.

[1] The joint prepared statement of Mr. Kerlikowske appears in the Appendix on page 61.

I was confirmed for the position on March 7, and less than 2 weeks later, I was in the Rio Grande Valley, in McAllen, Texas, to see this for myself and to look at the challenges that the men and women of Customs and Border Protection were facing. I have since made two return visits and I am completely focused on this to make sure that we do everything we can to address this increased flow of children crossing the border.

The recent dramatic increase is difficult and distressing on a lot of levels. And, to date, this fiscal year (FY), the number of unaccompanied children encountered by CBP is over 57,000. It has more than doubled compared to the previous year, and as of July 1, there were just over 2,600 unaccompanied children in our custody.

Well, we are working closely with our counterparts to surge every available resource—personnel, facilities, equipment, supplies—to quickly, safely, and humanely process these children in accordance with the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA) and to support the transfer of the custody to the Department of Health and Human Services. We are also surging resources to maintain border security operations. In addition, 115 Border Patrol agents were recently added to the South Texas area, and Secretary Johnson has also just added an additional 150 agents on top of that.

Unaccompanied children are an incredibly vulnerable population, and while in our custody, they are provided shelter, medical assistance, and basic necessities. These may be adequate for a short-term stay, but CBP's facilities are clearly not designed, nor were services put in place, to accommodate such large volumes for an extended period of time.

We are working with ICE and Health and Human Services and FEMA and others in the Federal partnership to ease these current conditions through the utilization of alternate facilities, the Nogales Placement Center in Arizona and a facility recently secured by the GSA for Customs and Border Protection to use in McAllen to process and temporarily hold children that are awaiting transfer to Health and Human Services custody.

The Border Patrol has established medical units at our busiest border stations. We are conducting public health screenings. We have the assistance of the United States Coast Guard Corpsmen and the Public Health Services so that all of these adult and child detainees can receive medical care. FEMA has provided hygiene items, shower services, and many other things, services that have improved the care for these detainees in the past several months.

Assistance from non-governmental and charity organizations have had a big impact on the governmentwide effort to accommodate these children, and I could not say enough about them. The additional support has provided relief to these law enforcement agents and officers who have been taking care of these kids.

I have ben down there and witnessed firsthand these employees going above and beyond their regular duties. They are absolutely committed to making sure these children are treated in the most respectful and humane way, and, frankly, heartfelt way possible, under really difficult circumstances.

We are working around the clock to address this issue. I appreciate the opportunity to be here, and I would certainly invite all of you to tour and to visit these facilities and to see some of this firsthand, and I know that some of you already have. Thank you.

Chairman CARPER. Thanks, Mr. Kerlikowske.

And, Mr. Winkowski, you are recognized, please.

TESTIMONY OF THOMAS S. WINKOWSKI,[1] PRINCIPAL DEPUTY ASSISTANT SECRETARY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. WINKOWSKI. Thank you, Chairman Carper, Ranking Member Coburn, and Members of the Committee, and thank you for the opportunity to testify today about U.S. Immigration and Customs Enforcement's role in addressing the rise in apprehensions along the Southwest Border, namely the Rio Grande Valley, and our response.

And, Mr. Chairman, I would like to thank you for your support and for taking the time this spring to visit Mexico, Guatemala, and El Salvador in order to better understand the underlying causes of this surge. Thank you, sir, very much.

Through the whole government, we are determined to address the situation in a manner that is comprehensive, coordinated, and humane. On May 12, Secretary Johnson declared a Level 4 condition of readiness, which was the first step to bring the full interagency resources to bear. On June 1, President Obama, pursuant to the Homeland Security Act, directed Secretary Johnson to establish a unified coordination group. Craig talked about that. This group includes DHS and all of its components, the Department of Health and Human Services, Defense, Justice and State, and the General Services Administration.

When CBP encounters a child attempting to enter the United States, CBP begins the interview process to determine the child's status, review available documentation, and determine if the child is accompanied by a parent or legal guardian. Under the Trafficking Victims Protection Reauthorization Act of 2008, an unaccompanied child who is a national of Canada or Mexico may be permitted to withdraw his or her application for admission and be repatriated immediately. However, this is not true for the vast majority of children encountered in the Rio Grande Valley, because almost all of them are nationals of Honduras, Guatemala, and El Salvador, and according to TVPRA are required to be processed by receiving a notice to appear in order to see an immigration judge.

Upon determining that an unaccompanied child does not have the option under TVPRA to withdraw his or her application for admission, CBP notifies ICE and the Department of Health and Human Services Office of Refugee Resettlement. Once HHS notifies CBP and ICE that a shelter bed is available pursuant to requirements of the law, it is ICE's legal responsibility to quickly and safely transport the unaccompanied child from CBP custody to an ORR shelter facility.

[1] The joint prepared statement of Mr. Winkowski appears in the Appendix on page 61.

ICE transports unaccompanied children via ground, commercial air, and ICE charter flights. In order to speed up the safe transportation of unaccompanied minors to ORR shelters, ICE has leased additional charter planes and is working closely with the Houston Airport Authority to have ICE escorting officers fly to Houston rather than making the trip to the Rio Grande Valley, where both inbound and outbound flights are limited. ICE is also using reverse escorting for unaccompanied children, where ICE Enforcement and Removal Officers (EROs) from other parts of the country are assisting in supporting the transportation needs in the Rio Grande Valley, thus allowing for more escorting capabilities.

All 24 of ICE ERO Field Offices have primary and back-up juvenile coordinators, each of whom receive annual specialized training with respect to the unique vulnerabilities of children. In addition, ICE has detailed around 200 officers to the Rio Grande Valley to assist with the increased children and transportation needs.

In addition, ICE has surged criminal investigative resources for the prosecution of those who smuggle the children. In May 2014, there were 163 arrests of smugglers along the Southwest Border. The Secretary has directed a 90-day surge of ICE Homeland Security Investigation Special Agents, 60 personnel, to offices in San Antonio and Houston to work with the Department of Justice to ramp up our prosecutions of smuggling organizations.

ICE is also building additional detention capability for adults who cross the border illegally in the RGV with their children. Recently, we have established a temporary facility for adults with children in Artesia, New Mexico, and you are welcome any time to visit. 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.

Finally, we have worked with the government of Honduras, El Salvador, and Guatemala to repatriate the adults quicker, which has resulted in a prompt issuance of travel documents moving from what took normally 14 days now to 3 days. Within the last several months, we have, therefore, reduced the expedited removal time of this population. For those adults who fall outside the expedited removal process, the repatriation period has also dropped. Within the law, we are sending this group back, and we are sending them back much quicker than we ever have done before.

So, with that, Mr. Chairman, I conclude my opening statement and look forward to answering your questions. Thank you.

Chairman CARPER. Thanks for your testimony.

Mr. Greenberg, you are recognized. Please proceed.

TESTIMONY OF MARK H. GREENBERG,[1] ACTING ASSISTANT SECRETARY, ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. GREENBERG. Thank you. Chairman Carper, Ranking Member Coburn, Members of the Committee, thank you for inviting me to talk with you about HHS's responsibilities in relation to unaccompanied children. Today, I want to talk about the steps that we take to care for the children when they are referred to us, our responsibilities to identify appropriate sponsors with which the children can live while they are awaiting enduring immigration proceedings, and the challenges we are facing as a result of the increased numbers of unaccompanied children.

Under the law, when an unaccompanied child is in CBP custody, they refer the child to us. We fund shelters through grants to nonprofit organizations, a number of which are faith-based service providers. When a child arrives at a shelter, the child is provided with a complete medical exam within 48 hours, conducted by a doctor or a nurse practitioner. All children receive vaccinations and screening for tuberculosis.

Soon after the child comes to us, shelter staff conduct an initial interview with the child. The interview is used as a first round of screening to determine if the child may be a victim of abuse, a victim of a crime, or a trafficking victim, and to determine if the child has any immediate mental health needs. These screenings determine whether the child needs specialized services, a home study prior to release to a sponsor, and whether the child is a potential victim of trafficking.

Children in our shelters receive medical, dental, and mental health services, education services, opportunities for physical activities, a legal rights presentation, access to legal services, access to religious services, case management, and clinical counseling.

While children are in our shelters, we seek to place them with appropriate sponsors. Under the law, we have a responsibility to place children in the least restrictive setting that is in the best interest of the child. To date, in fiscal year 2014, about 95 percent of children who have left our shelters were released to a parent or relative or a non-relative sponsor. If there is no appropriate sponsor, the child stays in our shelters until they turn 18, at which point they are remanded to DHS custody, or in some cases, the child may be repatriated or may qualify for immigration relief.

Before we release a child to a sponsor, we verify the sponsor's identity and relationship, if any, to the child. The staff conduct an assessment of the child's past and present family relationships and the relationship to any non-relative potential sponsor. There is a background check, including a public records check for criminal history, interviews with the child to discover any criminal or domestic violence concerns, a written assessment of the child and the sponsor that is completed by case managers and clinicians. A fingerprint check is required if any concerns are raised, including if there are concerns about the child's safety or if the sponsor is not the parent or legal guardian.

[1] The prepared statement of Mr. Greenberg appears in the Appendix on page 66.

As part of the process, HHS notifies potential sponsors that they have a responsibility to ensure that the child appears at all appointments and court proceedings relating to their immigration case, that the sponsor has a responsibility to cooperate if there is a removal order. HHS also informs sponsors of their responsibility to notify DHS and the Department of Justice of any change of address. HHS also notifies DHS of the name, address, phone number, and relationship of the child to the sponsor prior to the release to the sponsor, and, again, notifies after the release has taken place.

In recent months, the number of children arriving has increased markedly, straining our ability to place children in shelters in timely fashion. We are actively working with our colleagues at DHS, Department of Justice, and other Federal agencies through the coordination efforts of FEMA, both to identify additional efficiencies, to shorten the time the children can be with us without jeopardizing child safety, and to expand the number of shelters that can be used to receive children.

Over the last 3 years, we have reduced the amount of time children are in our custody from 72 days to less than 35 by identifying a number of efficiencies that do not compromise child safety, but we are continuing those efforts to identify additional ones.

We have also worked to identify additional facilities, including the temporary facilities that have been made available to us from the Department of Defense at Joint Base San Antonio Lackland, Ventura Naval Station, and Fort Sill in Oklahoma. We are continuing in our efforts to identify both public and private facilities.

It is a complex situation with a number of challenges. We welcome working with the Committee and Congress in efforts to address it. Thank you, and I will be happy to answer questions.

Chairman CARPER. Thank you, Mr. Greenberg.

Mr. Palmieri, you are recognized and we welcome your testimony. Thank you.

TESTIMONY OF FRANCISCO PALMIERI,[1] DEPUTY ASSISTANT SECRETARY FOR THE CARIBBEAN AND CENTRAL AMERICA, BUREAU OF WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. PALMIERI. Mr. Chairman, Dr. Coburn, Members of the Committee, I am pleased to be here to discuss the Department of State's response to the sharp rise in the number of unaccompanied children arriving at our border, the direct link between this activity and dire economic and social conditions in the region, as well as the influence of smuggling networks, and what we are doing to further the national security interests of the United States. I appreciate your interest and look forward to working with you on this important issue.

The Administration is deeply concerned by the substantial increase in the number of children from Central America who are leaving their countries and attempting unauthorized immigration to the United States.

The Department of State is implementing a five-part strategy. We are working on a common approach to the problem with the

[1] The prepared statement of Mr. Palmieri appears in the Appendix on page 76.

source countries of El Salvador, Guatemala, and Honduras, and with Mexico in its role as a transit country.

We are creating an updated public messaging campaign with El Salvador, Guatemala, Honduras, and Mexico to discourage families from sending their sons and daughters on this dangerous journey.

We are helping El Salvador, Guatemala, and Honduras expand their repatriation and reintegration efforts.

We are working with Mexico to stop migrants at Mexico's Southern Border and interrupt the well-known smuggling routes used in Southern Mexico.

And, finally, we are leading a new whole of government effort to address the underlying causes of this migration, especially the security concerns and lack of economic opportunity in the region.

We know that these children are primarily arriving from El Salvador, Guatemala, and Honduras. Central America faces daunting economic, governance, and security challenges which impact the citizens of the region and the choices they make.

Our vision for Central America is a secure, well governed region that creates opportunities for its people within its borders. This is the only path to diminish the factors driving high immigration flows.

The political, economic, and social conditions in El Salvador, Guatemala, and Honduras are challenging, with extreme violence, endemic poverty, declining farm incomes, and weak public institutions, all combining to create an environment that many people want to abandon. Aggressive smugglers seek to exploit the situation.

My colleagues from the Department of Homeland Security, Justice, and Health and Human Services have described the scope of the enormous challenges that they face in processing unaccompanied children, adults with children, and adults arriving at the border. They are working tirelessly to protect our borders, enforce our laws, and meet the pressing humanitarian needs of migrants, especially the children. This effort not only serves to enforce U.S. laws, but is also the right thing to do to help these vulnerable children.

Our diplomatic engagement in support of this effort has been sustained and intense. Last month, Vice President Biden traveled to Guatemala and met with the leaders to establish that we all must take steps to stem the flow of undocumented migrants.

In Panama on July 1, Secretary Kerry obtained agreement on greater collaboration from the three governments. And, on July 3, all three nations' foreign ministers traveled to Washington to meet with nine different U.S. Government entities at the Department of State. At our request, all three countries have increased consulate staffing levels at the U.S.-Mexico border to expedite processing of unaccompanied children.

The President spoke to Mexican President Enrique Peña Nieto in June about Mexican efforts to improve the security at its Southern Border. We are working with Mexico to accelerate its Southern Border strategy that will increase Mexican inspection and interdiction capacities and reduce human smuggling across Mexico's borders.

As part of the broader interagency effort, we are also working to increase immediately the migrant repatriation capacity for El Salvador, Guatemala, and Honduras so that these governments can accept more migrants from the United States each week.

Finally, the Department continues to focus on a longer-term approach to address the systemic issues Central American countries face and that are creating the push factors behind this phenomenon. We are applying a more balanced regional approach to integrate prosperity, security, and governance assistance in order to reduce the root causes that are driving migrants to the United States. However, we must be realistic. In order to achieve the substantial transformative change in Central America that truly will stem migration flows, all the governments must demonstrate the political will and necessary commitment. As Chairman Carper noted, it must be a shared responsibility.

We will continue to work closely with Congress on a comprehensive whole of government approach that provides the necessary resources to meet this migration challenge.

Thank you, and I look forward to answering your questions.

Chairman CARPER. Mr. Palmieri, thank you so much.

Mr. Osuna, welcome and please proceed.

TESTIMONY OF JUAN P. OSUNA,[1] DIRECTOR, EXECUTIVE OFFICE OF IMMIGRATION REVIEW, U.S. DEPARTMENT OF JUSTICE

Mr. OSUNA. Thank you, Mr. Chairman. Good morning, Mr. Chairman, Senator Coburn, and other Committee Members. Thank you for the opportunity to speak with you today about the Justice Department's Executive Office for Immigration Review.

Our agency is responsible for conducting civil immigration removal proceedings throughout our immigration courts around the country and our appellate level, the Board of Immigration Appeals. Our caseloads follow immigration enforcement patterns along the border and in the interior of the country. Every individual that the Department of Homeland Security formally charges with being removable from the United States results in another case for our immigration courts. With nearly 375,000 matters pending at the end of June, we are facing the largest caseload that the agency has ever seen.

Overall, we have 243 immigration judges in 59 immigration courts around the country. Many of our courts are located at or near the Southern Border, including in San Diego, CA, El Paso, TX, and Harlingen, TX. Many of our courts are also located within ICE detention centers for efficiency reasons, including the border locations of East Mesa, CA, Eloy, AZ, and Port Isabel, TX.

The highest priority cases for EOIR have been those involving detained aliens, and the agency has focused on the efficient and timely adjudication of such cases, which often involve individuals that DHS charges with being removable from the United States because of criminal activity.

The current situation along the border is prompting us to reset our priorities across the entire immigration court system, not just

[1] The prepared statement of Mr. Osuna appears in the Appendix on page 81.

courts near the border, but across the entire system, as, along with our Federal partners, we respond to the President's request, or directive, to focus additional resources on the cases of recent border crossers.

From now on, the following four types of cases will be a priority for the entire immigration court system: unaccompanied children; detained cases involving adults who arrive with children; adults who arrive with children who are not detained because of lack of detention space currently, but who are released on alternatives to detention, such as electronic monitoring; and regular detained cases. This means that these cases will go to the front of the line for adjudication, and immigration judges will be assigned to make sure that these cases are heard promptly and ahead of all others.

While in most cases there are already sufficient numbers of immigration judges assigned to hear regular detained cases, we will be assigning a significant number of judges to bring to a priority the other matters I mentioned, especially those of unaccompanied children and families who—or, adults who arrive with children in recent weeks.

This change has consequences for the broader immigration court caseload. Cases not considered a priority will take longer to adjudicate. However, given the seriousness of the situation along the border, it is the appropriate response by our agency, a part of the all-hands-on-deck response that you mentioned, Mr. Chairman.

The utmost priority for every case, however, will remain that every fact is considered and every application of law is correct and that people appearing before our immigration judges receive due process of law. We will do these cases quickly, but we will do them right.

In order to continue to meet its mission of the timely adjudication of cases, EOIR must be provided with the ability to properly staff our immigration courts with the judges and staff that we need to process cases effectively and efficiently. In 2010, the Department and our agency placed a great deal of emphasis on the hiring of new judges, and this met with significant success as we were able to ramp up pretty quickly. However, the effects of funding constraints over the last few years resulted in a hiring freeze in 2011, and that has had a worsening impact on EOIR's operations, increasing the number of cases pending and extending court dockets further into the future.

Earlier this year, the fiscal year 2014 Appropriations Act included funds enabling the Department to lift the hiring freeze, and we are in the process of hiring more than 30 new immigration judges that will be coming on board over the next few months, and those judges also, if necessary, will be assigned to prioritize the cases of recent border crossers.

In March, the President sent his fiscal year 2015 request to Congress for additional funding, and the President's request once again includes good funding for EOIR that will enable us to hire more than 30 additional judges, if that is approved.

And then, finally, I would like to highlight the President's request yesterday for supplemental funding that was transmitted. That includes funding for additional judge teams. It also includes some funding for additional efficiencies that will make these cases

move through the court system more efficiently, and I ask for your support for that request, as well.

Mr. Chairman, Senator Coburn, despite the large caseload that we face, we continue to meet every challenge presented, and this situation at the border is no different. With your support, we will contribute to the governmentwide response that is called for.

Thank you for your interest, and I look forward to answering any questions you might have.

Chairman CARPER. Mr. Osuna, thanks so much for your testimony. Our thanks to all of you for excellent testimony.

I just want to start off by going back in time little bit. I want to talk about two guiding principles for me. All of us have our guiding principles that come from different places—our experiences, our parents, and so forth, our faith. For me, one of the guiding principles, John, actually came from being in Southeast Asia, the place where John McCain spent a whole lot more time than I did.

But, I remember going into the makeshift office of my commanding officer (CO) in the Navy, my squadron. He had a cartoon blown up and mounted on his wall behind his desk, and it was a cartoon of one person, a guy, looking pretty disheveled, and on a very small island with one tree and being surrounded by alligators who were trying to get him. And, the caption under the cartoon was, "It's hard to remember that your job was to drain the swamp when you are up to your eyeballs in alligators." It used a different word than "eyeballs."

But, for me, one of my guiding principles is to figure out, do not just address the symptoms of problems, but let us go to the underlying causes. We need to address the symptoms. There is a lot to do, and a lot we are doing, and a lot more we need to do, and we need to be your partner in doing that. We also need to make sure that we are addressing the underlying causes.

The other thing that has been helpful to me in my life is to, in trying to figure out how to deal with a problem or a crisis, to ask the question, what is working someplace else? Figure that out and do more of that. Find out what works. Do more of that.

John McCain was good enough to bring me down to Arizona more than a year ago to visit the border with Mexico in his State. I have been all the way along our border from the Pacific Ocean all the way over to the Gulf Coast. And, we have seen a dramatic change, one, in the people that are coming across, and we have seen a dramatic change in where they are coming across. It has kind of moved from West to East.

There was a time when most of the folks that came across were Mexicans, as you know, a lot of them. And, we still have Mexicans who try to get into our country illegally, as you know, but not nearly as many as before. In fact, I am told that the net migration might actually be going the other way, back from our country into Mexico these days.

Here is the first question I want to ask in terms of finding out what works and doing more of this. Why this shift in Mexican migration, almost to maybe an out-migration? Why has this occurred, and what can we learn from that?

Mr. KERLIKOWSKE. We have seen those changes that have been very dramatic. By the way, I think every CO must have had that same cartoon.

But, we have seen those changes, and I think because of the work that I did for the President on the drug policy issues, the safety and security that has increased within the government of Mexico, the fact that economic opportunities are better now within Mexico, and we know that in the three Central American countries that we have been talking about, neither of those—economic opportunity nor safety and security—have been something to write home about.

Chairman CARPER. Others, please. Mr. Winkowski.

Mr. WINKOWSKI. Yes. Thank you for that question. I agree with what the Commissioner has said and I think you just have a whole different dynamic when you look at flows. We know with Central America the difficulties they have down there with their economy and other challenges. As time goes on, you are going to see other parts of the world, for example, India, migration from India into the United States, and we have already seen spikes of that in the last few years.

But, the whole flow is changing. I just read yesterday where Mexico has signed a billion-dollar deal with BMW to build a factory down in Mexico. Creation of more jobs in Mexico, and to the Commissioner's point, the economy is prospering there. It does come down to, I think, so much come down to opportunity, and the folks that we are encountering on the border from Guatemala, Honduras, and El Salvador do not have that economic opportunity. Gangs, violence, as well as family members here, and that is what is driving it.

Mr. PALMIERI. Mr. Chairman——

Chairman CARPER. Yes, sir.

Mr. PALMIERI [continuing]. Also, I think you talk about what is working, and the trade integration that has happened in North America between the United States, Canada, and Mexico has created a growing prosperity in Mexico that has contributed to that new migration flows there. We do have a trade agreement with Central America. We need to push these countries to more actively integrate their economies and to take full advantage of that trade agreement and to expand economic opportunity and job creation in their own countries as a way of stopping this, as well.

Chairman CARPER. All right. Thank you.

A couple weeks ago, the Vice President was just back from Guatemala—I think Secretary Johnson is actually there today, is he not? And, I was talking to the Vice President and I asked him, trying to find out what he learned, and one of the things he told me is that 80 percent of the kids, the young people, unaccompanied minors who are coming to this country—come from the worst neighborhoods, the worst communities, the most violent and dangerous neighborhoods, about 80 percent of them.

I put myself as a parent. I am the parent of some adult sons. But, I put myself as a parent in Honduras, Guatemala, El Salvador, and I live in one of those communities with a lot of violence, not much opportunity, much chance for an education to get a job, and I hear that there are some folks that are willing to, for a cou-

ple thousand dollars, to take one or more of my kids out of that, through Mexico, across the border, welcomed there by our Border Patrol, who are required by law to do that and to accept and receive them, to care for them, and to eventually replace them in a safe setting, in many cases with their families, a member of their families, who may be undocumented, who may be undocumented themselves. Now, that is a strong magnet to pull young people out of those three countries and to send them North, through hellacious conditions, in many cases.

The idea of putting my kids, when they were 4, 5, 6 years old on top of a train and send them halfway across the country—not in a train, not in a passenger train, on top of a freight train, moving, for 1,500 miles—I mean, who can imagine doing that? These people are desperate.

And, if I were in that situation, I might do the same thing. How do we get to the people and change that mindset? How do we change that mindset to turn off the flow so the parents will say, damn it, I want my kid to stay here, have an opportunity, have a future here. How do we do that?

Mr. WINKOWSKI. I think there are several steps. I think, for instance, Gil talked about some of those. I think we have to continue to work with Guatemala, El Salvador, and Honduras on capacity building. We need to stress to them the importance that they secure their borders. I know during my time in CBP that the Border Patrol and Office of Field Operations sent a lot of time in Guatemala stressing and showing different training and things of that nature. I have not been down to the border, but from what I have been told, it is very porous and it is wide open. So, we need to build capacity there and DHS is the best in the business there when you are looking at, whether it is the borders or the detention sites. So, we have to continue to focus in on that.

I think the other area is Mexico. You talked about that. I think we need Mexico to continue to move forward here in helping us. As you mentioned, these people are just walking through Mexico, using Mexico as a transportation corridor and showing up on our doorstep. We are America, and we do the right thing for these kids and for these adults. But, nonetheless, it wears on the system.

When you do apprehend, then you have to have a policy where these individuals are detained and brought through the system quickly and a decision is made whether the people get to stay here or they are removed, and if they are going to be removed, they have to be removed quickly so it sends a message, if you will, the deterrent factor. We are seeing that happening now, Mr. Chairman, in Artesia, our new facility that we have that we just opened up in Artesia, New Mexico, for family units. We are already seeing people saying that, "I did not realize I was going to detention. I thought I was going to be released." With the Director's support and his judges, our removal hearings are moving much quicker.

That begins that process of sending the deterrent message. If we are going to be successful, in my view, that is what we have to do, and I will tell you that Guatemala, El Salvador, and Honduras have been pretty good partners for us. I mentioned in my statement that we took removal from 14 days to 4 days, and a lot of that had to do with those three countries giving us travel docu-

ments much more quickly. So, they have been a good partner in that regard, but there is a lot more work to be done.

Chairman CARPER. OK. Thanks.

With that, I am going to stop and yield to Dr. Coburn. Thank you all.

Senator COBURN. Mr. Palmieri, what actually is Mexico doing to help us on this problem right now?

Mr. PALMIERI. Dr. Coburn, in the last year, Mexico has returned over 85,000 adults and children from its territory back to Central America. In the current calendar year, they are on pace to return over 90,000 adults and children back to the countries of El Salvador, Guatemala, and Honduras. On Monday, President Peña Nieto announced the launch of its Southern Border Strategy, which they hope will increase their ability to interdict and disrupt these smuggling networks.

Senator COBURN. All right. Thank you.

Mr. Winkowski, I have a question for you. I have recently spoken to a whistleblower, an ICE agent in a regional office, who shared with us over ten—if we could get those posters[1] up—documented examples of terminated notices to appear for unaccompanied alien children (UAC), which you can see in these posters. The reason for these terminations therein resulting in any and all removal proceedings is listed as prosecutorial discretion. This term is written "PD" on these documents, transmitted back to the ICE agents.

Explain to me, if you would, prosecutorial discretion in the context of canceled notices to appear. Under what policies and procedures does the Office of Chief Counsel issue these? What is the reason that they are issued? What happens to illegal alien children once their Notice to Appear (NTA) is canceled? Is there followup? In the specific examples provided to us by this ICE agent, PDs were issued for minors. So, what is the status of a child given once their NTA is terminated through a PD? What followup is conducted to ensure the child's welfare? And, is the child able to attend school with no status?

Mr. WINKOWSKI. Well, obviously, we have prosecutorial discretion. We have the Morton memo that is really the document that guides what our priorities are and lays those out, I think, very clearly. I am not familiar with this particular case. I have learned in this business, in my short time over at ICE, if you look at one case—if you have seen one case, you have seen one case. I do not know all the details why the NTA was declined to be filed. I will be more than happy to look into it, but I am unfamiliar with this.

Senator COBURN. Do you have any idea how often this happens——

Mr. WINKOWSKI. No, I do not.

Senator COBURN [continuing]. With children?

Mr. WINKOWSKI. No, I do not. No.

Senator COBURN. All right.

Mr. WINKOWSKI. I know that all the children, sir, are given NTAs and entered into removal proceedings.

Senator COBURN. Well, I would appreciate any feedback you can give me on that.

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[1] The posters submitted by Senator Coburn appear in the Appendix on page 88.

Mr. WINKOWSKI. Absolutely, sir.[1]

Senator COBURN. Mr. Greenberg, once the Department of Health and Human Services releases an unaccompanied child to a sponsor with a notice to appear before an immigration judge, does HHS report to the Department of Homeland Security on the number of UACs who have been released on their own recognizance?

Mr. GREENBERG. Dr. Coburn, we do not release the unaccompanied children on their own recognizance. We are only releasing them to a parent or relative or other sponsor. At the time that we do the release to that individual, we provide the information about the whereabouts of the child to the Department of Homeland Security, both immediately prior to and immediately after the release.

Senator COBURN. And the names of who they are placed with?

Mr. GREENBERG. Yes. We provide that information to the Department of Homeland Security.

Senator COBURN. Do you, after that fact, track these children to ensure they appear at their immigration hearing?

Mr. GREENBERG. We do not play that role. After the time that we release the child, then the subsequent issues relating to the immigration proceeding itself will be the responsibilities of the Department of Justice.

Senator COBURN. OK. In a June conference call with congressional staff, HHS stated they are not mandated nor will they be checking the immigration status of relatives or sponsors for the unaccompanied children. I am interested in the procedures HHS uses to verify the identity and immigration status of the individuals to whom the unaccompanied child is released. To clarify, does HHS verify the immigration status of the sponsors to whom the unidentified children are released?

Mr. GREENBERG. We verify the identity of the individual.

Senator COBURN. Well, that was not the question I asked you. The immigration status.

Mr. GREENBERG. We do not verify the immigration status of the individual. Our focus in the release is, first, identifying the least restrictive setting in the child's best interest. As we do that, we also need to look at safety to the child, safety to the community, risk of flight. We go through the overall process of looking at the individual placement to ensure that it is a safe and appropriate placement for the child——

Senator COBURN. OK. Let me ask you a followup question. Is it not true that if you place an unaccompanied child with an illegal alien sponsor, that the significant likelihood is they would not want to bring that child to a deportation hearing before an immigration judge for fear they would expose their own illegal status?

Mr. GREENBERG. As we go through the process of identifying sponsors, we ensure that the sponsor understands they have a responsibility to make the child available for proceedings, including removal.

Senator COBURN. Again, that is not the question I asked you. The question I asked you was, would it not be likely that they would not comply, regardless of whether you tell them that is their

[1]The response to the question submitted by Senator Coburn appears in the Appendix on page 131.

responsibility? If, in fact, they are an illegal alien to begin with, why would they expose themselves in front of an immigration judge?

Mr. GREENBERG. For the child in those circumstances, this is about who the child should live with while they are awaiting the removal proceedings and during the removal proceedings, and——

Senator COBURN. You are missing my point.

Mr. GREENBERG [continuing]. Again, the sponsor has the responsibility.

Senator COBURN. My point is, I am all for having the children in the best place. Do not get me wrong. But, if you are not checking the immigration status of those that you place with them, and if, in fact, they are not here legally, the likelihood that they are going to show up before a judge is markedly diminished because it exposes them. So, the question I would ask you is why you all do not ask for status of the people that you place these children with.

Mr. GREENBERG. The specific aspects of what happens in the proceedings are, I think, best addressed by my colleague at the Department of Justice——

Senator COBURN. No, I understand that. I am asking you the question, why you do not ask the status of the people with whom you are placing the child.

Mr. GREENBERG. The——

Senator COBURN. Why do you not ask that question, because, in all likelihood, they are not going to show for an immigration hearing.

Mr. GREENBERG. For us, the focus needs to be on a safe and appropriate placement for the child.

Senator COBURN. So, you are not going to answer my question. Why do you not ask that question of those people with whom you are placing these children?

Mr. GREENBERG. Even if we had the information as to the parent or other relative's immigration status, we would still at that point need to look at the totality of the circumstances.

Senator COBURN. I do not disagree with that. I am asking you why you do not ask that question.

Mr. GREENBERG. Sir, the reason——

Senator COBURN. Is it the policy of HHS not to ask the status of those people with whom you are placing the child?

Mr. GREENBERG. We do not specifically inquire as to the immigration status.

Senator COBURN. Is that the policy of HHS of this country?

Mr. GREENBERG. Yes, it is——

Senator COBURN. All right. Thank you.

Mr. GREENBERG. That is the case. Yes.

Chairman CARPER. All right. Let me just run through the order of those who came—my colleagues who have come into participate. Senator McCain was an early arriver. Senator Johnson, next. Senator Ayotte, next. She just left. She will probably be back. Senator Baldwin. Senator Heitkamp. Senator Landrieu.

And, Senator McCain, I just want to say, thank you for encouraging us to hold this hearing. We have another next week. And, thank you very much, again, for hosting me down in your State a

year ago. Thank you. And, for all the work that you have done on the immigration reform legislation. Senator McCain.

OPENING STATEMENT OF SENATOR MCCAIN

Senator MCCAIN. Thank you, Mr. Chairman, and thank you for holding this hearing and I thank the witnesses.

Mr. Greenberg, the President of the United States, according to an article in the Atlantic, met with a group of advocates and others, the Coalition for Humane Immigrant Rights and others, and according to this article, "He told the groups he had to enforce the law—even if that meant deporting hard cases with minors involved. Sometimes, there is an inherent injustice in where you are born, and no President can solve that, Obama said. But Presidents must send the message that you cannot just show up on the border, plead for asylum or refugee status, and hope to get it. Quote, 'Then anyone can come in, and it means that, effectively, we do not have any kind of system,' Obama said. Quote, 'We are a nation with borders that must be enforced.'"

Do you agree with that statement, Mr. Winkowski and Mr. Greenberg?

Mr. WINKOWSKI. Yes.

Senator MCCAIN. Then, I wonder why anyone would question the motivation for young people to come here, since the latest information we have, that in fiscal year 2013, 20,805 unaccompanied children from El Salvador, Guatemala, and Honduras were apprehended by the Border Patrol. In that same year, 2013, 1,669 of these unaccompanied children were repatriated to their home countries. If you were one of these children and you were there in one of these countries, would you not think your odds are pretty good?

Mr. WINKOWSKI. Yes, but there is a legal process and that process takes time to make its way through the system, and that is part of the challenge that we have the Director talked about from the standpoint of staffing of judges and just the legal process that takes place. It takes time to get to a point of removal in some of these cases.

Senator MCCAIN. But, despite what you have to say, Mr. Winkowski, if you are sitting there in El Salvador today and one out of 10 do not even show up when they get the permiso slips—only one out of 10 show up actually before a judge, is that not true?

Mr. WINKOWSKI. I have heard that number, yes.

Senator MCCAIN. You have heard that number?

Mr. WINKOWSKI. Yes.

Senator MCCAIN. You do not know?

Mr. WINKOWSKI. I have heard various numbers, but that is one of them. It is——

Senator MCCAIN. Well, is that a valid number?

Mr. WINKOWSKI. That is a number——

Senator MCCAIN. You would not even know how many, what percentage do not show up with a permiso slip?

Mr. WINKOWSKI. Well, that is—for the judge?

Senator MCCAIN. Yes.

Mr. WINKOWSKI. For the EOIR? Perhaps the Chief Judge can help me on that.

Mr. OSUNA. Senator, if I may——

Senator MCCAIN. Yes.

Mr. OSUNA. I have heard the 90 percent number, and that number is actually not accurate.

Senator MCCAIN. Well, what is the accurate number?

Mr. OSUNA. The accurate numbers that we have is for all juvenile cases. Now, these are not subdivided unaccompanied minors. Our database——

Senator MCCAIN. It should be subdivided unaccompanied minors, Mr. Osuna. They are the ones that are coming.

Mr. OSUNA. We are working with our partners to try to get better data on the actual numbers. But, the numbers for juveniles that we have, and then we have overall numbers. The number that we have is that 46 percent of juveniles actually do not show up for their immigration hearings——

Senator MCCAIN. So, half the people. Only half the people do not show up.

Mr. OSUNA. That is correct.

Senator MCCAIN. I see.

Mr. OSUNA. Now, I should note, however, that not showing up for an immigration hearing carries considerable consequences. Whether you are an adult or a child or anybody that actually is issued a notice to appear and is required to appear before an immigration judge and does not appear, that judge then issues, essentially, an order of removal, and that order of removal can be enforced after them not showing up.

Senator MCCAIN. But, the fact is, in 2013, 1,669 out of 20,805 were actually in that year returned. That is one out of 20, roughly. So, I mean, the fact is that people show up and they have every reason to believe, according to these numbers—and I will be glad to look at your numbers, even if it is only half—that there is ample incentive for them to come to this country.

The President initially said that he believed that the Trafficking Victims Protection Act, which would provide the same status for Central America as we have for Mexico and Canada, that amendment would be supported. Do you support that, Mr. Winkowski?

Mr. WINKOWSKI. I support a system, whether it is——

Senator MCCAIN. I just asked if you support amending the bill. I am not asking what you support. I am asking if you support amending the bill.

Mr. WINKOWSKI. Yes.

Senator MCCAIN. Thank you.

Mr. Winkowski, I have been representing the State of Arizona for many years, and I have never seen anything like your instructions to—signed by your name—Interim Protocol for Visitations and Tours to CBP Detention Facilities. Are you telling me when I visit a detention facility that I cannot bring a cell phone with me? Are you saying that? A U.S. Senator visiting a facility, these are the instructions that you have signed? Is that what you are saying?

Mr. WINKOWSKI. That the visitors cannot bring cell phones——

Senator MCCAIN. A visiting Member of Congress?

Mr. WINKOWSKI. I do not recall saying that. What I recall has been some time——

Senator MCCAIN. Let me provide you with a copy. It says, see distribution, R. Gil Kerlikowske, Commissioner, Interim Protocol

for Visitations and Tours to CBP Detention Facilities. You did not see your own memo?

Mr. KERLIKOWSKE. That would be me.

Senator MCCAIN. OK.

Mr. KERLIKOWSKE. I did issue that memo, and we have had huge numbers of——

Senator MCCAIN. Am I allowed to bring a cell phone with me when I go onto a facility in Nogales, Arizona?

Mr. KERLIKOWSKE. Not to take photographs——

Senator MCCAIN. I am not allowed to take photographs.

Mr. KERLIKOWSKE. Not to take photographs inside the facility.

Senator MCCAIN. Why not? Why am I not allowed to do that?

Mr. KERLIKOWSKE. The children have a right to privacy and that is why we are not having their faces shown on media clips.

Senator MCCAIN. I may want to take a photo of something else. And also, in your——

Mr. KERLIKOWSKE. I think if you wanted to take a photo, we would certainly make arrangements for you to take a photo, just not of the children.

Senator MCCAIN. That is not the instructions that you have given, sir. Have any physical or verbal contact with detained children unless previously requested and specifically—oh, have any physical or verbal contact with CBP detainees and/or staff. Are you telling me that I cannot even speak to the staff there?

Mr. KERLIKOWSKE. Senator, I am not telling you you could not speak to the staff. We would make arrangements——

Senator MCCAIN. Well, why did you issue these instructions?

Mr. KERLIKOWSKE. We have had requests by hundreds and hundreds——

Senator MCCAIN. I am talking about Members of Congress, sir, which you said applies to Members of Congress. I am not asking about the hundreds. I am talking about the responsibilities I have in my own State.

Mr. KERLIKOWSKE. It does, and we would make special arrangements for special consideration, Senator.

Senator MCCAIN. But that is not according to your instructions, and when I was there, then the Border Patrol and the people there said that they did not want me speaking to any of the staff or children. I view that as a violation of my responsibilities.

Mr. KERLIKOWSKE. I am not familiar with your——

Senator MCCAIN. They were carrying out your instruction, sir. I want it fixed, and I want it fixed immediately, understand? If a Member of Congress cannot visit a facility in his own State, and the people of Arizona elected me and I am not supposed to even carry a cell phone with me, you have overstepped your responsibilities and your authority, sir, and I want those instructions revoked as far as Members of Congress are concerned and I want it done today. Do you understand?

Mr. KERLIKOWSKE I understand.

Senator MCCAIN. Thank you, Mr. Chairman.

Chairman CARPER. Our next Senator to be recognized is Senator Johnson.

OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Thank you, Mr. Chairman.

I come from manufacturing, so root cause analysis is just in my DNA. And, Mr. Chairman, I think you asked the right question. How do we stop the flow?

From my standpoint, what is causing all the illegal immigration in this country is we are actually incentivizing it. But, when we pass, I am sorry, a comprehensive immigration bill in the Senate that includes $262 billion in welfare benefits to non-U.S. citizens, that creates an incentive. When we are asking for $3.7 billion to beef up detention facilities, to allow a greater time for adjudication, that is creating incentive. As we are talking about, we are not turning these people back. We are actually incentivizing parents to put their kids at great risk coming across Mexico because they know if they reach the promised land, they are home free. We are creating incentive.

And, of course, when President Obama 2 years ago issued a memorandum, Deferred Action on Childhood Arrivals (DACA), which basically codified the fact that we are not going to send people home, we are creating that incentive. And, we are trying to stop human trafficking. Are we actually increasing it, because we have smugglers earning $3,000 per child?

So, I guess I would like to, first of all, if we are going to solve the problem, let us understand the numbers. Mr. Kerlikowske may be the best person to answer this, or somebody else. How many unaccompanied children, have come into this Nation since DACA was first issued 2 years ago? How many kids?

Mr. KERLIKOWSKE. I have the number of children that have been apprehended in this, or encountered in this fiscal year at 57,000.

Senator JOHNSON. OK——

Mr. KERLIKOWSKE. I can certainly give you the information on going back to when DACA——

Senator JOHNSON. OK. I would like that.[1]

Mr. KERLIKOWSKE. OK.

Senator JOHNSON. Of those 57,000, how many have been returned?

Mr. KERLIKOWSKE. The United States Customs and Border Patrol is in the apprehension——

Senator JOHNSON. OK. So, who would know the——

Mr. KERLIKOWSKE. We do not——

Senator JOHNSON. Who would know the number of how many of those have been returned?

Mr. WINKOWSKI. The numbers I have that were talked about 1,300, 1,500.

Senator JOHNSON. OK. So, a very low percentage——

Mr. WINKOWSKI. Very low——

Senator JOHNSON [continuing]. As Senator McCain was talking about.

Mr. WINKOWSKI. Yes.

Senator JOHNSON. How many of those are from Mexico? Of the 57,000, how many are Mexican citizens?

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[1] The response to the question submitted by Senator Johnson appears in the Appendix on page 148.

Mr. KERLIKOWSKE. The breakdown has been that Honduras, El Salvador, Guatemala contain about 78 to 82 percent of the people that we have encountered. The rest are from other countries, including Mexico. A smaller number from Mexico.

Senator JOHNSON. OK. The point I am trying to get at is in the 2008 bill, we did create some expedited procedures for people from contiguous nations, right, Mexico and Canada. So, are we following those expedited procedures? So, if we have illegal immigrants coming from Mexico, are we actually expediting those procedures? Who can answer that? The Department of Justice? HHS? I mean, who is doing this?

Mr. WINKOWSKI. Yes. If I remember the numbers correctly, and I will stand corrected, I think last year, Border Patrol did expedited removal on 11,000 children, I believe, that made its way onto United States and did an expedited removal. Very little activity up on the Northern Border.

Senator JOHNSON. I would not doubt that.

Mr. WINKOWSKI. Yes. Best of my recollection during my time there, Border Patrol was using expedited removal.

Senator JOHNSON. What is the timeline for deportation? I mean, how long does it take to go through this adjudication process? Let us first talk about for the expedited procedures for Mexicans, and then I want to talk about other-than-Mexican (OTM).

Mr. WINKOWSKI. Well, my understanding on expedited removal for it is virtually immediate for people that come in that are eligible under expedited removal.

Senator JOHNSON. Well, if there are 20 percent that are basically Mexican, which would be expedited procedures, 20 percent of 57,000 would be roughly 10,000, right?

Mr. WINKOWSKI. Yes.

Senator JOHNSON. Ten to 11,000. Why are we only deporting 1,700——

Mr. WINKOWSKI. I remembered a number of 11,000 that Border Patrol executed from an expedited removal standpoint. But, under the expedited removal process, you have to determine a couple things, and then that person——

Senator JOHNSON. So, how long does that take to determine those couple things?

Mr. WINKOWSKI. My understanding is, under expedited removal, it is very quick. It can be the same day, assuming——

Senator JOHNSON. Again, so, if 20 percent of the 57,000 unaccompanied children are Mexican, subject to those expedited procedures, it could be the same day. How come we have only deported, what is it, Senator McCain, 1,700, when the number is closer to 10,000 or 11,000?

Mr. WINKOWSKI. Well, I think the number that I was quoting was from the Central American countries. It did not include Mexico. I am trying to break them into different buckets here.

Senator JOHNSON. OK. Mr. Kerlikowske.

Mr. KERLIKOWSKE. Senator, the vast majority of immigrants that are here illegally that are apprehended at the border from Mexico are returned almost within the same day, and that they move very quickly.

Senator JOHNSON. So, are the unaccompanied children from Mexico not counted in your 57,000?

Mr. KERLIKOWSKE. A part of those 57,000 are those unaccompanied children from Mexico. Many of them are returned within the same day, and I will be happy to give you——

Senator JOHNSON. So give me those. I want to know——

Mr. KERLIKOWSKE. I would be happy to give you those——[1]

Senator JOHNSON. So, I want to go to the Department of Justice, then. How long does it take in terms of other-than-Mexico, other-than-Canadians, to actually go through the adjudication process and actually be deported?

Mr. OSUNA. So, Senator, our immigration court system has no direct role with the expedited removal process. So, let me talk about the process whereby somebody actually gets brought into the country and then put through removal proceedings through our court system.

We break these down between detained and non-detained. If you are in a detained docket, in other words, about more than 40 percent of our dockets currently are individuals who are detained while awaiting a hearing before an immigration judge. Those cases tend to move pretty quickly. I do not have a number for you, but they move within a matter of a few weeks to a few months. If they are on the non-detained dockets, those are the ones that take a long time.

Senator JOHNSON. So, again, a few weeks, few months, but we have only returned a fraction of the 57,000 that we are talking about here. So, I mean, again, what you are saying does not add up with what the numbers are.

And, let me just make my final point because I am running out of time. I have run out of time. I cannot think of a more humane thing to do, even though it maybe sounds a little cruel, than to deter parents from sending their children to the United States, and I cannot think of a better way to deter parents from doing that as to literally take these minors, identify where they came from, I have gone online. It costs $207 on a one-way trip in terms of a plane flight.

Put them into a hotel, feed them, and return them to the country of origin, because I cannot think of a better signal to parents in Guatemala, El Salvador, and Honduras to say, do not subject your children to the beast. Do not subject your children to rape and murder. Do not send them to the United States, because when they get here, they will not be allowed to stay.

There are seven billion people in this world that do not live in America. Many of them would like to come. And, we have to come to a decision in this country whether we are going to have totally open borders or we are going to have a legal immigration system, which I want to fix this. But, we have to address the root cause in this, and the root cause literally is we have to stop incentivizing parents and other immigrants coming into this Nation.

Thank you, Mr. Chairman.

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[1] The response to the question submitted by Senator Johnson appears in the Appendix on page 150.

Chairman CARPER. OK. Next in the questioning, Senator Ayotte would be next, but she stepped out for a moment. Senator Baldwin, you are up, and then Senator Heitkamp, when she comes back, and if she does not, then Senator Landrieu. Senator Baldwin.

OPENING STATEMENT OF SENATOR BALDWIN

Senator BALDWIN. Thank you, Mr. Chairman. I appreciate our witnesses for being here today for a very important hearing.

I want to start with a little questioning on what data and statistics we do have available. I know there are a lot of questions about why, and how long this has been going on. We have some very recent statistics that have been shared, but I would like to get a better sense of what is out there and what you can furnish to us as a followup to this hearing.

And, so, I start with I know you are fairly new to the post Mr. Kerlikowske. You talked about 57,000 unaccompanied minors this year. In terms of border crossings of unaccompanied minors, can you give us month-by-month, year-by-year data, going back over several years? We have sort of declared crisis in recent months, but it seems to me that this is of some duration this trend began.

Mr. KERLIKOWSKE. You are absolutely right, Senator. The increase this year, so far—and we still have 3 months left in this fiscal year—has doubled from the year before, and that year doubled from the year before. In early 2013, a number of interagency colleagues, Department of Homeland Security, Department of Justice, Health and Human Services, all met to begin to address this issue, particularly in the Rio Grande Valley. We can give you details going back, month-by-month, year-by-year.

Senator BALDWIN. OK. And, I would appreciate that.

And then, Mr. Winkowski, I am curious to know, also, what sort of data you could provide us. We heard testimony in an order of border crossings and then issuance of notices to appear, and then, of course, unaccompanied minors referred to HHS. Mr. Winkowski, can you provide us with year-by-year and month-by-month data on the issuance of notices to appear to unaccompanied minors?

Mr. WINKOWSKI. Absolutely. Yes.

Senator BALDWIN. OK.

And then, Mr. Greenberg, you receive referrals from Immigration and Customs Enforcement. Can you also provide, and would you characterize for us, before providing that specific and more granular data, the numbers that you have been seeing recently?

Mr. GREENBERG. Yes, and we would be able to provide, for the children that are referred to us, country of origin, sex, the age of children, and then when the child goes to a parent, relative, or other sponsor, what the nature of that placement is.

Senator BALDWIN. OK. That will be appreciated.

And then, Mr. Osuna, you gave us some very recent statistics on record levels of cases pending, but I would also appreciate, again, a longer timeline and more granular data for us to get a greater understanding than your testimony provided.

Mr. OSUNA. I will be happy to provide that, Senator.

Senator BALDWIN. I am not sure who to direct it to, but I think I would start with Mr. Palmieri—about what do we know about migration of unaccompanied minors from Honduras, El Salvador, and

Guatemala to other Central American countries or South American countries? What sort of anecdotal or statistical information could you share on that?

Mr. PALMIERI. It appears the primary route that Salvadoran, Guatemalan, and Honduran migrants and unaccompanied children are taking are north. There are reports that some do seek to stay in Mexico, if they can. Part of the Mexican effort at the border with Guatemala is they are trying to issue better documentation of people who are entering their country so that they can track those visitors in a better way as they move through the country and to see where they are ending up. It is, without a doubt, the large numbers end up at our border.

Senator BALDWIN. Absolutely.

For Mr. Osuna, we know that many of these unaccompanied minors have fled violence. We also know that many have arrived in the United States in the hand of human traffickers and may have been further victimized on the route to the U.S. border. Under the Trafficking Victims Protection Reauthorization Act, and understanding that asylum officers operate under a different department than you, could you still tell us the standards by which those officers and immigration judges, upon review, will determine which children qualify for asylum or Special Immigrant Juvenile Status and, therefore, can remain in the United States under the 2008 law.

Mr. OSUNA. Senator, the rules for asylum that our immigration judges apply in children's cases, in terms of the legal standards, are the same as all other asylum applicants. They are set in statute and regulation and interpreted over the years by case law. That is not any different whether the person appearing before a judge is an adult or the child. What is different is the process.

If a child is eligible for, or appears to be eligible and wants to apply for asylum or Special Immigrant Juvenile Status, the initial jurisdiction over those cases actually rests with U.S. Citizenship and Immigration Services (USCIS) at DHS. So, what the judge has to do is basically suspend adjudication of that case for the moment, refer the case over to DHS, USCIS for adjudication, and they make the initial call on, again, asylum or Special Immigrant Juvenile.

Senator BALDWIN. You mentioned that the standards were the same regardless of being a minor or an adult.

Mr. OSUNA. Generally speaking——

Senator BALDWIN. Remind us.

Mr. OSUNA [continuing]. An individual applying for asylum has the burden of showing that he or she fears persecution—has a well-founded fear of persecution is the legal standard—based on one of five grounds: Race, religion, nationality, political opinion, or membership in a particular social group. And that is law going back to the 1980 Refugee Act and our international obligations.

Senator BALDWIN. Thank you.

Chairman CARPER. Senator Baldwin, thanks so much.

Senator Heitkamp would be next. She is not here just now. Senator Landrieu, followed by Senator McCaskill.

OPENING STATEMENT OF SENATOR LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman. First, let me thank you for calling this hearing. It is extremely important, very timely, given that the President is asking for a $3.7 billion supplemental, which came to Congress and the Appropriations Committee members, of which I am one and the Chair of the Senate Appropriations Committee's Subcommittee on Homeland Security. The Appropriations Committee will have to really carefully consider as to how we are going to allocate these dollars to solve the problem.

No. 2, I cannot think of two better people, literally, who have calm thinking about how to figure this out and to get to the root of the problem and then to help us to allocate the dollars wisely and then hold people accountable for doing the job. You two have proven yourselves, and both Senator Carper and Senator Coburn, you have particularly been strong on accountability, which is what I would like to join both of you on.

But, I think, first of all, I want to make sure—and it was just said, finally—the laws that are governing this, because there is some confusion. And, I just want to submit to the record[1] what my staff and I have been researching about the laws, because I think we should start there, and then policies and rules that may need to be adjusted or changed, or perhaps some laws need to be changed.

But, the basic law—you just said it—is the Asylum Law of 1980. Could somebody talk for 30 seconds—about the Asylum Law in 1980 and what it said. Go ahead.

Mr. OSUNA. The 1980 Refugee Act, which is enshrined in our statutes these days, implemented our international obligations with regard to refugees.

Senator LANDRIEU. Adults and children show up at our borders. Talk about that.

Mr. OSUNA. And it is, by the way, the same law that our colleagues at the State Department apply overseas for refugee processing overseas. But, if anybody who arrives at our shores——

Senator LANDRIEU. Since 1980, anybody that arrives at the shores—go ahead——

Mr. OSUNA. That is right can apply——

Senator LANDRIEU [continuing]. Seek asylum——

Mr. OSUNA [continuing]. Can seek asylum——

Senator LANDRIEU. And they have to say that they are fearful. And that was passed in the Reagan Administration?

Mr. OSUNA. I think it was right at the tail end of the Carter Administration——

Senator LANDRIEU. The Carter Administration. OK. So, and that is the law today.

Mr. OSUNA. That is correct.

Senator LANDRIEU. There was a second law when the Department of Homeland Security was created. Senator Feinstein had a stand-alone law. Does anybody want to comment about what that law is, because it has a bearing here. It was incorporated in the creation of the Department of Homeland Security. Is anybody familiar with that law?

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[1] The information submitted by Senator Landrieu appears in the Appendix on page 89.

Mr. WINKOWSKI. The Homeland Security Act of 2002——

Senator LANDRIEU. Correct.

Mr. WINKOWSKI. If I recall correctly, it had to do with the expedited removal——

Senator LANDRIEU. It divided the responsibilities for the processing and treatment of unaccompanied minors——

Mr. WINKOWSKI. To HHS.

Senator LANDRIEU [continuing]. Between the Department of Homeland Security——

Mr. WINKOWSKI. Yes.

Senator LANDRIEU [continuing]. And the Department of Health and Human Services.

Mr. WINKOWSKI. Right. Yes.

Senator LANDRIEU. And then, in 2008, in the Trafficking Law in 2008, which was sponsored by Senators Biden and Brownback—all of these are bipartisan—there were further additions to this law, which basically said children from contiguous countries, Mexico and Canada, would qualify for immediate repatriation, and children that came from non-contiguous States could go through this process. Now, that was passed in 2008 under the Trafficking Law.

I think it is important for this Committee to, before we start getting opinions, et cetera, to try to get to the basis of the law. Do you agree?

Chairman CARPER. Amen.

Senator LANDRIEU. So, if this is not correct, I would like to know before the end of the day, because I do need a plan.

Senator COBURN. That is what needs to be fixed.

Senator LANDRIEU. Yes.

Senator COBURN. That needs to be changed in order to solve this problem.

Senator LANDRIEU. Yes. So, this is the law and we should talk about what the law says, what we think the law should say, and then figure out how we are going to deal with this problem.

But, let me ask you, Mr. Fugate, because I have had a lot of experience, and you know, a lot of experience with FEMA and how much I believe in you, in your leadership and your ability to solve emergencies. So, I am glad that the President asked FEMA to step into this situation and try to sort out and give immediate assistance for the immediate crisis on the border, which is in Senator McCain's State primarily, and Texas. I understand why he is very upset.

But, let me ask you, Mr. Fugate, do you have budgetary authority over this $3.7 billion? Where does your authority begin and where does it end, in your mind now?

Mr. FUGATE. Currently, and not in the supplemental will I have any budgetary authority or——

Senator LANDRIEU. You have no budgetary authority in the supplemental?

Mr. FUGATE. No, Senator.

Senator LANDRIEU. OK. So, do you have any budgetary authority for the money that is being spent now?

Mr. FUGATE. No, Senator.

Senator LANDRIEU. So, who does have budgetary authority for the money that is spent now?

Mr. FUGATE. The agencies. As the budget was passed, the authorizations and appropriations for those agencies. So, with the President's direction, I gained no new authorities. Unless an agency was authorized to do the work they were doing or they had funds, or Congress had granted transfer authority within those funds to address this issue, I had no new authority and no new money.

Senator LANDRIEU. So, why did the President give you the authority? Why did he not give them the authority? What is it in your authority that enabled you to do things that they cannot do?

Mr. FUGATE. Well, in the Homeland Security Act, the Post-Katrina Emergency Management Reform Act, you gave us authorities not only for Stafford Act-related disasters, but also designated the FEMA Administrator as the principal advisor to the Secretary of Homeland Security the National Security Council, and the President, as well as Congress, on emergency management matters. We took the approach, when asked to assist, that this was a humanitarian issue and that we have the ability to convene across all the agencies to work together. We have authorities within the national framework to set up and operate under interagency agreements, to transfer funds from one agency to another who may have capabilities, but not authorization or funding. Again, this is what we did in the earthquake in Haiti, where we used Federal resources to support USAID.

Senator LANDRIEU. OK. But, let me ask you this, though, because my time is short and I want to get to HHS, because this is what I am very concerned about. I agree that the children need to be handled, potentially, differently than other immigration issues and that Health and Human Services has a role. But, my concern, Mr. Chairman, is that I am fairly current and up to date on the very mediocre job that is being done in our own foster care system in the United States today, and let me just give you some statistics.

On any given day, we have 500,000 kids that are in foster care in the United States. Six-hundred-and-ninety-one new children come into our foster care system in 50 States. So, with a high caseload, by Casey and Pew, high turnover rate of social workers, not enough judges anywhere, we are getting ready to add to this system that is not the strongest this group of children that have no paperwork, or little paperwork. Many have no birth certificates.

So, I am really concerned about this, as all of us are. So, I am going to end, because I have gone over my time, with just saying that what I am going to be focused on is accountability, who is in charge, what the plan is, who is going to be held responsible, before we spend $3.7 billion in addition to the $2.5 billion that is already in four appropriation bills that are moving their way through the process. So, we have a lot more questions to be answered before I think we run too far ahead, let me just speak for myself. I want to be helpful. I absolutely want to be helpful. But, I do have quite a few more questions.

Thank you.

Chairman CARPER. Those are great questions. Let me just say that we are fortunate on this Committee not only to have Senator Landrieu serve as a member of this Committee, but she Chairs the Appropriations Subcommittee that has jurisdiction over the De-

partment of Homeland Security and she is a great partner in that regard, as well. But, thank you for—especially for your caring. She has been down to Guatemala probably more times than all of us put together and we applaud you for your concern and for being here today.

Senator McCaskill, please.

OPENING STATEMENT OF SENATOR MCCASKILL

Senator MCCASKILL. Thank you.

I would like to talk a little bit about the push factors that are causing families—and, by the way, all these cultures are very family centric, and the notion that they are sending their children off on a very dangerous proposition speaks to the real problems they have in their countries. And, obviously, the root of the problem is the lack of rule of law in these countries.

Now, back in 2010, we began a program called the Central American Regional Security Initiative (CARSI), and I know some of you should be familiar with this. From 2008 to 2011, U.S. agencies have allocated $350 million to help the exact countries that these children are coming from with the problems of corruption, gang activity, lawlessness, all of the things that are causing these families to be ripped apart.

Now, I am assuming, and please confirm for the record, that both DOJ and State use contractors for this program, the CARSI program.

Mr. PALMIERI. Yes, that is correct.

Senator MCCASKILL. All right. I have looked, and I cannot find any Inspector General (IG) reports on any of these programs. Are you aware of any analysis that has been done about the effectiveness of these programs?

Mr. PALMIERI. Yes, I am aware that there have been. There was a GAO report that was prepared on CARSI. There have been——

Senator MCCASKILL. I did find the GAO report. I did not find the IG reports. Are you aware of any IG reports that have been done?

Mr. PALMIERI. I am not aware, but I will check for you, Senator.

Senator MCCASKILL. OK. Now, the GAO report found that the State Department had not provided adequate in-country oversight in other programs that we have looked at. I guess I would consider ommitting my question is, how many in-country contracting officers representatives do you have for these contracts?

Mr. PALMIERI. I will have to get that number for you, Senator.

Senator MCCASKILL. I would also like to know, how many contractors we have overseeing contractors on these contracts, because what we found in the past is the contractors are watching the contractors, and sometimes the contractors are hired to come and testify about the contractors overseeing the contractors.

Mr. PALMIERI. I understand.

Senator MCCASKILL. Can you provide us with a list of the contractors, the scope of the contracts, and the cost of each contract, as well as the oversight being conducted on each contract managed or co-managed by State, USAID, DOJ, in Guatemala, Honduras, and El Salvador?

Mr. PALMIERI. I will take that back, ma'am.

Senator MCCASKILL. We do not have any real indicators that the money we are spending down there on these programs is working, and I would say tens upon thousands of children showing up at our border may be a performance metric that what we are doing is not working very well.

Mr. PALMIERI. There are some metrics that have been done, and in the limited areas where our assistance is operating, particularly the Model Police Precincts, the Community Policing Programs, Youth Outreach Centers that USAID is running, we have seen and been able to document with metrics a decrease in violence, a decrease in gang activities. The problem is the limited nature of those programs are not—the scope is not systemic enough.

Recently, in Honduras, the new President who took office in January, has put up an additional $600,000 of Honduran money to begin replicating some of the USAID Youth Outreach Centers because they have had an impact. So, we do have some metrics that are showing that these programs are having an impact on some of the systemic conditions. The problem is replicating them quickly, and they have been limited in scope because of the amount of funds available for them.

Senator MCCASKILL. Well, this is a real important issue, getting on top of what we are doing now and whether it is working in these countries, because, as my colleague, Senator Landrieu, just pointed out, these children—it would be much better for them to be reunited with their families in their home countries in an environment that is safe. I mean, that is the best possible outcome.

So, if we have something that is working, it is time for you all to say, hey, this is what we are doing that is working, and it is working here and we can show that it is working here, and that is something—is the administration aware that you have programs that are working well in some areas, and is that part of their request of this money?

Mr. PALMIERI. Yes, Senator.

Senator MCCASKILL. How much of the $3.5 billion is for replicating the programs that you maintain are working now?

Mr. PALMIERI. The supplemental request includes $295 million for expanded Economic Support Fund Programs in the region. Most of that money will go to programs that we think are having an impact and that will have an immediate impact in the region.

Senator MCCASKILL. I am very anxious to get into the weeds on this. I really want to understand what these contracts are, who has them, what they are doing day to day, what the metrics are, how we know they are working, and what the cost of replication is. And then I want to track that back to the President's analysis, because if we can do it in these host countries, as opposed to trying to absorb all these children into our systems that we have already heard is stressed, it would be a huge positive outcome for these children.

Mr. PALMIERI. We agree, and one other aspect of the President's request, though, while CARSI has been a security-driven program, expanding Model Police Precincts, expanding Community Policing, providing some Youth Outreach Centers as part of anti-gang activities, the request also includes funds—because we believe that we need to get more balance in the United States assistance approach to the region, that we have to help, also, on the economic growth

and job creation side. So, there are funds in there that also, we think, will make an immediate impact on jump-starting the economies, because I think we will all agree, better job opportunities, better educational opportunities in this region is a way to keep people at home.

Senator MCCASKILL. I agree, and balance is important. In 2009, the United States was spending $4.4 million on police training in Guatemala, Honduras, and El Salvador combined. We were spending $327 million in Mexico, just to give you some sense of the imbalance that occurred at that time.

And, finally, briefly, and I will take this for the record because I know I am over my time, but I think it is really important that we focus on the structural and systemic obstacles to the backlog of undetained. Ten years ago we had a year-long backlog of undetained, and we had 150,000 cases in a backlog prior to these thousands of children coming to our border.

So, this is a long-running problem, and the notion that we cannot figure out the systemic things that we need to do, and a lot of it is fixing the laws that Senator Landrieu just went through—I think we are kidding ourselves that we are not going to be dealing with this kind of crisis on an ongoing basis until we finally get at the systemic problem, because this is a backlog that is a decade-long.

Thank you, Mr. Chairman.

Chairman CARPER. Senator McCaskill, great points.

Senator Ayotte, and then Senator Heitkamp.

OPENING STATEMENT OF SENATOR AYOTTE

Senator AYOTTE. Thank you, Mr. Chairman.

I wanted to ask about the conditions upon which these children are being brought up here by the smugglers. As I understand it, there are girls who are being raped, as I understand it, and boys, too, children being abused. What are the conditions upon which—we have talked a lot about the conditions in the countries and how bad they are, but what are these children being subjected to, and how much are they subjected to these criminal syndicates who are making money off this and are exploiting these children, and what are we talking about is happening to these children?

Mr. KERLIKOWSKE. Senator, a couple things that I think are important. One is that almost all of the children that are being brought into the country are being brought through smuggling organizations. Oftentimes, the smugglers are juveniles themselves. This is a money, a profit issue. It is often controlled overhead by cartels.

There are two modes of transportation that we see right now. One, of course, has been cited as the train that comes up and people taking that dangerous journey on the train. But, also, a large number of charter buses, mom-and-pop charter buses driving up here. Then, the children, or the people are held in what are called stash houses on the Mexican side of the border until they can come.

The dangers of abuse, including, just recently, the body of an 11-year-old boy found in Texas, are enormous.

Senator AYOTTE. So, a dead little boy, as I understand it, children being raped, correct?

Mr. KERLIKOWSKE. Yes, ma'am.

Senator AYOTTE. And exploited. And, so, one of the things that concerns me is that we are sending a dual message. So, we are sending a message—they have gotten an impression in those countries that if you send your child on that journey, that, yes, you are leaving, obviously, the conditions that we want to work more effectively to improve in those countries, but they are going on this deadly journey, in some instances, or just a journey that can change who they are for the rest of their lives because we have said—they are getting an impression in their countries that once they get here, they can stay.

So, what concerns me is that our policies, that we are sending this message that they can stay, is also inhumane in the sense that these children are being put on this deadly journey. So, if you could comment on that in terms of how important it is that people understand from those countries a clear message from the United States of America not to send your child on this journey because of what is happening to your child, but also if they got the message that we are going to follow our laws and they will not be able to stay. As humane as we all want to be, it is inhumane to send them on this journey.

Mr. KERLIKOWSKE. Senator, if Senator Coburn would not mind, if we could also show the other poster.[1] It is an example of one of the posters——

Chairman CARPER. Please do.

Mr. KERLIKOWSKE [continuing]. That are going up all over in Central America. They are going up in bus placards and overheads on highways.

This essentially says, "I thought my son would be able to get his papers in the United States, in the U.S.A. That was not true."

There are other posters. There are radio spots. There are television spots being broadcast. And, these three countries, by the way, working with their embassies, are also very supportive and doing their own messaging. Two parts. It is dangerous to try and make this journey, and you will not be given a free pass upon arrival.

Senator AYOTTE. Well, I appreciate that we are doing this public information campaign, but our leaders need to be clear, and I saw that Secretary Johnson on the Sunday shows was pressed no less than six times if these minors, if they came here through this deadly journey, whether they would be returned to their countries, and he would not answer that question. And, so, in addition to that, the White House Press Secretary was asked that very same question, about the ambiguity in which these children would be treated, and he said that the law will be applied, but he would not answer the question.

So, it is one thing for us to put up a public information campaign, but if the leaders of our country and the leaders in these positions are not clear as to what our intention is and that we intend to follow our law, and if we have a system where only, as Senator

[1] The posters submitted by Mr. Kerlikowske appears in the Appendix on page 93.

McCain asked, only one out of ten actually are going to show up for the proceeding and actually go through the process, then we are talking out of both sides of our mouths and we are doing a disservice to these children because we are sending this message to parents that, yes, please take this risk, send them on the deadly journey, and when they get here, they really will be permitted to stay, which is contradictory to these messages.

So, I think we need to speak clearly, with one voice, and I would ask you to comment on that.

Senator COBURN. Would the Senator yield for a second? The No. 1 message to stop this is planes arriving in Honduras and Guatemala with these children back home. That sends the message. This, as long as it is less than 10 percent, will not stop anything. When they see them returning after making this harrowing trip, that is when they are going to get the message. And, until that happens, it is going to continue.

Senator AYOTTE. Well, as a followup, I would ask, our law, as I understand it, one of the issues is the legal treatment is different between, for example, Mexican, Canadian, those children that would come, and the population we are talking about from El Salvador, Guatemala, and Honduras, and I guess I am not clear why we should make that distinction in the sense that one set of children—both sets of children, as we think about it, could be as vulnerable to trafficking. So, do you think that this distinction in our law should continue to exist, this one that is making it more difficult for you to get the option of returning these children more quickly, as soon as they return. I know we talked about it a lot at this hearing, but what is your position on it?

Mr. KERLIKOWSKE. Senator, I know the law was—from 2008—was passed with all of the emphasis to prevent these children from being trafficked, particularly sex trafficking——

Senator AYOTTE. Well, now they are being trafficked.

Mr. KERLIKOWSKE [continuing]. And others. I think that what we are interested in is certainly the flexibility. I think it has to be carefully considered because of the reasons that Congress went to such trouble to spend that time and effort passing that original law.

But, from our standpoint, from the Customs and Border Protection standpoint, the ability to have some flexibility would be very helpful.

Senator AYOTTE. OK. Thank you.

Chairman CARPER. Let me just make a couple of quick points before I recognize Senator Heitkamp.

One, the term "truth campaign" is something you probably have heard about as a former Attorney General, but we mounted a truth campaign in this country about 12 years ago to try to convince kids to stop smoking, if they were, and not to start, if they were thinking of it. Hugely successful. A hard-hitting campaign. Actually, the messaging that helped was designed by young kids, in many cases.

What we need here is, I think, a truth campaign. I was pleased to see this money in the President's supplemental proposal—I think it is $5 million—to mount a truth campaign. I think it has, like, four pieces to it, and you have mentioned a couple. You and Dr. Coburn have mentioned a couple of those pieces.

One of those is to remind the parents down there of the perils that they subject their children to if they put them on that train to come up here.

A second is to remind them of the kind of reception that they are going to get here, and it cannot be one with open arms. You are going to stay here for an indefinite point of time.

The point that Tom raises, the idea that folks are going to be returned, including young people are going to be returned, in a number of cases.

But, the fourth piece of the message is this. It is a message of hope in their own country, that they can have a future, that they can have a good life, be able to provide for themselves and live in safety. And, the fourth piece is important, as well.

All right. Thanks. And, with that, Senator Heitkamp.

OPENING STATEMENT OF SENATOR HEITKAMP

Senator HEITKAMP. Thank you, Mr. Chairman.

I apologize for not having been here during some of the other discussion. I had to go sit in the chair. This is an issue that I am deeply concerned about on a number of levels, and you are hearing kind of a broad scope of concern for the children, the safety of the children, but also concern for the safety of our border and who are these kids.

I know that Senator Baldwin asked for a number of metrics in terms of the age of the children. She asked a number of questions regarding who they are, male/female.

And, I think that one of the things we need to be very careful about here is our assumption about why these kids are here and why the kids are coming to the border. A lot of us have talked about their parents sending them here for rescue or for safety reasons, for a better life. We need to be very careful that not every kid is going to fall into that category and that not doing the metrics on the front end is disturbing, because who are these kids—you have 72 hours to process them.

And, I guess my first question would be to you, Gil, and again, I would like to thank you for coming to North Dakota. Your work as the Drug Czar has made just a very significant and important contribution to my State, and so I just want to publicly acknowledge you and I am grateful that you have taken on this new level of public service, kind of from the pot to the frying pan here, in crisis.

But, I want to just ask you, what is your judgment in terms of percentages, looking at the numbers, and are your Border agents trained and sophisticated enough to create categories of kids, whether they are gang-bangers coming in here to seek a new level of contribution in terms of the underground and crime? Are they kids who are not just being smuggled, because there is a difference between smuggling and trafficking. So, we just need to make that clear. It does not mean that kids who are being smuggled do not eventually become trafficked. But, how many of these kids are actually initiated into this process in a trafficking category? And, then, what are their ages? And, so, can you just kind of give me what your sense is right now.

Mr. KERLIKOWSKE. My sense, having watched it pretty carefully in McAllen, Brownsville, Fort Brown, and other places, and watching these experienced Border Patrol agents interview and talk with these young people, is that they are—and including—they are very sophisticated, these agents, at being able to determine information.

Fourteen and above, they are all fingerprinted. Those fingerprints are run against the databases here in the United States, so that if it was somebody a little bit older that had been deported or had been arrested or was involved in a gang. We need better cooperation, better communication with those other three countries to make sure. The vast majority of what we are seeing are not in that threat category, but we have to be very careful.

Senator HEITKAMP. Well, as has been reported, and I do not have any personal knowledge of this, that the number of drug seizures on the border since this crisis has decreased because resources have been deployed to deal with the emergency of this crisis, is that correct?

Mr. KERLIKOWSKE. The number of drug seizures has decreased in that particular sector, but a couple of things, actually, having watched it pretty carefully for the 5-years I served as the President's Drug Policy Advisor. Those numbers fluctuate a lot, and now that we have two States where you can grow your own marijuana, I am not so sure that marijuana coming in from Mexico is going to continue at the amount that it did. So, I think there are a lot of things going on.

But, I am also confident in Chief Kevin Oaks in the Rio Grande Valley and his determination that he will make every available resource. Rio Grande Valley, by the way, has had an additional 500 Border Patrol agents over the last several years. They will make every effort to make sure that we are also doing our due diligence in our border security, and I will watch it carefully.

Senator HEITKAMP. But, this would not be the first time someone created or helped augment a crisis so that they could run the border and seek access for other kind of illegal activity across the border.

Mr. KERLIKOWSKE. You are right. The smugglers are very smart. The people involved in drug trafficking work every day to try and beat the system, yes, ma'am.

Senator HEITKAMP. My point is, as we are trying to deal with this humanitarian crisis for those who truly are there in that category, we need to double-down on the law enforcement portion of this so that we know what, in fact, we are dealing with, and those of us who have been involved in law enforcement know that a juvenile can be just as dangerous as an adult, and we need to be very careful about who we are letting into this country undocumented.

The final thing I want to point out, because I am running out of time, is I had the honor of going down to Mexico with Cindy McCain and Amy Klobuchar and we received a number of briefings about the kinds of activities that the Mexican government is engaged in on their Southern Border Strategy. Obviously, their Southern Border Strategy, in this case, is—it may be—their efforts to build out the Southern Border may have caused this surge. I do not know. We should be asking that question. But, where are the

Mexican officials on pursuing their Southern Border Strategy and how do you see that as a tactic to, basically, dispel this crisis?

Mr. PALMIERI. Thank you, Senator. Mexican President Peña Nieto announced finally on Monday this long-awaited Southern Strategy that his government had been working on for some time. We expect that it will allow the Mexican government to improve its interdiction capabilities along the border, that they are going to be dedicating more resources to disrupting some of the alien smuggling networks and the traditional routes they use through Guatemala, through Southern Mexico. In addition, they are trying to also implement better documentation of people who are crossing their border so that they can track them better in the country.

There is no question, it is a very big border with Mexico, with Guatemala and Belize, and it is open in a lot of places, so they have quite a job in front of them.

Senator HEITKAMP. I would suggest that there would be a huge incentive to continue that effort on the South Border if the refugees were stopped at our border, because one of the things that concerns the State of Mexico, or the country of Mexico, is having these refugees in their jurisdiction. So, everything that we can do to assist them in their border security, but also sending a message that safe passage—not being accusatory, but turning a blind eye to the movement of young children north will not be something that is in the best interest of the United States of America, the country of Mexico, and the children of Central America. And, somehow, that message needs to be a lot clearer than what it has been.

Mr. PALMIERI. President Obama has spoken with President Pena Nieto about this issue. Earlier, I mentioned that Mexico had deported over the year 2013 85,000 adults and children. The numbers I have of unaccompanied children are over 8,000 were deported last year. It is Instituto Nacional de Migracion. It is National Migration Institute, operates 35 detention centers, and they are committed to working with us to improve their detention rates and return rates to Central America, as well.

Senator HEITKAMP. I can tell you, just from having been on the border, unaccompanied minors, it is not a new issue. It is in crisis because of the numbers. But, we have not been dealing with unaccompanied minors very well in this country or in Mexico or all through, I think, the region. And, so, we need to have a regional response to this crisis, and it cannot just be the United States responding and processing. It has to be regional. And, then, obviously, all the discussion that you have had here today about prevention. How do you build a better society?

But, again, I am very concerned that we not categorize all these kids in one basket, that it is critically important that we understand that this is more complicated than just a number of children being smuggled in for a better life in the United States of America.

Senator COBURN [presiding]. Thank you.

I have a question for those of you that work at Homeland Security, because I am getting a lot of reports of push-back from Homeland Security from the whistleblowers, so I have two questions for all of you that work in Homeland Security. Do you believe that employees at DHS have the right to communicate with us as Members of Congress?

Mr. KERLIKOWSKE. Yes, Senator.
Mr. WINKOWSKI. Yes.
Mr. FUGATE. Yes, sir.
Senator COBURN. Do DHS employees have the right to communicate with the DHS Office of Inspector General?
Mr. KERLIKOWSKE. Yes.
Mr. WINKOWSKI. Yes.
Mr. FUGATE. That is the law, sir.
Senator COBURN. Finally, will you make sure that that message is sent down the chain in your organizations?
Mr. KERLIKOWSKE. We will reemphasize it.
Senator COBURN. Thank you.
Commissioner, this past weekend, a Member of Congress in Oklahoma attempted to visit the site at Fort Sill. He was refused access. Would you comment on that.
Mr. KERLIKOWSKE. It is a DOD facility, so I actually could not comment. I would not be familiar with it, and it would not be under the jurisdiction of Customs and Border Protection, but I would be happy to work with people to find out exactly what occurred.
Senator COBURN. All right. Does anybody else have any knowledge on that?
Mr. GREENBERG. Senator, it is a DOD facility that is being operated by an HHS grantee. We are making available tours for Members of Congress, but we do seek to get the tours scheduled in advance so that we can ensure that they are structured in a way that the needed tour guides are in place and that it is consistent with the set of responsibilities that the staff at the facility have.
Senator COBURN. So, actually, it is HHS's jurisdiction to make sure that that accomplishes what you want to accomplish. But, the fact that a Member of Congress shows up to look at an acute problem for us that we have in Homeland Security under a supposedly humanitarian crisis, and he is denied access, can you explain that?
Mr. GREENBERG. We absolutely want to ensure that Members of Congress are able to visit the facility——
Senator COBURN. Except when he showed up.
Mr. GREENBERG. We are structuring tours on a regular basis for Members of Congress and would very much want to ensure, for him and for any other Member of Congress, that we can facilitate making tours available.
Senator COBURN. So, again, so I understand, so I can report to Congressman Bridenstine, it was because it was not structured is the reason he was denied access?
Mr. GREENBERG. It is, as I understand it, arriving at the facility without it being a scheduled tour. And, again, we would want to provide for a scheduled tour.
Senator COBURN You would want Members of Congress to come on an unscheduled basis just as a good check.
Mr. GREENBERG. We want to encourage Members of Congress to take tours. We are actually very——
Senator COBURN. But, only at your convenience.
Mr. GREENBERG. Excuse me, sir?
Senator COBURN. Only at your convenience. I am saying, a random check by a Member of Congress is great for this country be-

cause they get to see what it is, not what is prepared to be the show.

Mr. GREENBERG. Senator Coburn, I should say, we are proud of the facilities. We encourage Members of Congress to come and see them. We believe that Members of Congress will be pleased by what they see if they come.

Senator COBURN. I would just tell you, I think you made a grievous error in denying Congressman Bridenstine access to that facility. And, I do not know who made the decision, but I think it was illegal to keep a Member of Congress from visiting one of these camps. Regardless if they come at three o'clock in the morning, they should have access.

Mr. Kerlikowske, I want to cover a couple of areas with you on the demographics of the unaccompanied children. The Administration reports, in 2014, there has been an increase in the number of UAC who are girls and those who are under the age of 13. According to the Congressional Research Service (CRS) in a June 3 press release following an Administration press call, the Administration claims the demographic change of the UAC population has influenced the response to the increase in the UAC crossing the border. However, CRS was unable to find any data to illustrate the change. So, it noted, "It is unclear whether the increase in girls and children under 13 is simply because the number of all UAC has increased or if the number of girls and children under 13 has increased as a proportion of all UAC."

According to a June 25 demographics report from the Nogales Processing Center, out of the total number of children in their custody at that time, the overwhelming majority were older than age 12, 887, and 557 were male.

So, yesterday, an ICE memo reported that on June 3, it indicates that males between the ages of 15 and 17 comprised 47 percent of all of the other-than-Mexican UACs, and nearly 30 percent were 10 to 13.

So, three questions for you. Why would the Administration claim the demographic of these children is increasingly young when, in fact, it is not, and female, based on their response to the situation on that data when, in fact, the demographic appears to be quite the opposite? That is the first question.

Second, can you provide us with the actual statistics that show how much of this UAC population is actually female and under 13?

And, according to the conference calls with the congressional staff, if a UAC turns 18 in the custody of HHS, he or she is turned over to DHS custody. What happens to these unaccompanied children who are returned to DHS custody after turning 18? Are they released on their own recognizance?

Mr. KERLIKOWSKE. I can respond to the first two questions. And, first, Senator, thank you for giving that question in advance, because it involves the calls from the White House, it involves CRS data, ICE data, data from us, et cetera. So, I tried very hard to drill down into that to make sure that I could find, with all of these different sources, exactly what was what and give you the information.

So, what I can tell you is that in that group, we are seeing far more mothers and far more younger children than we have seen in the past, and then I will——

Senator COBURN. But, those are not unaccompanied children.

Mr. KERLIKOWSKE. Both, families——

Senator COBURN. I know, but I am saying, mothers with their young children are not considered unaccompanied children.

Mr. KERLIKOWSKE. Family units.

Senator COBURN. Yes.

Mr. KERLIKOWSKE. We consider them family. You are right, Senator.

Senator COBURN. Yes. OK.

Mr. KERLIKOWSKE. The other part, as far as when someone turns 18 in HHS custody, I think I would ask that you ask Mr. Winkowski, because I believe they would be turned over to ICE rather than back to Customs and Border Protection.

Mr. WINKOWSKI. Senator, thank you for that question. When they turn 18, they are handed over to us. We issue the NTA and put them in removal proceedings.

Senator COBURN. OK. All right. One question for Mr. Osuna. What is the percentage, over the last year or the year before that, of those that do not show for their hearing?

Mr. OSUNA. The overall percentage for the entire population that is issued a notice to appear and is required to appear before an immigration judge is—the national rate is 17 percent, one-seven.

Senator COBURN. OK.

Mr. OSUNA. That means that 83 percent do show. As I mentioned earlier, the percentage is a little bit higher for juveniles.

Senator COBURN. But, you said you did not know exactly that number, is that correct?

Mr. OSUNA. We do have the percentage of juveniles, meaning that the case is coded as a juvenile case in our database——

Senator COBURN. Right.

Mr. OSUNA [continuing]. And that is the number I mentioned earlier. What we do not have a good handle on, because the data is just not there, is unaccompanied minors. Which ones of those juveniles are actually unaccompanied minors.

Senator COBURN. And, you are going to try to find that data out for us?

Mr. OSUNA. We are working with our partner agencies to try to get more specific data on that. That is a—yes.

Senator COBURN. Mr. Kerlikowske, I have one more question to ask you, and I do not know if we sent this one to you. I think we did. We had asked for some information on an internal CBP memo on bottlenecks in the unaccompanied child transfer process. Several press reports reported on this memo on May 30 from the Deputy Chief of CBP. Staff asked for this document.

In yesterday's staff meeting with you, they objected, saying that it is pre-decisional material and an internal unsigned document, which is, according to the congressional rules, is not a legitimate reason to deny a congressional request. It is for a FOIA request, but it is not for a congressional request. The *Washington Times* and other news outlets have reported extensively on the contents

of the document, potentially waiving any privilege, executive or otherwise, CBP is claiming over the contents of the document.

At a minimum, I would request that the Department of Homeland Security explain the decision to me in writing, citing the actual legal authority that allows you to withhold that document from Congress, and I would appreciate it if you would do that.

I have some questions on the basis of that, which I think most of them, we have covered, because we have asked for the statistics.

One of the things that was concerning to me in the press reports on that memo by Mr. Vitiello, that the UAC crisis is compromising DHS's capabilities to address other trans-border criminal areas, and I think we have pretty well addressed that in your answer.

And, I think my time is up, and the Chairman is back and he has voted, right?

Chairman CARPER [presiding]. I have, and they will be happy to receive your vote.

Senator COBURN. I have other questions for the record I would like to submit.

Chairman CARPER. No problem at all.

Craig Fugate, I just do not think you have been asked enough questions. Let me just say how much I appreciate your willingness, I understand, to rearrange your schedule in order to be here for the entire hearing.

What I would like to do is I want to come back to this. One of our colleagues, I do not know if it was Senator Landrieu, had raised this question, but trying to understand your role and the appropriation of funds and the authorization for the appropriation of those funds. She thinks a lot about hurricanes in the Gulf of Mexico. We think about them on the East Coast. We are very mindful of the great work that you and your team did in response to Superstorm Sandy.

One of the questions we would ask is, in terms of the expenses that flow from this all-hands-on-deck operation, how did that affect, if at all, FEMA's ability to do some of your other work in terms of disaster relief, whether it is hurricanes or Nor'easters and that kind of thing? How does it affect it, if at all?

Mr. FUGATE. There is always an effect, but, Senator, you built and you fund FEMA to handle multiple disasters simultaneously across the country as well as catastrophic disasters. So, we really used the tools that you have given us the authority and funds to build capacity to support the interagency effort. We have about 75 people that have been working on this, as well as our FEMA Corps teams, which we have surged to support Customs and Borders and the detention areas and in the processing facilities. We were able to manage the response to Hurricane Arthur as well as maintaining support here.

So, we are very much aware that we have to be ready for the catastrophic disasters, but you have built capacity and capabilities into FEMA that allows us to support this as well as our other ongoing responsibilities.

Chairman CARPER. All right. Well, thanks for that response. Thank you for your willingness to take on, in addition to all your other responsibilities, the overseeing of this difficult challenge and our response to it.

A question, if I could, for a man who goes by "Paco." Mr. Palmieri, I was struck by a report from the United Nations not long ago that the United States is not the only country seeing a huge increase in migration of unaccompanied minors from Guatemala, El Salvador, and Honduras. I saw somewhere where the number of asylum seekers in Mexico, Nicaragua, Belize and Costa Rica, Panama, had grown by, I think, over 700 percent, if I am not mistaken. What does that say about what is happening in the three Central American countries that we focused on today?

Mr. PALMIERI. I think it just further confirms that the endemic violence in these societies, the street crime, the gang intimidation and forced recruitment, the lack of educational opportunity, the poor job prospects in these countries for young people, are driving people away and out of these countries and we have to do a better job working with these countries to address these basic systemic problems that they are confronting.

The supplemental has $295 million that tries to get at a better prosperity agenda, that improves economic opportunity, but also, at the same time, maintaining our efforts to address the security conditions in the countries.

I have to admit, I was not aware of the high increase in asylum requests in other countries.

Chairman CARPER. It is off of a low base, but it is a pretty substantial increase—very substantial.

Mr. PALMIERI. I will look into that and try to get additional data for you. I do know that the Mexicans have seen an increase, and I was aware of that.

Chairman CARPER. All right. In my opening statement, you may recall I mentioned we spent about a quarter-of-a-trillion dollars over the last decade enforcing our immigration laws, trying to strengthen our Nation's borders, especially on our Southern Border. We spent a whole lot less—far less—helping Central American countries like the three we are talking about today to address the root causes of immigration.

As I understand it, during the same decade that we have been spending $225 billion to protect and strengthen our borders along Mexico, we have spent about $2 billion across all of Central America, not just in El Salvador, Guatemala, and Honduras, but roughly 1 percent of what we have spent just on the border, and most of that aid is focused on improving security in those three countries, not on broader economic development and job creation to help give people a reason to stay there and to want to live there.

Let me just ask you to react to that.

Mr. PALMIERI. Senator, I share your views on the need for us to have a better balance in our assistance strategy toward the region. The security investments are important. We have to improve their abilities to control their own borders, to interdict all kinds of illicit activity that is both trafficking and smuggling people and other—and drugs across their borders.

But, I think it is time for us to take a long look at if there is more that we can be doing on the economic growth side and in attacking the problems of corruption in these governments so that social service delivery is better, so that education is better in these countries, by holding these governments accountable.

I think you had it right in your opening statement, Senator, this has to be a shared responsibility. The United States cannot fix this problem, but I think we can be a part of the solution with Mexico, with Colombia, as you mentioned, and we will do our part at the State Department, sir.

Chairman CARPER. All right. Thank you.

A quick followup, if I could. Of the $300 million in the President's emergency supplemental request, any idea how much of that $300 million will go toward addressing some of the root causes that we have been talking about here today that are in part behind the surge in migration from Central America?

Mr. PALMIERI. Yes. All of the assistance is designed to focus on having an immediate impact. $121 million of it is for the economic growth side, which contains funds that do get at root causes, but also contain funds for the Youth Outreach Centers and for some of the vocational education that we think can help address immediate issues related to the immediate flow of people, as well as the longer-term solution. I believe there is an additional $70 million, more or less, for governance activities.

And then the rest is in security, including, which we consider very important, and I know my ICE colleagues will agree, we have to be able to expand the repatriation capability of the three countries. That is, we have to expand their ability to receive more people as our process gears up to return them more quickly and more efficiently.

Chairman CARPER. I was in, I am not sure if it was El Salvador or Guatemala recently, where the center where they receive people coming back in—which country is it, El Salvador or Guatemala?

Mr. PALMIERI. The Guatemalans really have gotten it down, and it is a testament to the seriousness with which they understand the risks their citizens face in making that journey and wanting to welcome them back and helping them reinsert them into their country. But, it is Guatemala, Senator.

Chairman CARPER. All right. Thank you.

We talked a little bit already about truth campaigns and to message clearly, repeatedly, particularly to the parents of these three Central American countries the perils that their children face in trying to send them north, the likely reception that they will get here, the likelihood that they will be returned, ultimately. But, the most important message, I think, is to convey a message of hope. There is not, frankly, in those countries, much reason to be all that hopeful. We have law enforcement officers that are corrupt in too many cases. In too many cases, the judges are corrupt.

I remember sitting in a meeting with the President of Guatemala and his Interior Minister and talking about corruption in their prisons. And I said, Mr. President, some of your prisons here, the inmates run the prisons and they receive, or are paid for, indirectly, some of the guards, to bring in cell phones and they operate their illegal activities from the prisons using the cell phones provided by the guards. I said, Mr. President, there is technology that can be used to basically wipe out the ability to use cell phones from a prison and said, you have that capability in your prisons and you do not use it.

There is a lot of work that needs to be done. We can do so much. They need to do their share, as well. The key to almost the success of any entity I have ever come across, whether it was government, business, athletics, church, schools, is leadership. Leadership is. And, we have a responsibility, certainly, to provide leadership as a Nation, but, frankly, these countries need some leadership of their own.

And, fortunately, at a time when Colombia was on the ropes and it looked like they may be down for the count not that long ago, you will recall, I do not know, it was about 20 years or so ago, a group of gunmen rounded up the Supreme Court of the country of Colombia, took them all in a room and shot them to death. And, 20 years later, Colombia is, I think, by most people's judgment, is a successful country—economically strong, viable, great trading partner with us, great ally with us, and they are in a position now, having been helped by us through the Colombia Campaign, to turn north and provide the same kind of assistance to others, and I think they are willing to do that and we need to make sure that they do.

I think what I would like to do here is I would like to close out. You all were good enough to give us an opening statement. I am going to ask each of you to take a moment to give us a closing statement, and sometimes I use closing statements—I think it is about a minute's worth from each of you, if you would—but I look at this as an opportunity to see where the consensus lies and where the consensus may lie in terms of what we should be doing, our responsibilities here on the legislative side, to address not just the immediate problems on the border, but also the underlying causes.

And, I will say, Mr. Osuna, if you would please go first. Just give me a good minute, if you would, please.

Mr. OSUNA. Thank you, Mr. Chairman. I would like to just note that I have been doing this job for a while and being in this area for a long time, I have never seen an interagency effort coordinated the way that this effort is being done from the top down. It is pretty impressive, and as you said, it is an all-hands-on-deck approach.

We are ready to do our part in the immigration court system by prioritizing these cases of recent border crossers. We think that that will have an effect over time. And, we ask for your support through the supplemental funding bill, as requested by the President.

Chairman CARPER. All right. Thank you.

Mr. PALMIERI. Mr. Chairman, I have an acute personal interest in the work that ORR is doing and HHS, FEMA, CBP, and ICE. My mother arrived as a legal immigrant, but was orphaned as a teenager in the United States. And, the work these people are doing to protect these children is really outstanding work.

Chairman CARPER. Thank you. Mr. Greenberg.

And, Senator Johnson, what we are doing right now is I just asked them each to give us a one minute closing statement, just some guidance and advice for us as we are trying to put it all together. I will recognize you as soon as they respond.

Go ahead, Mr. Greenberg, please.

Mr. GREENBERG. Yes. Thank you, Mr. Chairman. The children that are arriving are an enormously vulnerable group of children. While most of them are older boys, we have seen an increasing number of girls. We have seen an increasing number of very young children. They come with significant needs. It is important that we address those needs when they arrive, just as, at the same time, it is important that we enforce our Nation's immigration laws.

Chairman CARPER. Thanks. Mr. Winkowski.

Mr. WINKOWSKI. Well, first of all, Mr. Chairman, I would like to say thank you for holding the hearing. I thought it was, really, a great hearing.

Just several issues that I think we need to be mindful of. No. 1, we are focusing on Central America right now for obvious reasons, but I believe it is important for the Committee to also realize that we have other hot spots around the world. This is not going to go away. Lots of people want to come to America, and the flows are all changing, as I had mentioned before. It was the flows of Mexicans coming in. Now we are seeing other-than-Mexicans. And, you see hot spots around the world—India, other locations. And, we have had some experience with that already. Those challenges are going to continue to get larger and larger and I think we really need to play a leadership role in that, not only from our standpoint but from the State Department's standpoint of capacity building and things of that nature. So, that is No. 1.

No. 2, I think we have some tough choices to make. These are very difficult issues. I am a father. I understand why these children want to come. I have walked the halls of Lackland Air Force Base with Secretary Johnson. I have been down to McAllen, other locations. It is absolutely heartbreaking. However, if we want to make an impact here, want to make some inroads here, we have to make some tough decisions.

We have to work very closely with Guatemala and others for them—Guatemala to shore up their Northern Border, Mexico to shore up their Southern Border with Guatemala. We have to continue to be very proactive from the standpoint of investigating the networks. And, when these individuals make it into the country, we have to make sure they have their due process, and once a decision is made to remove, be able to remove quickly.

I think when you look at the issues that were faced in 2006 with the Brazilians and years before that we had a rash of Hondurans, as I understand it, what changed the dynamic of it all was the ability to apprehend, detain, and deport quickly. And, I believe we need to have more discussion on that. I think that, to me, is the critical issue that we all face, and then, of course, needing the funding and supporting the supplemental.

Thank you very much.

Chairman CARPER. Thank you very, very much. Gil.

Mr. KERLIKOWSKE. Having spent 5 years in the White House and now working for Secretary Johnson, I can tell you that we could not ask for better leadership, more heartfelt compassion, more support for the work that we are doing. It is very clear I am in the twilight of my career, and to be in this position——

Chairman CARPER. Hopefully, a long twilight.

Mr. KERLIKOWSKE. And, to be in this position and to be able to work with not only the people at the table, but, quite frankly, whether it was watching a Border Patrol agent or a Customs official who was encountering a child walking up a bridge from Mexico, to see the work that they are doing really—it makes you incredibly proud.

And, I would last say that we appreciate the tough questions from the Members of Congress. We are prepared to answer them to the very best of our ability and to be as forthcoming with you all as we can be.

Chairman CARPER. Thanks, Gil. Craig.

Mr. FUGATE. Thank you, Mr. Chairman. I do not approach this as a set of acronyms. I do not approach this as this is a policy issue. I do not approach this as to why it is happening. It has happened. It is happening. We have very small children who early in this process were spending far too long in a detention cell, sharing a toilet and eating food that was microwaved because that is all the agents could provide in the initial push.

Our focus has been on meeting the immediate needs of these children. We have to constantly remind ourselves, these are somebody's children, oftentimes trying to be reunited with a family member here, who took a journey that none of us could imagine. And, when they came here, we should have the compassion to be able to take care of their basic needs while we focus on the whys. But, I have to focus in on the now, and until we have enough capacity to ensure that these children are not kept in detention, that there is a bed, medical care, decent food, a shower, clean clothes until we have enough capacity, we fail these children.

The President's supplemental request is very specific in ensuring that we have the capacity within the agencies, particularly within Custom and Borders, but more importantly within the Office of Refugee Resettlement, to ensure that these children are properly cared for while they are in our custody until final determination is made. That has been my focus and that will continue to be the focus until such time as we have stabilized this.

But, we should never forget, these are children. They are now in our custody. It is our duty to make sure that these children are cared for properly.

Thank you, sir.

Chairman CARPER. Thank you for that comment and thought.

All right. Senator Johnson, and then I will say a few words and we will close it out.

Senator JOHNSON. Thank you, Mr. Chairman.

Mr. Fugate, first of all, I think we all share your sentiment. I mean, we are a compassionate society. We understand these are children. We want to show true compassion. I think the point that a lot of us are making here today is true compassion really would be to prevent this from happening, to actually attack the root cause, which I will restate again is the incentives we are creating for parents to send their children on this arduous journey.

And, I have to agree with Senator Coburn. As nice as those posters look like, they will do nothing, nothing in comparison to what planeload after planeload of children being returned to their families in Guatemala, Honduras, and El Salvador would do. That is

the most important thing we could do to deter parents from doing this to their children.

I do want to get back to—and, also, I understand that you folks are working hard, and we appreciate your service, and you are constrained by the laws which we much change expeditiously. And, you are also constrained by Executive Orders (EO) that I think were misguided. So, you are following the law. I understand that and appreciate your efforts. But, we have to change those laws. We have to undo some of these Executive Orders so that we have a more rational system to reduce or eliminate those incentives for illegal immigration.

I want to go back a little bit to Mexico in terms of what they are doing to help stem the tide. If we have busloads of children, I have seen the pictures of children hanging onto trains, I am actually surprised that they have turned back 85,000. I mean, are there any documented instances where Mexico officials have actually interdicted a bus and sent it back? I mean, where are we getting this from?

Mr. PALMIERI. The Mexican authorities regularly send busloads of interdicted undocumented migrants moving through their country to Guatemala, Honduras, and El Salvador. I do not have a specific anecdotal case of a bus of children that was perhaps on its way to the U.S. border having been stopped, but we do know that, on a regular basis, Mexico sends busloads of people back to all three countries.

Senator JOHNSON. But, we are basically relying on their statistics in terms of how many people they send back?

Mr. PALMIERI. Their statistics, our ICE attaches at our Embassy in Mexico City. The State Department officials at the Embassy in Mexico City work with and talk to these people, as well. So, I do not think it is just a statistical base. They also have the direct personal relationships that I think are critical to making sure Mexico does follow through.

Senator JOHNSON. One thing we have learned is Mexico does a pretty good job securing its Northern Border, as Marine Sergeant Tahmooressi found out. I am happy that he is actually going to get a hearing today. I am hoping he gets released immediately. If he is not released, what is the State Department, what is the Department of Justice going to do, what is President Obama going to do to secure Sergeant Tahmooressi's release?

Mr. PALMIERI. I know that the State Department has facilitated visits for him with his attorneys, with his family. We will continue to provide the full range of American citizen services that we would provide to any and every American detained in a similar situation.

Senator JOHNSON. Is the State Department, is President Obama as outraged as I think most Americans are by the Mexican Government's mistreatment of Sergeant Tahmooressi? I have seen the videos. I have seen how easy it was for him to accidentally get into that lane. This is outrageous, as he has been held for over 100 days. Are we going to demonstrate that kind of outrage and demand his return if he is not returned today?

Mr. PALMIERI. I know that my colleagues at the American Embassy in Mexico City, in Tijuana, and in Washington are working

vigorously on this case to expedite as speedy a resolution to it as we can.

Senator JOHNSON. Well, I hope if he is not released, they act more vigorously. Let us put it that way.

I just want to go back to, as long as we are talking about the State Department here, the $300 million request for, I guess, improving conditions in those Central American countries. We are finding we are not particularly good at improving our own economy. Is that not a pipe dream to spend $295 million trying to improve the conditions and expecting that is going to solve the problem, as opposed to sending planeloads full of these kids back to their families?

Mr. PALMIERI. I think we need to be doing everything we can on all levels, both promoting better economic growth, expanding repatriation, sending more people back. All of these things have to be done. This is a complex problem and there is no easy, simple solution——

Senator JOHNSON. But, there are things that are going to be far more effective and far less costly. Again, let us just go through the numbers. The President is asking for $3,700 million. You divide that by 57,000, that is $65,000 per unaccompanied child. Literally, if we would buy a plane ticket, put them up in a hotel room, give them some good meals, let us say we spent $1,000 per child. That would be $57 million to return the children to their families. Is that not far more effective spending? And, would we not be better off spending that $300 million to improve the immigration services in those countries so there is a place for us to return the unaccompanied children?

Why do we not kind of reorient our thinking, realize that we cannot spend $300 million and really expect to even make a dent in improving the condition of those countries. And, as Senator Coburn said, the most effective message we can send, as opposed to a slick little poster there, is literally sending planeloads in a very humane fashion of these children back to their families.

Mr. PALMIERI. Part of the request will expand the capacity of these governments to receive additional repatriation flights, and so that is envisioned in the request. I think what we think, a more balanced approach that tries to address some of the underlying root causes is also essential, not just to stopping the current problem, but to creating the conditions so that in the future, these people have a better alternative in their homes——

Senator JOHNSON. Have we not been doing that for years? I mean, literally, have we not been trying to do these things for years?

Mr. PALMIERI. We have, and the scale of how we have provided our assistance—the Youth Outreach Centers is an excellent example—it just does not reach a broad enough segment of these countries to make a difference, and expanding some of that assistance, we think, can make a difference.

Senator JOHNSON. OK. I am out of time, Mr. Chairman. Thank you for your indulgence.

Chairman CARPER. No, I am glad you came back. Thanks, Ron. Thanks for those questions and for your participation.

I think we have come to the end. Again, I want to say special thanks to Craig Fugate for changing his schedule to be with us and for your participation, for all of you for your participation. This is an extraordinary panel, good people, hard jobs. We are glad that you are willing to do them. We commend you and the teams you lead in service to our country.

It is not an easy one, is it? And there, frankly, are not a lot of easy answers, but there are answers and we have had a chance to chew on some of those today. I think this has been called by me and by others the all-hands-on-deck moment, and all hands are on deck and we are finding out how well this team works, and I am encouraged that, given the magnitude of challenges, it is working pretty well.

Everything I do, I know I can do better. I think it is true for all of us, and it is true for responses like this and we have to just focus on how to do better as we go along.

As Senator Johnson has heard me say more than a few times, find out what works and do more of that. Somehow, something worked in Mexico. Something has worked in Mexico and, as we have seen, the tide, the surge of Mexicans coming across our border has largely stopped, not entirely, but largely stopped. We have a bunch of Mexicans now who want to go back to Mexico, and there are some lessons to be learned there. My hope is that we are going to learn those, not only in terms of our actions in the agencies that you are involved in lead, but also in terms of the laws that we pass and the appropriations that we make.

I think I will close with a scriptural reference here, Ron. Believe it or not, we have a Bible study group that meets here in the Capitol. Democrats and Republicans about once a week get together and pray together, read the scripture together. We have a prayer breakfast that I do not usually get to because they meet early on Wednesday morning and I am usually on a train.

But, our Chaplain here is always reminding us of the most important rules or commandments in the Bible, and one of those is found in the New Testament, to love the Lord thy God with all thy heart, all thy soul, all thy mind. And, the second one is to love thy neighbor as thyself. Those answers were given in response by Jesus to a bunch of Pharisees. They were trying to trick him up, always trying to get him into trouble with the Romans so they could get rid of him. And, he is a pretty smart guy, and so he responded with a question that they did not quite know how to handle.

But, when he said, love thy neighbor as thyself, they asked him in response, well, who is our neighbor? And, you will recall, hee famously told the story or the Parable of the Good Samaritan. And, it is a good question for us to ask today. Who is our neighbor? And, if we really love our neighbor as ourselves, how do we treat them?

The folks in Mexico and Canada and these three Central American countries, they are our neighbor, but so are the people on the other side of the world, and we have a reputation as a Nation of trying to treat others, not just in our own neighborhoods, not just in our own communities and States, but in other countries, as well, as neighbors.

We have to be very careful here in making sure that we are responding in the way that the scripture would admonish us to do,

that we do not create a situation where parents in Honduras and Guatemala and El Salvador literally take their flesh and blood and put them on top of a freight train or in one of these buses in the hands of people they do not know and to send them through all kinds of peril to get to the U.S. border.

We have to change that dynamic, and there are a lot of ways to do that. We talked about some of them today, and a week from today, we are going to have a hearing on how we might do that further, how we might further change that climate, that dynamic in Honduras and Guatemala and El Salvador so that, hopefully, 10 years from now, we are not going to have a hearing here that revisits this issue and says, why are we still wrestling with this problem? We want to be able to say, well, we learned something about Mexico a number of years ago. We did not entirely fix that, but we largely have. We had problems with Colombia. We helped solve that, largely. And, we can do this, as well.

And, again, the last word I would say, this is not on our backs alone. We have a responsibility. We have a moral imperative, if you will, to try to do the right thing here. We have a fiscal imperative, because we do not have unlimited resources. We have a fiscal imperative to do it in a cost-effective way. Find out what works, do more of that. And, frankly, we have to make darn sure that other countries that have a dog in this fight—Mexico, even Colombia, other nations, and, frankly, non-profit organizations and inter-development banks—that they are involved in this, as well, just with us, in harness with us. If we do this together, we will make great progress and we can feel good about what we have done somewhere down the road, and, hopefully, the folks that we are trying to help will feel a lot better, as well.

With that, the hearing record is going to remain open for 15 days, until July 24, 5 p.m., for the submission of statements and questions for the record.

This has been a good hearing, a helpful hearing, and we are grateful for everyone who has participated in it to make it so. Thank you so much.

We are adjourned.

[Whereupon, at 12:46 p.m., the Committee was adjourned.]

APPENDIX

Opening Statement of Chairman Thomas R. Carper
"Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border"
July 9, 2014

As prepared for delivery:

Let me begin by thanking our witnesses for joining us today to discuss the current humanitarian challenge that is playing out on our southern border with Mexico, with unaccompanied children as young as 4 years-old arriving in record numbers every day. Before we discuss the Administration's robust response to the current situation, however, I believe it's important to put things into context.

Over the past decade, we have made significant progress in securing our borders. Since 2003, for example, we have spent $223 billion dollars to enforce our immigration laws, more than doubling the size of the Border Patrol along the way. We have also built 670 miles of fencing and have deployed force multipliers such as high-tech cameras, radars, and drones up and down the border. In 2006—just eight years ago—the Border Patrol apprehended more than a million people at the border. Last year, we stopped just over 420,000. Some got through. Most did not. While the most recent recession played a role, in this drop, I think it's clear that the investments we've made in recent years have paid off.

Although overall migration is still at historic lows, we now face a large surge in undocumented immigration from Central America—including unprecedented numbers of unaccompanied children and families showing up at the border. Some are saying that the current situation shows that our borders are not secure. I believe this couldn't be further from the truth. Let me be clear: these children and families are not slipping past our borders undetected. They are being apprehended in large numbers by the Border Patrol almost as soon as they touch U.S. soil, often turning themselves in voluntarily.

People from Central America, unlike Mexico, must be flown back to their countries. This is a costly process that can take months or even years. This process is even more complicated for unaccompanied children and families, because our laws appropriately require different treatment for these groups. Children must be handed over to the Department of Health and Human Services, and families must be detained in special facilities that include educational opportunities for the children.

Our border security system has been overwhelmed by the sheer numbers of these children and families. The Administration and Secretary Johnson have responded to this situation with an "all hands on deck" approach. The Federal Emergency Management Administration is coordinating the DHS-wide response to the problem. The Department of Defense has provided space on some of its military installations to house unaccompanied minors until Health and Human Services can find a placement for them. And we have surged Border Patrol agents, immigration judges, and other personnel to the border to help process these individuals.

Finally, just yesterday the Administration proposed $3.7 billion dollars in emergency funding to deal with this situation. DHS will receive $1.5 billion dollars to detain and deport more families, build temporary detention facilities for the Border Patrol, and enhance investigations into human smuggling networks. These resources are urgently needed. I am concerned, however, that while we continue to focus a great deal of attention on the symptoms of problems, we continue to focus too little attention an addressing the underlying causes.

As I mentioned earlier, we have spent nearly a quarter trillion dollars ($223 billion) securing our border since 2003. At the same time, only a small fraction of this amount has been invested in addressing the root causes in Central America that are encouraging young children and their families to risk life and limb and make the long and dangerous trek to South Texas.

Seeking a better life in the United States is nothing new. Most of us are here today because someone in our families a generation or more ago decided to come here to take advantage of what America has to offer. But for some of these Central Americans—especially the children and the parents who often send them on their journeys—the decision can be a desperate one. Life in parts of Guatemala, El Salvador, and Honduras is more than difficult today. It can be deadly. I have seen it firsthand. Violence has been steadily increasing in the region, with homicide rates in all three countries among the highest in the entire world. Kidnapping and extortion are endemic. Meanwhile, these countries have stagnant economies that create too few jobs and opportunities for their citizens. Faced with this violence and lack of hope at home, people from the region are voting with their feet—and risking their lives on the nearly 1,500 mile journey to the United States.

I believe that the U.S.—along with Mexico, Colombia, and others—need to do a better job of helping Central American countries help themselves. How? In large part by helping them create a more nurturing environment for job creation. Restore the rule of law. Lower energy costs. Improve workforce skills and access to capital. And improve the prospects for their young people so that more of them are willing—even eager—to stay home and help build their countries up. I am dismayed to hear some of our colleagues suggest the answer is to cut off funding for these countries. While I am a strong advocate of tough love, that strikes me as an extremely short-sighted step to take—and one that will likely do more harm than good in the long run. If we had taken that approach with Colombia 20 years ago, it would be a failed nation today instead of one with a vibrant economy that is a strong ally of ours.

Do our neighbors and their leaders in Central America need to do more to provide a brighter future for their own citizens? You bet they do! But this is not the time to abandon them. Do we really think that making things worse in these countries is going to somehow improve the situation on our border? I don't think so.

I am encouraged that the Administration has included $300 million in its emergency supplemental request for the State Department, some of which will be used to deal with the root causes of Central American migration. But these funds should be seen as a down-payment. This cannot be one and done. If we are serious about improving conditions in the region, we will need to do more—and frankly, so will others. Plan Colombia took more than a decade to bear fruit. I think we need a similar commitment here. And in making that commitment, we'll not only prove ourselves good neighbors but ensure that we won't continue to face an expensive humanitarian crisis at our borders a decade from now.

Addressing the factors that are pushing people out of Central America is important, but we also need to address the factors that are pulling them here in the first place. Some are saying that the current surge in migration from Central America is somehow tied to the actions that President Obama has taken to help undocumented immigrants who were brought here as children years ago come out of the shadows and live without fear. Many of those making this argument are the same people who oppose immigration reform and have rejected our bipartisan Senate efforts to update the outdated immigration laws that often drive people to try and enter our country illegally.

From what I have seen and heard, the biggest factor that pulls people to come here is a desire to have a better life,

and a job, in the United States. But our broken immigration system doesn't do enough to provide legal avenues for the workers we want and need – nor does it provide the most effective tools to ensure that employers don't exploit undocumented workers.

The Senate passed a comprehensive immigration reform bill more than a year ago. This bill is not perfect. Parts of it must be changed. But it would tackle some of the root causes that are pulling these migrants to come here to live and to work by providing legal avenues for them to do so and then return to their own countries. It would also further increase the security of our borders and enhance our ability to enforce our immigration and workplace laws in the interior of the country. Lastly, the Congressional Budget Office concluded that the bill would increase our country's GDP by 3 to 5 percent, and decrease our budget deficit by almost a trillion dollars over 20 years.

And yet, just last week we learned that our friends in the House of Representatives have decided not to even debate immigration reform this year. I believe that this is irresponsible, and I truly hope that they will reconsider this decision.

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Opening Statement
Sen. Tom Coburn, Ranking Member
July 9, 2014

Good morning, I thank the witnesses for being here today.

The surge in unaccompanied alien children was a foreseeable crisis that the Administration should have anticipated and addressed.

Since 2008, there has been a steady increase in the number of Unaccompanied Alien Children being apprehended at our Southern Border. In 2009, nearly 20,000 children were apprehended. In 2012, the number grew to 25,000. Last year, nearly 40,000 were apprehended.

And now the administration is projecting more than 60,000 UACs will be apprehended this year, and as many as 120,000 children will arrive next year if nothing changes.

These children now depend on the United States government for food, shelter, safety, and medical care. And the United States government has effectively been forced to be the guardian of each of these kids.

As Americans, we know the right thing to do is to keep these children safe and in good care while they are here and until we can return them home. But we also need to ask why this problem was allowed to grow, and what needs to change in order to fix it.

The Administration's failure is putting thousands of children at risk and putting our government agencies in a difficult position.

We know that some children are dying or suffering serious violence during the dangerous journey from Central America to our southern border. There is a significant increased risk that many of the children attempting to make this journey could be trafficked or otherwise exploited during the trip.

And this crisis is putting federal agencies, and the workers we depend on to secure our borders and protect us from national security threats, in a very challenging position.

We are asking our Border Patrol to be caregivers for these children, and that has dramatically impacted their other duties.

Allowing this problem to grow is making our already unsecure border less secure today, and our adversaries, like the drug trafficking organizations, may be exploiting this opportunity.

There are many factors that contribute to the problem of increasing unaccompanied alien children coming to our borders, but our lax immigration enforcement policies play a key part.

Life is hard in Central America, and many people wish to come to the United States to have an opportunity for a better life. I sympathize with those who face violence, crime and poverty at home, and that they are willing to risk their lives to take the dangerous journey to the United States.

But we also know that our lax immigration enforcement policies are a key factor in the decision to make the trip. If it were clear to families living in Central America that the United States is a nation that enforces the rule of law—and that if you break our immigration laws you will be rewarded with a return trip home— I can guarantee that less would take the risk to make this dangerous journey.

But it is all too clear that we are not effectively securing the border, and that those who come here illegally have a very good chance of staying. Until this changes, we should expect this humanitarian crisis to grow, while thousands of children will continue be put at risk.

The Administration has now requested $3.7 billion in supplemental spending to pay for a crisis that it should have anticipated and prevented. I am open to hearing from our witnesses today about the challenges your front line personnel face, and what resources they may need, particularly to address the immediate need to care for these children.

But I am concerned that the Administration's proposal will not solve the root problem of this crisis. Specifically, the proposal does not include any requests for new authorities to strengthen our policies – such as immediate removal of children coming from Central America – to deter future waves of illegal immigrants.

Given the track record of poor border security and lax interior enforcement, I am concerned that you will be requesting another $3.7 billion next year, and we will face the same problem with tens of thousands of children arriving at our border.

So I would like to hear from the agencies represented today—what are we doing to fix this problem?

From Mr. Winkowski of Immigration and Customs Enforcement (ICE), we need to hear how your agency plans to enforce our immigration laws and to deter people from making the trip and trying to break our laws.

From Mr. Osuna, I want to learn from you why we do not have swift processing times to adjudicate these cases and ensure expeditious removal of people who come here illegally and what needs to change.

From Mr. Kerlikowske of Customs and Border Protection (CBP), I need to hear how your agency is being affected by this crisis and what it means for border security.

From Mr. Palmieri of the State Department, I want to know why it is not clear to people in Central America that they will be returned if they break our immigration laws, and what the State Department plans to do about it.

And to all of our witnesses, I want to know – when did you first know about this problem and why have we allowed it to get so out of hand?

As you know, I provided you with many of my questions before this hearing to encourage a constructive dialogue.

The Administration needs to take responsibility and not allow this crisis to escalate. Like the recent problems with the Veterans Administration, we know that the general problem of illegal immigration and securing the southern border did not begin on President Obama's watch.

And our purpose today is not to politicize the issue of illegal immigration. But together, we need to take responsibility. And that begins by getting answers to some basic questions of why this problem continues to grow and what we plan to do to fix it.

I look forward to your testimony and answers to our questions.

STATEMENT
OF

CRAIG FUGATE
Administrator
Federal Emergency Management Agency
U.S. Department of Homeland Security

And

R. GIL KERLIKOWSKE
Commissioner
U.S. Customs and Border Protection
U.S. Department of Homeland Security

And

THOMAS S. WINKOWSKI
Principal Deputy Assistant Secretary
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

FOR A HEARING ON
"Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions and the Southern Border"

BEFORE THE

U.S. SENATE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

July 9, 2014

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Chairman Carper, Ranking Member Coburn, and Members of the Committee:

Thank you for the opportunity to testify today about our efforts to address the recent rise of unaccompanied children and others crossing our border in the Rio Grande Valley (RGV). As you know, Secretary Johnson testified on June 24th before the House Committee on Homeland Security about this situation. Our testimony today echoes and reaffirms his comments.

We face an urgent situation in the RGV. Last fiscal year, CBP apprehended more than 24,000 unaccompanied children at the border. By mid-June of this fiscal year, that number has doubled to more than 52,000. Those from Guatemala, El Salvador, and Honduras make up about three quarters of that migration.

As Secretary Johnson said on June 24th, this is a humanitarian issue as much as it is a matter of border security. We are talking about large numbers of children, without their parents, who have arrived at our border—hungry, thirsty, exhausted, scared and vulnerable. How we treat the children, in particular, is a reflection of our laws and our values.

Therefore, to address this situation, our strategy is three-fold: (1) process the increased tide of unaccompanied children through the system as quickly as possible; (2) stem the increased tide of illegal migration into the RGV; and (3) do these things in a manner consistent with our laws and values as Americans.

So, here is what we are doing:

First, on May 12th, Secretary Johnson declared a Level IV condition of readiness within DHS, which is a determination that the capacity of CBP and ICE to deal with the situation is full and we need to draw upon additional resources across all of DHS. He appointed Deputy Chief Vitiello to coordinate this effort within DHS.

Second, on June 1st, President Obama, consistent with the Homeland Security Act, directed Secretary Johnson to establish a Unified Coordination Group to bring to bear the assets of the entire federal government on the situation. This Group includes DHS and all of its components, the Departments of Health and Human Services, Defense, Justice, State, and the General Services Administration. Secretary Johnson, in turn, designated FEMA Administrator Fugate to serve as the Federal Coordinating Official for the U.S. Government-wide response. Under Administrator Fugate's supervision, there are now more than 140 interagency personnel and members stationed in FEMA's National Response Coordination Center dedicated to this effort.

Third, we established added capacity to deal with the processing and housing of the children, we are creating additional capacity in places, and we are considering others. To process the increased numbers of unaccompanied children in Texas, DHS has had to bring some of the children to our processing center at Nogales, Arizona before they are transferred to HHS. We are arranging additional processing centers to handle the rise in the RGV. Meanwhile, the Department of Defense (DoD) has provided space at Lackland Air Force Base in Texas for HHS to house the children before HHS can place them. DoD is also providing facilities at Fort Sill,

Oklahoma and Ventura, California for the same purpose. DHS and HHS are working to continue to identify additional facilities for DHS and HHS to house and process the influx of children.

Fourth, DHS and HHS are increasing Spanish-speaking case management staff, increasing staff handling incoming calls from parents or guardians, raising awareness of the Parent Hotline (provided by FEMA and operated by HHS), surging staff to manage the intake of CBP referrals to track shelter bed capacity, and facilitate shelter designations. We are developing ways to expedite background checks for sponsors of children, integrate CBP and HHS information sharing systems, and increase capacity to transport and place children. (As Secretary Johnson noted on June 24th, and we reaffirm today, the Border Patrol and other CBP personnel, as well as personnel from ICE, FEMA, the Coast Guard, and HHS, are doing a remarkable job in difficult circumstances. Not-for-profit groups like the HHS-grantee BCFS[1] also have stepped in quickly and are doing a remarkable job sheltering the unaccompanied children at Lackland, identifying and then placing them consistent with HHS' legal obligations. All of these dedicated men and women deserve our recognition, support and gratitude.)

Fifth, DHS is building additional detention capacity for adults who cross the border illegally in the RGV with their children. For this purpose DHS 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 is considering to increase our capacity to hold and expedite the removal of the increasing number of adults with children illegally crossing the southwest border. DHS will ensure that after apprehension, families are housed in facilities that adequately provide for their safety, security, and medical needs. Meanwhile, we will also expand use of the Alternatives to Detention program to utilize all mechanisms for enforcement and removal in the RGV Sector. DOJ is temporarily reassigning immigration judges to handle the additional caseload via video teleconferencing. These immigration judges will adjudicate these cases as quickly as possible, consistent with all existing legal and procedural standards, including those for asylum applicants following credible fear interviews with embedded DHS asylum officers. Overall, this increased capacity and resources will allow ICE to return unlawful migrants from Central America to their home countries more quickly.

Sixth, DHS has brought on more transportation assets to assist in the effort. The Coast Guard is loaning air assets to help transport the children. ICE is leasing additional charter aircraft.

Seventh, throughout the RGV 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. Both DHS and HHS are ensuring 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. We have also made clear that all

[1] BCFS—not an acronym—was formerly known as Baptist Child Family Services.

individuals will be treated with dignity and respect, and any instances of mistreatment reported to us will be investigated.

Eighth, working through FEMA's National Response Coordination Center, we are coordinating with voluntary and faith-based organizations to help us manage the influx of unaccompanied children crossing the border. The American Red Cross is providing blankets and other supplies and, through their Restoring Family Links program, is coordinating calls between children in the care of DHS and families anxious about their well-being.

Ninth, to stem the tide of children seeking to enter the United States, we have also 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 the mass exodus, and how we can work together to assure faster, secure removal and repatriation. Last month, President Obama spoke with Mexican President Peña Nieto about the situation, as has Secretary Kerry. On June 20th, Vice President Biden also 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 U.S. 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. Secretary Johnson is in Guatemala as we speak. The government of El Salvador has sent additional personnel from its consulate in the U.S. to South Texas to help expedite repatriation to its country.

Tenth, 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 RGV. Homeland Security Investigations, which is part of ICE, is surging 60 additional criminal investigators and support personnel to their San Antonio and Houston offices for this purpose. 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. 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 will also continue to work with our partners in Central America and Mexico to help locate, disrupt, and dismantle transnational criminal smuggling networks.

Eleventh, we are initiating and intensifying 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 the dangers of putting children into the hands of criminal smuggling organizations.

In collaboration with DHS, the Department of State has launched public awareness campaigns in El Salvador, Guatemala, and Honduras, to warn families about the dangers encountered by unaccompanied minors who attempt to travel from Central America to the U.S., and to counter misperceptions that smugglers may be disseminating about immigration benefits in the United States. Our embassies in Central America have collaborated with CBP to ensure both the language and images of the campaign materials would resonate with local audiences. Secretary Johnson has personally issued an open letter (*see* attached) to the parents of those who are sending their children from Central America to the U.S., to be 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. We are stressing that Deferred Action for Childhood Arrivals, or "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 U.S. since June 2007. We are making clear that the "earned path to citizenship" contemplated by the Senate bill passed last year would not apply to individuals who cross the border now or in the future; only to those who have been in the country for the last year and a half.

Twelfth, given the influx of unaccompanied children in the RGV, we have increased CBP staffing and detailed 115 additional experienced agents from less active sectors to augment operations there. Secretary Johnson is sending 150 more Border Patrol agents based on his review of operations there this past week. These additional agents allow RGV the flexibility needed to achieve more interdiction effectiveness and increase CBP's operational footprint in targeted zones within its area of operations.

Thirteenth, in early May, Secretary Johnson directed the development of a Southern Border and Approaches Campaign Planning effort that is putting together a strategic framework to further enhance security of our southern border. Plan development will be guided by specific outcomes and quantifiable targets for border security and will address improved information sharing, continued enhancement and integration of sensors, and unified command and control structures as appropriate. The overall planning effort will also include a subset of campaign plans focused on addressing challenges within specific geographic areas, all with the goal of enhancing our border security.

Finally, we will continue to work closely with Congress on this problem, and keep you informed. DHS is updating Members and staff on the situation in conference calls, and we are facilitating site visits to Border Patrol facilities in Texas and Arizona for a number of Members and their staff.

Secretary Johnson has directed his staff and agency leaders to be forthright in bringing him every conceivable, lawful option for consideration, to address this problem. 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, we believe we will stem this tide. Thank you.

Statement by

Mark Greenberg
Acting Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services

Before the

Committee on Homeland Security and Governmental Affairs
United States Senate

July 9, 2014

Chairman Carper, Ranking Member Coburn, and members of the Committee, thank you for inviting me to discuss the Department of Health and Human Services' (HHS) responsibilities in relation to unaccompanied children. I very much appreciate the opportunity to provide information about our program and the children we serve.

Today, I would like to share with you the steps HHS takes to care for these children once they are referred to HHS' custody, HHS' responsibilities to identify appropriate sponsors with which children can live while awaiting immigration removal proceedings, and the challenges we face as a result of the increased numbers of unaccompanied children.

Services for Children

Pursuant to law, unaccompanied children, i.e., children under the age of 18 who have no legal immigration status in the United States and who either do not have a parent or legal guardian in the United States or who do not have a parent or legal guardian in the United States that is available to provide care and physical custody of the child, come into HHS' care once they are referred to us by the Department of Homeland Security (DHS). Under existing law, DHS must notify HHS within 48 hours of determining an alien is an unaccompanied child and transfer such child to us within 72 hours of such determination, absent exceptional circumstances. Most of the children referred to HHS are from Guatemala, Honduras, and El Salvador. Historically, the majority of children arriving were males over the age of 12. This continues to be true. However, during the past year, the Administration for Children and Families (ACF) experienced an increase in the population of females and children under the age of 12. The number of children in our care varies from day to day as children are released to sponsors or returned to their home

country, and newly arrived children are placed with us. Currently, HHS has approximately 9,000 children in its care across the nation. These children are cared for in our permanent and emergency capacity shelters.

HHS funds shelters through grants to non-profit organizations, many of which are faith-based service providers, and several of which are state and local governments. Upon their arrival into one of the HHS' shelters, the children are provided with a complete medical examination within 48 hours. This examination includes a general physical exam or medical screening and is conducted by either a doctor or nurse practitioner. All children receive age appropriate care including vaccinations as well as screening for tuberculosis.

Soon after the children come to us, trained provider staff conduct an initial interview of each child. This interview is used as a first round of HHS screening to determine whether the child may be a victim of abuse, a victim of a crime, or a trafficking victim. The screening also tells us if the child has any immediate mental health needs. If a mental health concern is detected during this screening, additional screenings are completed by specially-trained mental health clinical staff or case managers with clinical experience. These screenings determine whether the child requires specialized services, a home study conducted by a grantee case worker, typically a social worker, prior to his or her release to a sponsor (if a sponsor is available), and whether the child is a potential victim of trafficking and therefore eligible for the additional services and legal assistance available to foreign trafficking victims in the United States.

Pursuant to federal law and the *Flores* Settlement Agreement, while children are in our care, each child receives: medical, dental, and mental health services; education services; recreational opportunities; a legal rights presentation and access to legal services; access to religious services; case management services which include services to identify a parent, relative, or other appropriate sponsor; and clinical counseling on a weekly basis.

The Trafficking Victim's Protection Reauthorization Act (TVPRA) requires that we seek to place children in the least restrictive setting that is in the best interest of the child. Generally, such a setting is with a sponsor. This may be a parent, relative, or other appropriate sponsor.

Most children who are placed in our shelters have parents or other relatives already living in the U.S. To date in fiscal year 2014, approximately 95 percent of children released were released to a parent, relative, or non-relative sponsor. Of the remaining five percent of children not released to a sponsor, some are remanded to the DHS' custody because they reach 18 years of age. Others are repatriated to their country of origin and a very small number may become eligible for the Unaccompanied Refugee Minor program.

HHS has a strong process for ensuring a potential sponsor is an appropriate care provider. In accordance with the TVPRA, we require verification of a sponsor's identity and relationship, if any, to a child before placing a child with a sponsor. To meet this requirement, we require care provider staff to complete and document a thorough assessment of the child's past and present family relationships and relationships to non-relative potential sponsors. HHS care provider staff evaluate the nature and extent of the sponsor's motivation for wanting to care for the child. If

the child is not being released to a parent or legal guardian, the care provider staff consider the child's parent or legal guardian's perspective on a child's potential release to a particular sponsor. This process is accomplished through interviews, careful review of submitted documentation, and outside confirmation of a sponsor's identity. This process, along with any information the child provides to care provider staff, allows us to verify a sponsor's identity and relationship to the child.

In addition, the potential sponsor is required to undergo background checks and complete an assessment process that identifies risk factors and other serious concerns. The background check consists of a public records check of the sponsor for criminal history, self-reporting by the sponsor of criminal history or domestic violence, interviews with the child to uncover any criminal or domestic violence concerns about the sponsor, and a written assessment of the child and the sponsor completed by case managers and clinicians. A fingerprint background check is required if any concerns are raised, including if there is concern for the child's safety, or if the sponsor is not the child's parent or legal guardian. The fingerprints are then verified with FBI and DHS databases.

An additional safety measure is in our performance of home studies on potential sponsors. Home studies are required, under the TVPRA of 2008, for the following conditions:

1) The child is a victim of a severe form of trafficking;

2) The child is a special needs child with a disability as defined in section 3 of the Americans with Disability Act of 1990;

3) The child has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or,

4) A child's proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking based on all available objective evidence.

As part of the placement process, HHS notifies potential sponsors of their responsibility for ensuring the child appears at all appointments and court proceedings related to his or her immigration case. HHS also informs sponsors of their responsibility to notify DHS and the U.S. Department of Justice Executive Office for Immigration Review (EOIR) of address changes, within ten days of any such change. HHS provides notification to DHS of the name, address, telephone number, and relationship to the child of the sponsor 24 hours prior to release to the sponsor. Additionally, HHS coordinates with EOIR and informs EOIR of the reunification status and current address of the sponsor at the time of release. It is important to note that HHS does not decide a child's immigration status and is not a party to the child's immigration case.

Once a child has been placed with a parent, relative, or other sponsor, the care and well-being of the child becomes the responsibility of that individual. HHS may require that the sponsor and child receive post-release services. In the event that post-release service case workers find the home unsafe they are required under state and local laws to report those conditions to state or local child protective services.

Currently, between 10 and 13 percent of children receive home studies prior to their release, and post-release services must be performed for all cases in which a home study was conducted. The

purpose of post-release services is to help link the child and the sponsor with community services or other on-going assistance.

In those cases where a sponsor is not identified to care for a child, the child will remain in our care until he or she reaches the age of 18 or until the child obtains a lawful immigration status. In those cases where a lawful immigration status is obtained, 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 1,400 URM children and youth in foster care. 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.

Challenges

In HHS' responsibilities for unaccompanied children, our immediate challenge concerns the current unprecedented growth in the number of unaccompanied children arriving at the Southwest border. In recent months, the number of children arriving has greatly exceeded the number of available places for children in HHS' shelters, negatively impacting our ability to

timely accept custody of these children from DHS. We are actively working with DHS, the Department of Defense, and other federal agencies through the coordination efforts of FEMA to both expand our facilities and to identify additional efficiencies to shorten the amount of time that children are with us, without jeopardizing child safety. Thus in order to reduce the time children spend in DHS custody, we are seeking to reduce the length of time that children remain in our care before being placed with a sponsor who can care for them safely and appropriately while their immigration case is processed, and second working to increase our shelter capacity.

The average length of time that a child is in HHS' custody has been reduced from 72 days to 34 days over the past three years. During this time, HHS focused on identifying and implementing procedures that could streamline the process of identifying and placing the child with an appropriate sponsor without increasing risks to child safety or well-being. In implementing these procedures, HHS was able to reduce the per capita cost of providing services to an unaccompanied child by over 50 percent. The procedures to accomplish this included:

- Shortening the timeframe for initial identification of parents, relatives, or other sponsors;
- Developing a streamlined set of procedures;
- Reducing the amount of time it takes sponsors to submit a completed sponsor application packet;
- Reducing the timeframe from approval of release to actual discharge;
- Developing training for care provider staff on streamlined procedures.

Despite the progress we have made in reducing the average length of stay in our care, it remains a challenge to balance the need to quickly release the children from our care while continuing to

ensure that children are released to safe and appropriate sponsors. We have consulted with clinical staff, child welfare experts, and attorneys in creating assessment policies, procedures, and forms for both the children and potential sponsors and are confident they are comprehensive in determining the existence of risk and the safety of a release.

Second as we work with federal partners to develop additional facilities, HHS faces challenges in seeking to expand facilities to new locations, in part because of misconceptions about the impact of HHS shelters on local communities. Some community members are concerned about whether these children present safety risks to a community where the shelter is located. However, the overwhelming majority of these children have no criminal record, have not participated in gang activities, and manifest no behavioral problems while in our care. In many cases, the children report that they are fleeing gang violence and forced recruitment into criminal gangs as well as generalized violence in their home country. In addition, many of the children seek to reunite with family members already in the United States. HHS would not release into the community any child who is a danger to himself or others in the community. For the small number of children who do pose a threat, those children remain in our secure detention facilities until they are returned to their country of origin or remanded to the care of DHS upon reaching the age of 18. Of the approximately 9,000 unaccompanied children in the custody of HHS at any one time, only between 25 and 45 are in our secure detention facilities, less than one-quarter of a percent.

Community members may also have questions concerning whether having a shelter in a community presents health risks to area residents. As I previously stated, these children all receive medical screenings and receive age-appropriate vaccinations. Further, we take great

precautions to ensure the public's health should we identify a child with a communicable disease. Children who have serious physical and mental health issues or have had exposure to a communicable disease are normally not transferred or moved until they have been cleared by a medical provider. Medical clearance documentation includes the results of all laboratory tests and any other diagnostic testing.

Conclusion

This is a very complex situation with a number of challenges. We would welcome working with this Committee and Congress in efforts to address it. Again, thank you for the opportunity to discuss this critical issue with you. I would be happy to answer any questions.

"Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border"

Testimony before the United States Senate Committee on Homeland Security and Government Affairs

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Deputy Assistant Secretary

Bureau of Western Hemisphere Affairs

U.S. Department of State

Washington, DC

July 9, 2014

Mr. Chairman, Mr. Ranking Member, Members of the Committee, I am pleased to be here to discuss the Department of State's response to the sharp rise in the number of unaccompanied children and family units arriving at our southwest border, the direct link between this activity and dire conditions in the region and the influence of smuggling networks, and what we are doing to further the national security interests of the United States. I appreciate your attention to this important issue and look forward to working with you on this issue.

The Administration is deeply concerned by the substantial increase in the number of children and family units from Central America who are leaving their countries of origin and attempting unauthorized immigration to the United States.

The Department of State is implementing a five-part strategy:

1. We are working on a common understanding of the problem with the source countries of El Salvador, Guatemala, and Honduras, and with Mexico in its role as a transit country.

2. We have launched updated public messaging campaign with El Salvador, Guatemala, Honduras, and Mexico to discourage families from sending their sons and daughters on this dangerous journey.

3. We are helping El Salvador, Guatemala, and Honduras expand their repatriation and reintegration efforts.

4. We are working with Mexico to stop migrants at Mexico's southern border and interrupt the well-known smuggling routes used in southern Mexico.

5. We are leading a new whole-of-government effort to address the underlying causes of this migration, especially the security concerns and lack of economic opportunity in the source countries.

We know that these unaccompanied children and families are primarily arriving from El Salvador, Guatemala, and Honduras. Central America faces daunting economic, governance, and security challenges, which impact the citizens of the region and the choices they make. It is in the best interests of the United States for the countries of Central America to be prosperous, democratic, and secure.

Our vision for the countries of Central America is a secure, well-governed region that creates opportunities for each nation's people within their respective sovereign borders. This is one key part of the strategy to diminish the factors driving high emigration flows. Stronger economic performance in Central America will also create jobs in the region and benefit the U.S. economy.

The political, economic, and social conditions in El Salvador, Guatemala, and Honduras are challenging, with extreme violence from transnational criminal organizations and street gangs, endemic poverty, declining rural and farm incomes, and often ineffective public institutions – all combining to create an environment that many people want to abandon.

Aggressive criminal smugglers seek to exploit this situation. Smugglers prey on the hopes and dreams of the poor, spreading misinformation about immigration benefits available in the United States. They would be less able to do so if those societies offered more economic prosperity, better educational opportunities, and a safer environment for children.

My colleagues from the Departments of Homeland Security and Health and Human Services have described the scope of the enormous challenge they face in processing and placing or detaining, as appropriate, unaccompanied children, adults with children, and adults arriving at the border. They are working tirelessly to protect our borders, enforce our laws, and meet the pressing humanitarian needs of migrants, especially the children. These efforts not only serve to enforce U.S. laws, but they are also the right thing to do to help these vulnerable individuals. As we work with our partners in Mexico and Central America, the safety and well-being of these individuals, especially the children, remains among our top concerns.

Our diplomatic engagement in support of this effort has been sustained and intense. Last month, Vice President Biden traveled to Guatemala to meet with the Presidents of El Salvador and Guatemala and representatives from Honduras and Mexico and established that we all must take steps to stem the flow of undocumented migrants. We continue daily, senior-level contact with those governments to deploy short-term efforts to stem the flow of migrants and to develop long-term solutions to address the root causes of migration.

In Panama on July 1, Secretary Kerry obtained agreement on greater collaboration from the Governments of El Salvador, Guatemala, and Honduras. All three nations' foreign ministers traveled to Washington July 3 to meet with nine different U.S. government entities at the Department of State. All three foreign ministers agreed to work with us on a coordinated response to this migration challenge.

At our request, El Salvador, Guatemala, and Honduras increased consulate staffing levels on the U.S.-Mexico border to expedite processing of unaccompanied children, ensuring they are moved from law enforcement facilities to Health and Human Services custody as quickly as possible and then for eventual return to their home countries following humanitarian screenings and immigration court proceedings.

The President spoke to his Mexican counterpart, Enrique Peña Nieto, in June about Mexican efforts to interrupt well-known smuggling routes. We are working with Mexico to accelerate its Southern Border Strategy announced on Monday that will increase Mexican inspection and interdiction capacities and reduce drug and human smuggling across Mexico's border with Guatemala and Belize.

As part of a broader inter-agency effort, we are working to increase immediately the migrant repatriation capacity for El Salvador, Guatemala, and Honduras, so that these governments can accept more migrants returned from the United States each week. To this end, the Department allocated $9.6 million to help with repatriation and reintegration efforts.

We are also focused on the role human smuggling organizations are playing in this urgent humanitarian situation. They have spread rumors – and let me emphasize that these rumors are absolutely false – that promise immigration benefits to these children and family units once they are in the United States.

To this end, we are deploying public messaging campaigns in El Salvador, Guatemala, Honduras, and Mexico to underscore that children and family units who reach the United States will not enjoy special status. Each government in the

region is developing and deploying its own public messages that will complement U.S. efforts as well as dedicating more law enforcement resources to taking down these smugglers.

In addition, the Department continues to focus on a longer-term approach to address the systemic issues Central American countries face and that are creating the push factors behind this phenomenon: weak governing institutions, lack of economic, educational, and employment opportunities, and high levels of violence and insecurity. The Department of State is applying a more balanced regional approach to prioritize and integrate prosperity, security, and governance – thereby addressing the root causes that are driving migrants, including these vulnerable children, to the United States.

We are dedicating existing resources to manage the near-term surge in unaccompanied children and family units and to implement programs to address the long-term challenges that constitute the complex and systematic factors driving migration.

However, we must be realistic. In order to achieve the substantial, transformative change in Central America that will truly stem migration flows, all the governments, including greater collaboration with international partners, must demonstrate the political will and necessary commitment. We will continue to work closely with Congress on developing a comprehensive, whole-of-government approach that provides the necessary resources to meet this migration challenge.

Thank you. I look forward to answering your questions.

Department of Justice

STATEMENT OF

JUAN P. OSUNA
DIRECTOR
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES DEPARTMENT OF JUSTICE

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

FOR A HEARING ENTITLED

"CHALLENGES AT THE BORDER: EXAMINING THE CAUSES, CONSEQUENCES, AND RESPONSES TO THE RISE IN APPREHENSIONS AT THE SOUTHERN BORDER"

PRESENTED ON

JULY 9, 2014

Statement of Director Juan P. Osuna
Executive Office for Immigration Review
Before the Senate Committee on
Homeland Security and Governmental Affairs
July 9, 2014

Introduction

Mr. Chairman, Senator Coburn, 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 Government-wide response to the humanitarian situation in the Rio Grande Valley areas of our Nation's Southwest border.

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 FY 2013, EOIR's immigration courts had 350,330 cases pending, marking an increase of approximately 23,000 cases pending over the end of FY 2012. In the first three quarters of FY 2014, that pending caseload grew by approximately 25,000 cases, reaching 375,373 cases pending, 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 documents. 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 long-term 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 can avoid 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 such 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 of 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 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 alien 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 FY 2014 alone.

In February 2014, the FY2014 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.

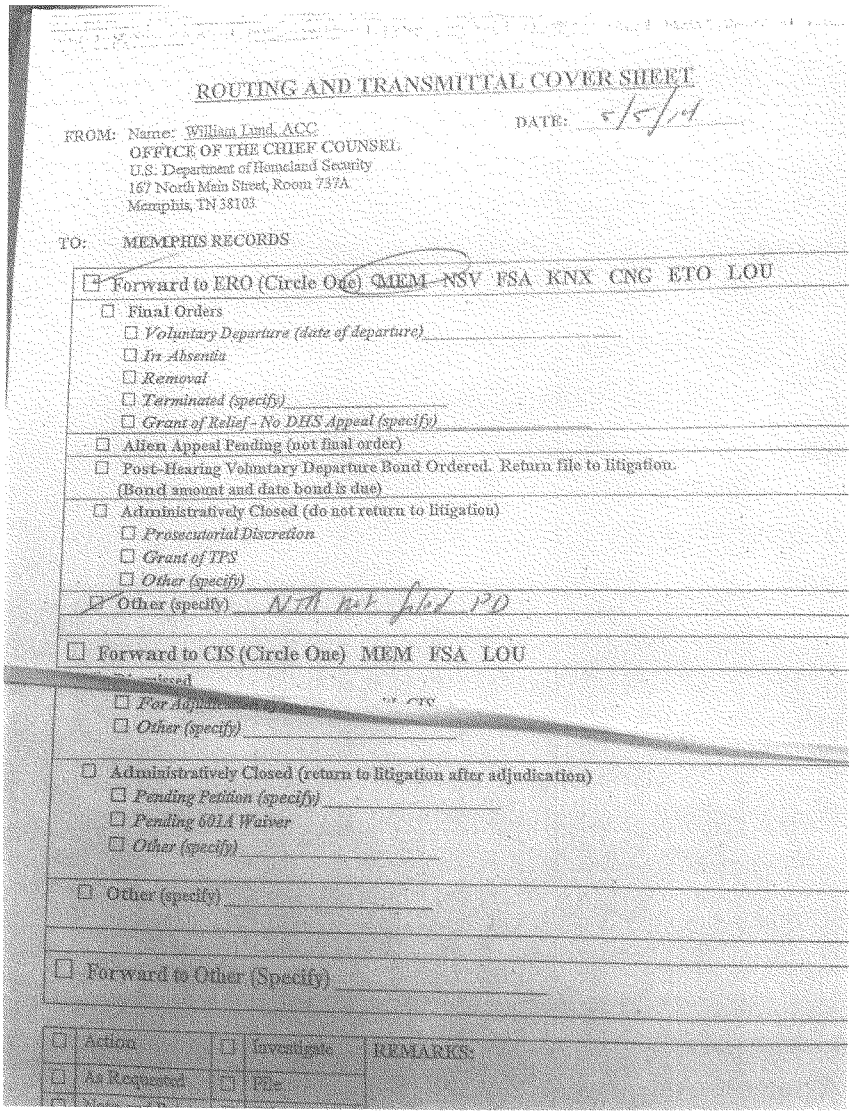
On March 4, 2014, the President presented his FY 2015 Budget request to Congress. EOIR's request includes $347.2 million in discretionary budget authority, which is approximately 11% above the FY 2014 enacted level. The resources the President's Budget requests for EOIR for FY 2015 are essential to our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

Conclusion

Mr. Chairman, Senator Coburn, 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.



ROUTING AND TRANSMITTAL COVER SHEET

DATE: 5/5/14

FROM: Name: William Lund, ACC
OFFICE OF THE CHIEF COUNSEL
U.S. Department of Homeland Security
167 North Main Street, Room 737A
Memphis, TN 38103

TO: MEMPHIS RECORDS

☐ Forward to ERO (Circle One) MEM NSV FSA KNX CNG ETO LOU

- ☐ Final Orders
  - ☐ *Voluntary Departure (date of departure)*
  - ☐ *In Absentia*
  - ☐ *Removal*
  - ☐ *Terminated (specify)*
  - ☐ *Grant of Relief - No DHS Appeal (specify)*
- ☐ Alien Appeal Pending (not final order)
- ☐ Post-Hearing Voluntary Departure Bond Ordered. Return file to litigation.
  (Bond amount and date bond is due)
- ☐ Administratively Closed (do not return to litigation)
  - ☐ *Prosecutorial Discretion*
  - ☐ *Grant of TPS*
  - ☐ *Other (specify)*
- ☑ Other (specify) MTR not filed PD

☐ Forward to CIS (Circle One) MEM FSA LOU

- ☐ *For Adjudication*
- ☐ *Other (specify)*

- ☐ Administratively Closed (return to litigation after adjudication)
  - ☐ *Pending Petition (specify)*
  - ☐ *Pending 601A Waiver*
  - ☐ *Other (specify)*
- ☐ Other (specify)

☐ Forward to Other (Specify)

☐	Action	☐	Investigate	REMARKS:
☐	As Requested	☐	File	

Legislative History re: U.S. Policy for the Treatment and Administrative Processing of Unaccompanied Minors

Created by Libby Whitbeck and Will Harris on 7/8/2014. Updated 7/9/2014.

1980: The Refugee Act

- Introduced by Sen. Kennedy in 1979. Signed by President Jimmy Carter in March 1980.
- Senate cosponsored Boschwitz, Javits, McGovern, Moynihan, Ribicoff, Riegle, Sarbanes, Williams, Biden, Hatfield, Levin, Pell, Randolph, Tsongas.
- The Act enshrined historic United States policy of responding to the urgent needs of persons subject to persecution in their homelands and to provide assistance, asylum, and resettlement opportunities to admitted refugees.
- It began with hearings by the Senate Judiciary Subcommittee on Immigration, Refugees and Border Security during the Vietnam War which produced the recommendation that Congress enact legislation to establish a uniform standard for refugees and asylum seekers. By the late 1970s, hundreds of thousands of refugees were in need of protection, resettlement, or asylum -- particularly refugees from Vietnam and Jews from the former Soviet Union. The humanitarian crisis of the Vietnamese boat exodus in 1979 especially sparked the urgency for action.
- The bill was adopted by the Senate by a unanimous vote on September 6, 1979, and remained essentially intact until it was signed in 1980.

2000: Unaccompanied Alien Child Protection Act

- Feinstein introduced 5 times (2000, 2001, 2004,2005,2007). See **Attachment A** for a list of cosponsors for each year.
- Though it never became law in it's entirety, served as the basis for future immigration bills.
- Senator Feinstein and Schumer staff say that Feinstein was inspired to create the law because of Immigration and Naturalization Service (INS) notorious rough treatment of unaccompanied children at U.S. borders. Feinstein was personally moved by the stories of children coming from China in shipping containers, but also intended for the law to benefit children coming from other countries such as Guatemala and Honduras.
- Among its tenants, the bill:
  - (1) sought to transfer the authority to coordinate and implement the care of unaccompanied alien children in federal custody from Immigration and Naturalization Service (INS) to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS).
  - (2) required that INS transfer the children to HHS within 72 hours of determining that a child is an unaccompanied minor. but made an exception for unaccompanied minors from contiguous countries (Mexico and Canada) who qualified for immediate repatriation-- that contiguous.

2002: Homeland Security Act

- Introduced by Senator Lieberman in 2002, cosponsored by Bob Graham, Specter, Durbin, Reid, and Cleland.
- Signed by George W. Bush in November 2002.
- Incorporated a Feinstein provision (#1 above) to divide responsibilities for the processing and treatment of UACs between the newly-created Department of Homeland Security (DHS) and the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR).

2008: Trafficking Victims Protection Reauthorization Act

- Introduced by Senator Biden in 2008, cosponsored by Brownback, Hatch, Cardin, Specter, Durbin, and Feinstein.
- One of the last laws signed by George W. Bush.
- Incorporated the Feinstein provision (#2 above) to require that U.S. Customs and Border Protection (CBP) transfer unaccompanied children from noncontiguous countries to the Office of Refugee Resettlement (ORR) within 72 hours of determining that a child is an unaccompanied minor.
- ORR is then responsible for housing the child until it locates a custodian with whom the child has a verified relationship (see **Attachment B** for a flow chart diagram).
- Children from contiguous countries (Mexico and Canada) qualify for immediate repatriation-- or they are not required to be transffered to HHS-- if CBP determines that these children have not been trafficked or do not face danger upon return to their countries. If trafficking is determined, the child will be placed in formal removal proceedings like other UACs.

Attachment A: Unaccompanied Alien Child Protection Act History

Bill Name	Sponsor	Co-Sponsors	Action
Unaccompanied Alien Child Protection Act of 2000 S.3117 — 106th Congress (1999-2000)	Feinstein	None	Introduced 9/27/2000 Read twice and referred to the Committee on the Judiciary. 9/27/2000
Unaccompanied Alien Child Protection Act of 2001 S.121 — 107th Congress (2001-2002)	Feinstein	Landrieu, Graham, Kennedy, Chafee Wellstone, Durbin Brownback, Kohl, Cantwell, Voinovich Edwards, Leahy Feingold, Mikulski Snowe, Specter Sarbanes	Introduced 1/22/2001 Read twice and referred to the Committee on the Judiciary. 2/28/2002 Committee on the Judiciary Subcommittee on Immigration. Hearings held.
Unaccompanied Alien Child Protection Act of 2004 S.1129 — 108th Congress (2003-2004)	Feinstein	Landrieu, Brownback, Voinovich, Cantwell, DeWine, Lautenberg, Feingold, Kennedy Leahy, Clinton Specter, Edwards Bingaman, Kerry Murray, Durbin Collins, Johnson Kohl, Sarbanes Schumer, Chafee Mikulski, Graham Breaux, Corzine Dodd, Levin	Introduced 5/22/2003 Committee on the Judiciary. Reported by Senator Hatch with an amendment in the nature of a substitute. Without written report. 6/03/2004 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.

		Hagel, Inouye Stevens, Jeffords McCain, Akaka Murkowski	10/11/2004
Unaccompanied Alien Child Protection Act of 2005 S.119 — 109th Congress (2005-2006)	Feinstein	Collins, Schumer Hagel, Durbin DeWine, Cantwell Inouye, Feingold Lugar, Bingaman Murkowski, Kennedy Brownback, Chafee Akaka, Specter Kohl, Leahy Murray, Lieberman Kerry, Jeffords Landrieu, Lautenberg Corzine	Introduced 1/24/2005 Committee on the Judiciary. Reported by Senator Specter with an amendment. Without written report. 4/14/2005 Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent. 12/22/2005
Unaccompanied Alien Child Protection Act of 2007 S.844 — 110th Congress (2007-2008)	Feinstein	Landrieu, Murray Brown, Bingaman Collins, Kohl Lieberman, Kerry Cantwell, Feingold Kennedy, Hagel	Introduced 3/12/2007 Read twice and referred to the Committee on the Judiciary

Attachment B: Flow of Unaccompanied Children at the Southwest Border



Creí que sería fácil
que mi hijo consiguiera
papeles en el norte...
No era cierto
Nuestros hijos
son el futuro:
¡Protejámoslos


Creí que sería fácil
que mi hijo consiguiera
papeles en la USA...
Me equivoqué.
Nuestros hijos
son el futuro:
Protejámoslos



Statement for the Record

Senate Homeland Security and Governmental Affairs Committee

"Challenges at the Border: Examining the Consequences, and Responses to the Rise in Apprehensions at the Southern Border"

July 9, 2014

The National Immigration Forum works to uphold America's tradition as a nation of immigrants. The Forum advocates for the value of immigrants and immigration to the nation, building support for public policies that reunite families, recognize the importance of immigration to our economy and our communities, protect refugees, encourage newcomers to become new Americans and promote equal protection under the law.

Introduction

The National Immigration Forum (the Forum) appreciates that the Committee is holding this hearing to discuss the recent increase in unaccompanied alien children (UAC) at the Southwest Border. Over the past three years the number of UAC arriving at the Southwest Border has reached beyond the capacity of the system crafted in the preceding decade to handle this inflow. The reports of the deplorable conditions in which the UAC have been held demand that our nation address the situation with compassion and commonsense solutions.

Furthermore, we remain particularly concerned about reports that criminal cartels are using UAC from Central America to augment their earnings. Increasingly, drug cartels are replacing coyotes in the human smuggling business and using migrants as bait to distract law enforcement from drug smuggling and other criminal activities. This puts those already vulnerable to exploitation and human trafficking at even greater risk. We must find a long term solution to the problem of UAC coming from Central America to ensure their safety and our country's safety.

The Forum believes a critical part of the solution to the current humanitarian issue is legislation to reform our broken immigration system, which includes border security, as well as an earned path to citizenship for those currently residing in the U.S. The current immigration system is supporting a lucrative business for cartels and other criminal organizations rather than protecting our communities. The lack of legal avenues for family members to be reunited with their loved ones in the U.S. is leading immigrants to the hands of criminal organizations.

Passing a clear immigration process would quickly dispel any misinformation about current or future immigration policy that might further encourage children to make the perilous trek to the U.S. The longer it takes to fix our broken immigration system, the more rumors and deception



drive desperate people into desperate situations. A functioning immigration system is a long term solution to this problem. It would lessen the number of UAC entering the U.S. and would allow the authorities to determine, in a timely way, which UAC are eligible to remain in the U.S. and which are not.

We look forward to working with the Committee to strike the right balance between addressing the current humanitarian need and border security. Our nation must not lose sight of our fundamental values and must first take care of the UAC arriving in the U.S., and ensure our commitment to due process protections is honored.

The influx of UAC has exacerbated structural and procedural problems within the immigration system

The majority of the UAC are from Central American countries such as El Salvador, Guatemala, Honduras and Mexico. According to reports,[1] the majority of the UAC are escaping extreme poverty and violence in their native countries or seeking to reunite with family members in the U.S. Honduras, El Salvador, and Guatemala are in the top five countries with the highest murder rates in the world.

Currently in Fiscal Year (FY)2014, there have been 52,193 UAC apprehensions along the Southwest border by Customs and Border Patrol (CBP);[2] this is almost twice as many UAC who arrived in all of FY2012. CBP projects these numbers will continue to increase for the rest of FY2014 to at least 66,000 UAC, and as many as 145,000 crossing the Southwest border in FY2015.[3]

The current influx of UAC is not due to a lack of enforcement at our border, but rather, it is because the antiquated immigration system is not set up to deal with the humanitarian crisis in Central American and the unexpected influx of women and children seeking refuge.

Following allegations of UAC mistreatment in detention centers in the 1990, advocates filed a series of lawsuits that eventually lead to the *Flores Settlement Agreement of 1997*[4] (Flores Agreement). The Flores Agreement established a nationwide policy for the detention, treatment, and release of UAC, which is still in force today. It required detention centers, among other things, to provide basic needs and adequate supervision to protect minors from others. Five years later, during the George W. Bush Administration, and after the passage of the Homeland Security Act

[1] Women's Refugee Commission. "Forced from Home: the Lost Boys and Girls of Central America" Oct. 2012; and UNHCR "Children on the Run – Unaccompanied children leaving Central America and Mexico and the Need for International Protection."
[2] FY2014 (Oct. 1, 2013 – June 15, 2014): U.S. Department of Homeland Security, U.S. Border Patrol, Juvenile and Adult apprehensions. http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children.
[3] DHS Appropriations Bill, 2015; for fiscal year ending in Sep 30, 2015. (pg.10)
http://www.gpo.gov/fdsys/pkg/CRPT-113hrpt481/pdf/CRPT-113hrpt481.pdf
[4] Stipulated Settlement Agreement, Exhibit 2, *Flores v. Reno*, Case No. CV85-4544-RJK (C.D. Cal. 1996).



of 2002,[5] the responsibility for apprehension, transfer and care of UAC was divided between the Department of Homeland Security (DHS), Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR), while prosecution and adjudication was left to the Department of Justice's (DOJ) Executive Office of Immigration Review (EOIR).

Thus, an unaccompanied child apprehended by CBP officers or by Immigration Custom Enforcement (ICE), must first be screened by CBP officers,[6] who will then determine if the child meets the definition of UAC[7] and if there are any asylum claims or if the child is a victim of trafficking. A UAC from a non-contiguous[8] country must be transferred[9] from CBP custody to HHS-ORR custody within 72 hours.[10] Once in ORR custody, officers must arrange for the care of UAC, coordinate to house the UAC with relatives in the U.S., in foster care, or in one of its shelters, or coordinate repatriation.[11] The final decision on the UAC eligibility to stay in the U.S. rests with EOIR which is responsible for adjudicating each case. Of these departments, EOIR in particular has been underfunded for many years, which has resulted in an overall backlog of 366,000 immigration cases.

It is important to note that all of the UAC apprehended are given a 'Notice to Appear' (NTA) which initiates removal proceedings, regardless of whether they remain in ORR's custody or are united with their family members in the U.S. An NTA is not a free pass into the U.S. nor does it confer any status to the UAC. Moreover, UAC are not eligible for the Deferred Action for Childhood Arrivals program (DACA). That program requires an individual to have continually resided in the U.S. since June 15, 2007. They also are not eligible for any of the current immigration reform proposals being debated in Congress.

The current system for processing UAC is designed to protect the due process rights and safety of children, leading to a complex regulatory patchwork that can be difficult to navigate. Under this process, simply filing and transferring paperwork between four agencies and three major departments can consume significant time and resources.

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[5] HSA: P.L. 107-296.

[6] The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) (8 U.S. Code § 1232). TVPRA requires CBP to screen, within 48 hours, UAC from contiguous countries (i.e. Mexico or Canada), for trafficking victims or possible asylum/credible fear to return home and if the UAC is able to make an independent decision to voluntary return to their home country. For children of non-contiguous countries (i.e. other than Mexico or Canada), TVPRA requires CBP officers to turn custody of UAC to ICE for transport to HHS-ORR within 72 hours.

[7] Under, Homeland Security Act of 2002 (6 USC § 279), UAC are defined as unaccompanied alien children under the age of 18 who come to the U.S. without authorization or overstay their visa, and are here without a parent or legal guardian.

[8] These are countries other than Mexico or Canada.

[9] All UAC transportations between agencies and locations are performed by ICE.

[10] These are the time requirements established by TVPRA. See note 6 above.

[11] CRS Report: June 23, 2014 (Pg. 8-9) http://fas.org/sgp/crs/homesec/R43599.pdf.



Moreover, the unanticipated increase in arrivals has further strained the capacity of the federal government to process, transport, and shelter, feed and care for UAC who have crossed into the U.S. As of FY2012,[12] ORR has a permanent shelter capacity of only 3,322, with an additional 715 temporary beds.[13] In FY2012,[14] ORR's limited shelter capacity was pushed to the limit to house the 7,120 referred to it by DHS.[15] With the number of UAC arriving at the U.S. border increasing from 16,067[16] to 24,403,[17] between FY2011 and FY2012, and the number of referrals to ORR nearly doubling to 14,721 in FY2012,[18] ORR is facing an unprecedented space crunch that makes it difficult for it to keep up with the flow.

This year, the rapid growth in the number of UAC has continued, with 52,193 UAC crossing into the U.S. in the first 8 months of FY2014.[19] CBP projects there will be at least 66,000 UAC apprehended at the border for the full 12-month reporting period of FY2014.[20] ORR projects that DHS will refer to its custody as many as 60,000 UAC in FY2014,[21] with the average UAC currently spending approximately 35 days in ORR custody.[22] Additionally, with more than half of these children, 37,621 UAC, entering through the Rio Grande Sector (representing a 178 percent increase from FY2013),[23] ORR's total shelter capacity in Texas of 1779 beds[24] is wholly inadequate. To respond to this urgent capacity shortage, DHS and ORR have opened several additional temporary facilities in Texas, California, New Mexico and Oklahoma in addition to transferring some of the UAC to other state's facilities.

In addition to the influx of UAC, there is also a marked increase in border apprehensions of families from non-contiguous countries entering the U.S. without documents in the same

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[12] Office of Refugee Resettlement: Report to Congress FY2012. (pg. 73-74)
https://www.acf.hhs.gov/sites/default/files/orr/fy_2012_orr_report_to_congress_final_041014.pdf.
[13] Id. See footnote 7 (ORR-FY2012 Report to Congress).
[14] FY2012 (Oct.1st through Sep.30).
[15] Id.
[16] CBP Juvenile and Adult Apprehensions/Seizure Statistics – FY2011. (pg.2)
pghttp://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202011%20Sector%20Profile.pdf.
[17] CBP Juvenile and Adult Apprehensions/Seizure Statistics – FY2012. (pg.2)
http://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202012%20Sector%20Profile.pdf.
[18] Office of Refugee Resettlement: Report to Congress FY2012. (pg.71)
https://www.acf.hhs.gov/sites/default/files/orr/fy_2012_orr_report_to_congress_final_041014.pdf.
[19] FY2014 (Oct. 1, 2013 – June 15, 2014): U.S. Department of Homeland Security, U.S. Border Patrol, Juvenile and Adult apprehensions. http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children.
[20] See footnote 3.
[21] ORR Fact Sheet on unaccompanied Children's services. Updated May 2014. (pg.1)
https://www.acf.hhs.gov/sites/default/files/orr/unaccompanied_childrens_services_fact_sheet.pdf.
[22] CRS Report: Unaccompanied Alien Children: An overview, June 2013. (pg.9)
http://fas.org/sgp/crs/homesec/R43599.pdf .
[23] Id.
[24] See. Table I-29 and note 7. (1779 beds includes temporary and permanent).



geographic area.[25] With limited family detention capacity and resources spread thin from the rise in UAC, the system is even further strained.

Recommendations

The National Immigration Forum recommends the following:

Fix our broken immigration system. A functioning immigration system would allow women and UAC to go through a process, not a river, to reunite with loved ones. And, more importantly, would allow the authorities to determine which of these UAC are eligible to reunite with family and remain in the U.S. and, which are not, in a timely way. A clear immigration system and process would quickly dispel any misinformation about current or future immigration policy that may drive these UAC to come to the U.S.

Ensure that UAC are not ending up in the wrong hands and avoid trafficking. These UAC are especially vulnerable to falling victims of trafficking as they enter the U.S. HHS must conduct proper background verifications of all adults in contact with UAC. Similar precautions should be taken with UAC who are deported by partnering with the native country to ensure UAC are being repatriated back to a safe environment.

We must uphold the due process protections of Trafficking Victims Protection Reauthorization Act of 2008. We must remain strong in our commitment to due process and helping those with legitimate asylum claims. These protections were crafted with great consideration of the unique circumstances facing UAC. They include proper screening for trafficking and persecution, as well as the opportunity for the UAC to receive fair and full consideration of their legal claims before an immigration judge.

UAC should be guaranteed legal counsel in removal proceedings and subsequent appeals. Under the current regulations, UAC are allowed to have council but are not entitled to counsel at the government expense. We urge the Senate to pass legislation to provide legal representation to unaccompanied minors and mentally disabled individuals during immigration proceedings. In addition to providing more funding for attorneys and judges, the DOJ could partner with service organizations, law firms, and other organizations to provide pro-bono legal services to UAC.

Incorporate the 'best interest of the child' standard in considering each case. Currently our legal system encourages this standard but does not mandate it, leading to undesirable consequences. We encourage Congress and the Obama Administration to not only codify the standard but also to consider appointing a guardian *ad litem* to ensure the standard is employed in each case. Funds should be provided so that personnel trained in child-sensitive

[25] See. Footnote 2.



interview techniques are deployed to work with the unaccompanied children and make determinations that are in the best interest of the child.

Support increased funding for the care of UAC. HHS needs adequate resources to provide for the care, placement and repatriation of UAC. It's evident that HHS-ORR is facing a resource crunch this year (FY2014) and with no signs of slowing down for the upcoming year (FY2015). We must honor our international commitments, values and long tradition of protecting vulnerable populations, such as children. More funding, would allow HHS to carry out its mission to provide humane care for UAC while also maintaining critical services for refugees.

Increase funding for the Executive Office of Immigration Review (EOIR). EOIR includes funding for our nation's immigration courts and judges. For years, funding for EOIR has failed to keep pace with increases in immigration enforcement. This has created a backlog of 366,000 cases and an average wait time of more than 570 days. The recent influx of UAC only further underscores the need to adequately fund our immigration courts.

Seek public and private partnerships to provide alternatives to detentions. We encourage the Administration and Congress to seek partnerships with non-governmental agencies and organizations to provide temporary holding facilities and alternatives to detention. Dedicating more resources to building new facilities and hiring new personnel would be inefficient and unworkable.

Conclusion

The situation faced by UAC is a challenging and heart-breaking example of our broken immigration system. Congress should take the lead in providing the affected agencies with needed funding and resources to address this humanitarian crisis. However, in addressing these challenges, officials should not make the mistake of taking rash steps that threaten UAC and families. Promoting faster deportations above all other considerations, including rolling back crucial due process protections that protect at-risk refugees and asylees, is not the solution. A functioning immigration system is the best long term solution to this problem. It would lessen the number of UAC entering the U.S. and would allow the authorities to determine, in a timely way, which of them are eligible to remain in the U.S. and which are not. In addition, immigration reform would provide protections to this particularly vulnerable population from organized crime and trafficking as well as allow law enforcement and border officials to focus on the true criminal and terrorist threats rather than expending excessive resources on UAC fleeing violence.

Post-Hearing Questions for the Record
Submitted to the Hon. W. Craig Fugate, Hon. R. Gil Kerlikowske, and Thomas S. Winkowski
From Senator Mark Pryor

"Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border"
July 9, 2014

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 Homeland Security's (DHS) funding request?

How is the Administration going to ensure that the Office of Management and Budget can be agile in their requests and give Congress time to ensure oversight for crisis's build over time like this one?

Response: The President's fiscal year (FY) 2015 Budget was transmitted to Congress in March 2014. Officials from DHS and HHS coordinated regularly on the issue of unaccompanied children. Both DHS and HHS were aware of the rising trend in apprehensions of unaccompanied children and the FY 2015 Budget was based upon the data on apprehensions of unaccompanied children that was available at that time. In FY 2013, CBP apprehended more than 24,000 unaccompanied children at the border. In just the first nine months of FY 2014, that number doubled to more than 57,000. The speed at which the number of apprehensions increased was not anticipated at the time that the FY 2015 Budget was developed, which was developed using the best data available at the time.

With such a 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 appropriation. 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 and OMB have 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 and OMB are committed to continuing to work closely with Congress on the issue in order to ensure that there is sufficient time for the necessary mechanisms to be in place to ensure that the budget plan is successfully implemented.

Question#:	35
Topic:	meeting international standards
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Mark L. Pryor
Committee:	HOMELAND SECURITY (SENATE)

Question: In order to ensure that the U.S. government is meeting international standards with respect to the treatment and care of children arriving at the border, it is critical for non-governmental organizations (NGOs) with expertise in child protection issues to have access to border detention sites where the children are being taken into custody. Does Customs and Border Protection plan to give NGOs access to the detention sites?

If so, how soon will this happen?

If access will not be given to NGOs, what is the reason for blocking access to these sites?

Response: Maintaining a safe and secure environment within U.S. Customs and Border Protection (CBP) facilities is of paramount concern and special consideration applies to unaccompanied children who may have suffered trauma during their journey to the United States. During the recent influx of UAC and families to the South Texas area, CBP established an interim protocol for visitors to include non-governmental organizations (NGOs). The protocol facilitated hundreds of visitors to CBP facilities while minimizing disruption of ongoing operations.

We are committed to promoting transparency and continue to accommodate NGO requests to visits facilities on a case by case basis.

Post-Hearing Questions for the Record
Submitted to the Hon. W. Craig Fugate, Hon. R. Gil Kerlikowske, and Thomas S. Winkowski
From Senator Tom A. Coburn

"Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border"
July 9, 2014

Question: When did you first become aware of the problem of thousands of unaccompanied alien children arriving and being apprehended at the border?

Response: Upon taking office, Secretary Johnson was briefed regarding the increasing apprehensions of unaccompanied children. The Secretary continued to receive recurring briefings on this issue. The daily numbers significantly increased in late April. In early May, Secretary Johnson travelled to South Texas to view the situation first hand. On May 12th, the Secretary declared a Level IV condition of readiness within DHS, which is a determination that the capacity of U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) to deal with the situation is full, and we need to draw upon additional resources across all of DHS. Secretary Johnson appointed CBP's Border Patrol Deputy Chief Ronald Vitiello to coordinate this effort within DHS.

On June 2nd, President Obama, consistent with the Homeland Security Act, directed Secretary Johnson to establish a Unified Coordination Group to bring to bear the assets of the entire Federal Government on the situation. This group includes DHS and all its components, the Departments of Health and Human Services (HHS), Defense (DoD), Justice, and State, and the General Services Administration. The Secretary, in turn, designated FEMA Administrator Craig Fugate to serve as the Federal Coordinating Official for the U.S. Government-wide response.

Question#:	2
Topic:	FEMA's role
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: When were you first notified that FEMA would play a role in addressing the UAC crisis?

Response: On June 2, President Obama, consistent with the Homeland Security Act of 2002, directed Secretary Johnson to establish a Unified Coordination Group to bring to bear the assets of the entire federal government on the situation. Secretary Johnson designated FEMA Administrator Craig Fugate to serve as the Federal Coordinating Official for the U.S. Government-wide response.

Question#:	3
Topic:	assisting agencies
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: When did FEMA first develop a plan for coordinating a response or assisting agencies regarding the increase in UAC apprehensions?

Response: Secretary Johnson elevated the Department's response on May 12 based upon the number of children in DHS custody at CBP locations. At that time, FEMA offered initial support which was mainly technical advisory assistance and helped to identify resources within the faith-based community to better meet for unaccompanied children's immediate needs.

In late May, FEMA participated in a Deputies Meeting at the White House with the National Security Council in which FEMA was asked what additional assistance could be provided. Based upon authorities granted by the Homeland Security Act of 2002 and Homeland Security Presidential Directive 5, FEMA assessed what additional resources or assistance could be mobilized to better respond to this crisis.

Upon the designation of FEMA Administrator Craig Fugate as Federal Coordinating Official, FEMA mobilized the Unified Coordination Group (UCG) to maximize full Federal support for CBP, ICE and the U.S. Department of Health and Human Services, the three lead agencies charged with processing and care of apprehended unaccompanied children. FEMA helped coordinate crisis action support to improve the identification of programmatic needs, capability requirements, and potential courses of action.

FEMA published its first interagency Incident Support Plan, which outlined initial strategic and operational goals and objectives encompassing all the responding agencies, on June 4. FEMA continues to build and implement strategic, tactical and operational interagency planning products as the lead coordination entity for daily UCG efforts.

Question#:	4
Topic:	types of assistance
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: What are the costs and types of assistance these unaccompanied alien children are receiving from the federal government?

Response: The Department of Homeland Security's (DHS) role for unaccompanied children (UC) is limited to the initial immigration processing and custody pending transfer to the Department of Health and Human Services (HHS). For specifics relating to long term care, DHS defers to HHS.

Question#:	8
Topic:	Role of Babysitter
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Problems Created by Diverting Border Patrol Agents from Their Regular Responsibilities to the Role of Babysitter: How has the increasing number of apprehensions of UACs and the work that is involved with processing and transferring the children affected CBP's allocation of resources?

Response: The increase in apprehensions has resulted in a reallocation of field resources to processing, screening, and removal duties increasing the burden on the agency's resources.

Question: Have agents been diverted from their regular responsibilities? If so, how many agents?

Response: Some agents have been diverted from their regular responsibilities. However, the Border Patrol maintains a mobile and dynamic workforce and has the resources and capability to assign agents to address all threats.

Question: Please detail from what positions/locations they have been moved.

Response: Field operations from throughout the Nation have been temporarily detailed to Rio Grande Valley Sector. Additionally, agent resources from El Paso, El Centro, and San Diego are virtually assisting with general processing requirements. The lists below summarize the number of agents who have been detailed from around the country to augment line operations, detention and processing requirements, marine and land operations, and McAllen Centralized Processing Center duties as of July 18, 2014.

Detailed Agents Assigned to Line Operations

- 115 Agents
  - 43 El Paso
  - 21 San Diego
  - 9 El Centro
  - 34 Tucson
  - 8 Yuma

Detailed Agents Assigned to Detention and Processing

- 130 Agents

Question#:	8
Topic:	Role of Babysitter
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

- 14 El Paso
- 10 Big Bend
- 7 Blaine
- 6 Spokane
- 4 Havre
- 4 Grand Forks
- 7 Detroit
- 6 Buffalo
- 5 Houlton
- 6 Swanton
- 3 Miami
- 2 Ramey
- 14 San Diego
- 14 El Centro
- 15 Tucson
- 13 Yuma

Detailed Agents Assigned to Marine and Land Operations

- 20 Agents
  - 4 Del Rio
  - 6 Laredo
  - 10 Special Operations Group

McAllen Centralized Processing Center (CPC)

- 226 Agents
  - 166 agents from Rio Grande Valley Sector's eastern corridor
  - 60 Laredo agents that reside locally in the Rio Grande Valley

- 27 CPC UAC Facilities
  - 13 El Paso Sector
  - 14 San Diego Sector

Question: How is the increasing number of UACs affecting border security? Please describe in detail.

Response: The increase in UC apprehensions has not diminished the government's ability to secure the border due to the fact that the Border Patrol maintains a mobile and dynamic workforce and has the resources and capability to assign agents to address all threats.

Question#:	8
Topic:	Role of Babysitter
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Are you concerned that the Drug Trafficking Organizations and other adversaries may be taking advantage of the crisis?

Response: The U.S. Border Patrol has no indication that drug interdiction operations have been negatively impacted by our efforts to process the influx of UC and adults from countries of origin other than Mexico. The U.S. Border Patrol's Rio Grande Valley Sector has expanded enforcement actions against identified South Texas Campaign targets and illicit networks with detailed personnel and resources.

Question#:	9
Topic:	Supplemental Appropriations Request
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Supplemental Appropriations Request: I am disappointed to see that the supplemental appropriations request to deal with the surge in UACs crossing the border was neither offset nor did it include any request for additional authority CBP might find helpful to deal with the processing of other-than-Mexican (OTM) UACs. It is my understanding the White House originally indicated last week it would seek additional authority for DHS to quickly return these minors to their home country, but changed its mind.

In order to effectively manage the flood of UACs and properly re-align CBP resources to their regular mission, do you believe CBP needs additional authority from Congress for expedited processing of OTM UACs? Why or why not?

Response: No. U.S. Customs and Border Protection does not need additional authority for processing of UACs. However, additional resources may be needed in times of an influx to expedite UAC processing and turn the children over to the appropriate agency for repatriation.

Question: Why did the Administration fail to include a request for these legislative changes?

Response: As the Secretary has stated on several occasions, our message to those who try to illegally cross our borders is clear: you will be sent back home. We have added significant resources to accelerate the removal process and to insure that UCs in the custody of the United States Government are being cared for in a manner that is consistent with our values as a nation and in conformance with U.S. law. Every child must 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 is not likely to be eligible – he or she will be sent back and the Administration recently sought the additional resources (Supplemental) to do that quickly. The Department stands ready to work with Congress to discuss any concerns with respect to current law.

Question: Is there something in the way we process Mexican minors such that it would not be transferable to OTM UACs? Why or why not?

Question#:	9
Topic:	Supplemental Appropriations Request
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Response: The *Trafficking Victims Protection Reauthorization Act* (TVPRA) requires that unaccompanied children from contiguous countries be screened for trafficking indicators by CBP. If no indicators exist and the child meets several other conditions, he or she may be permitted to voluntarily withdraw his or her application for admission to the United States and be repatriated immediately by CBP. Where the Department of Homeland Security (DHS) seeks to remove an unaccompanied child from the United States, including unaccompanied children from contiguous countries who do not withdraw their application for admission and all unaccompanied children from countries other than Mexico or Canada, DHS must do so by means of removal proceedings under section 240 of the *Immigration and Nationality Act*. In such cases, the child must be transferred to U.S. Health and Human Services (HHS) Office of Refugee Resettlement (ORR), which is responsible for the child's care and custody.

Question: Under the current policy, what benefits, if any, are OTM UACs receiving that Mexican UACs are not?

Response: U.S. Customs and Border Protection defers to the U.S. Department of Health and Human Services on this question.

Question: To date, what is the total cost to the federal government of dealing with the influx of UAC?

Response: As of the end of July, U.S. Customs and Border Protection (CBP) has incurred non-pay costs of approximately $47 million since it began tracking costs specific to unaccompanied children (UC) processing, detention, and transportation requirements beginning in mid-May. Costs associated with UC activity prior to mid-May are not included in this $47 million. CBP's processes for identifying personnel costs do not isolate UC-related activity and thus are not included either. It is important to note that in addition to the currently identified activity, CBP has incurred and continues to incur costs associated with UC processing, detention, and transportation that are non-severable in obligation or expenditures from other core operational functions and would not be represented in the value as reported.

Question: In a July 10th Senate Appropriations Committee hearing to review the President's supplemental appropriations request to address the UC issue, Secretary Johnson stated CBP and ICE would run out of money this fall. Please provide data broken out by specific budget account for all of CBP and ICE that indicates, the budget account name, description, FY 2014 appropriated amount, FY 2014 obligations to-date,

Question#:	9
Topic:	Supplemental Appropriations Request
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

and the current amount of unobligated funding from all prior fiscal years.

Response: Please see the attached June Monthly Execution Report. The July Monthly Execution Report will be available around mid-August.



FY14 Monthly Budget
Execution and Staffin

Question#:	10
Topic:	Reports and Summaries
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Questions Based on Press Reports and Summaries of the Internal CBP Memo: Based on the excerpts from the May 30th internal CBP memo written from the Deputy Chief of CBP to the National Security Council, which was circulated in the press, it appears your Deputy Chief has several concerns with the current UAC border crossings. For example, he wrote "currently only three percent of apprehensions from countries other than Mexico are being repatriated to their countries of citizenship, which are predominantly located in Central America." However, at the end of June, Vice President Biden told officials in Guatemala that we would "send the vast majority of [the children] back." There is a big difference between deporting 3 percent of children and the "vast majority."

In the past three years, how many UACs from El Salvador, Honduras and Guatemala have been deported to their home countries? Please provide the number of UACs broken down by country of origin.

Response: A breakdown of unaccompanied children removals for the past three years by country of citizenship (for El Salvador, Honduras, and Guatemala) is provided below. These data are current as of July 12, 2014:

FY12 - FY14 YTD Unaccompanied Children Removals by Country of Citizenship

Country	FY14 YTD (as of 7/12/2014)	FY13	FY12
EL SALVADOR	142	159	136
GUATEMALA	544	661	626
HONDURAS	384	462	430
Total	**1,070**	**1,282**	**1,192**

Removal Data Notes:

Detainees were identified as unaccompanied children in FY12-FY14 and were later removed.

Removal counts are based on designation of unaccompanied children at time of initial book-in and may not be under the age of 18 at the time of removal.

Question: In this year (FY 2014) alone, how many UAC, both Mexican and Other-Than-Mexican (OTM) have actually been returned to their home countries?

Response: In FY14 (as of 7/12/2014), 1,425 unaccompanied children were removed.

Question#:	10
Topic:	Reports and Summaries
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
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Committee:	HOMELAND SECURITY (SENATE)

(Note: detainees were identified as unaccompanied children in FY 2012 – FY 2014 and were later removed. Removal counts are based on designation of unaccompanied children at time of initial book-in and may not be under the age of 18 at the time of removal.)

Question: The summary of Mr. Vitiello's memo notes the large quantity of DHS resources dedicated to the UC issue "is compromising DHS capabilities to address other transborder criminal areas such as human smuggling and trafficking and illicit drug... operations, which will have immediate and potentially long lasting impacts on criminal enterprise operations within the Rio Grande Valley and across the country." Do you agree with Mr. Vitiello's assessment that DHS resources for the UC population are being diverted away from other critical DHS mission areas with negative consequences? Why or why not?

Response: The Border Patrol maintains a mobile and dynamic workforce and has the resources and capability to assign agents to address all threats and requirements.

Question: The summary of Mr. Vitiello's memo also highlights the urgency of CBP "to alleviate dangerous overcrowding in [its] detention facilities [results] in the necessary delivery of suboptimal consequences for illegal entry. He notes, "If the U.S. government fails to deliver adequate consequences to deter aliens from attempting to illegally enter the U.S., the result will be an even greater increase in the rate of recidivism and first time illicit entries. Releasing other than Mexican family units, credible fear claims and low-threat aliens on their own recognizance, along with facilitating family reunification of UC in lieu of repatriation to their country of citizenship, serve as incentives for additional individuals to follow the same path. To stem the flow, adequate consequences must be delivered for illegal entry into the U.S. and for facilitating human smuggling...These consequences must be delivered both at the border and within the interior U.S...."

Do you agree with his assessment that lack of adequate consequences for illegal entry will only further the upward trend of illegal UAC entries?

Response: Several factors contributed to the recent influx of UCs and therefore may also impact future trends at some level. U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement have determined that these factors include better economic, educational, and employment opportunities in the United States; reunification with family members in the United States; misperceptions of U.S. immigration policies; and a misperception that they will be able to remain in the United States; unscrupulous human smuggling organizations seeking to profit from smuggling often mislead

Question#:	10
Topic:	Reports and Summaries
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

vulnerable individuals with these false promises. We have also determined that violence and poor economies in home countries are contributing factors. For a more detailed analysis related to push/pull factors, DHS defers to the Department of State.

Question: Do you believe there should be stricter consequences at our border to stem the flow? If so, what do you recommend?

Response: The existing consequences do not require any further severity. The systems are in place to adequately adjudicate immigration violators. The success level relies on our ability to impose existing consequences in an effective and a meaningful manner so as to have a high likelihood of serving as a successful deterrent.

Question#:	11
Topic:	UC Surge
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Plan for Addressing the UAC Surge: A June 10th Homeland Security Intelligence Report (HSIR) stated the percentage of other than Mexican (OTM) apprehensions in the Rio Grande Valley Sector (RGV) is 81% of all Sector undocumented alien apprehensions. This was an increase from the 65% OTM apprehension ratio reported last year. The document goes on to note "naturally, this is a known concern as OTMs have accounted for over 50% of all sector UDA apprehensions since the month of May 2012." Furthermore, Customs and Border Protection (CBP) and DHS Intelligence & Analysis (I&A) began reporting a growing surge in unaccompanied alien children attempting to illegally enter the US through its southern border beginning in 2011, yet in analyzing US Border Patrols Corridor and Campaign plans for FY 2014 there is not a single mention of this issue.

This data suggests the Administration either expressly knew about the upward trend of OTM UACs crossing the border at least 2 years ago and failed to prepare for and mitigate the situation, or it has been misleading Congress and the American public by saying it did not know of the trend until recently. Which is it? Please clarify at what point anyone in the Administration became aware of these trends, and when CBP made plans to address it.

Response: U.S. Customs and Border Protection (CBP) continuously monitors and has taken internal measures to prepare for the increase in unaccompanied children (UC) apprehensions as was projected by the Department of Homeland Security (DHS) Office of Immigration Statistics in 2012. Before the Spring 2012 surge of UC apprehensions, CBP was working closely with the DHS UC Working Group to improve the conditions for UC who are in CBP custody. During the Spring 2012 surge, the DHS Office of Immigration Statistics joined the working group and has provided statistical and analytical projections since that time.

CBP is the frontline agency responsible for interdicting illegal entrants, processing them, and either returning subjects from a contiguous country if they are eligible and it is appropriate or transferring them to another agency upon completion of processing, (e.g. U.S. Immigration and Customs Enforcement (ICE) for single adults and families; U.S. Department of Health and Human Services (HHS) for UC; and U.S. Department of Justice for criminal aliens). In preparation for the increase, CBP has worked closely with partner agencies to improve coordination and custodial transfer efforts and has taken measures to increase its processing capability by increasing processing space,

Question#:	11
Topic:	UC Surge
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

implementing virtual processing, and relocating unprocessed aliens to less busy stations along the border for processing and disposition.

Question: Why did DHS and CBP take so long to both recognize the growing problem and to react to this problem?

Response: CBP recognized the increase in UC apprehensions was going to prove problematic when HHS had reached capacity and was incapable of receiving UC from CBP custody within the required 72 hours. Immediate steps were taken with interagency partners to address the volume of UC in custody.

Question: Is there a current plan? Please make that plan available to the Committee.

Response: DHS is currently developing a Concept of Operations for UAC and Family Units. The Unified Coordination Group (UCG) is currently developing a plan to address future surges of UC.

Question: CBP and DHS I&A reported DHS I&A has told us that none of the factors related to this growing wave of unaccompanied minors has changed and they do not know why this surge is happening now, even though the surge clearly began in 2011. What has CBPs Intel shop and DHS I&A done to work with the rest of the Intelligence community, if anything, to determine what has caused the influx and identify potential counter actions?

Response: CBP worked with multiple agencies to include DHS Office of Intelligence and Analysis, ICE's Homeland Security Investigations, U.S. Citizenship and Immigration Services, U.S. Coast Guard, and the Federal Emergency Management Agency on a joint seal comprehensive law enforcement and intelligence assessment regarding the UC issue. The assessment identified many factors contributing to the main causes of the UC surge and identified potential counter actions. CBP continues to work with the national intelligence community to provide relevant and unique reporting to better inform the community on the UC issue.

Question#:	12
Topic:	illegal migration
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Future Illegal UAC Immigration: Has CBP anticipated or planned for a shift to the west of this mass illegal migration once enforcement is stepped up in Rio Grande Valley (RGV) Sector? Why or why not?

Response: U.S. Customs and Border Protection does not anticipate any shift of migration patterns to the west based on current intelligence community assessments. If that scenario occurs, however, CBP has the ability and would be prepared to effectively shift and reallocate resources to meet an increase in attempted illegal entry anywhere on the border.

Question#:	13
Topic:	Violence
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Violence: In early June, the Guatemalan Ambassador to the U.S. cited three factors that draw Guatemalan children northward: a desire to be with parents; lack of opportunities at home; and aggressive recruitment of smugglers who guarantee parents they will receive their children. Missing from that list is violence and gang activity. Yet, for example, the Secretary of DHS testified in a June 11th Senate Judiciary Committee hearing that the Administration believes violence is the primary motivation for children to leave Guatemala, El Salvador and Honduras. Now, however, in a June 23rd open letter from the Secretary to parents in Central America, the focus is not on violence as the primary cause, but on how our current immigration policies have created a perception that any child who crosses the border can stay.

What is the primary cause of the increased illegal UAC immigration?

Response: There is not a primary or single cause or factor that is driving the increase in unaccompanied children (UC) migration; rather there are several factors that are contributing to this increase. U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement have determined that these factors include better economic, educational, and employment opportunities in the United States; reunification with family members in the United States; misperceptions of U.S. immigration policies; and a misperception that they will be able to remain in the United States.

Question: Can you provide data that shows a proven correlation between the trends in UACs coming from Central America to the U.S. and violence in their home countries?

Response: CBP does not have any data that allows CBP to make a clear correlation between the trends in UCs coming from Central America to the United States and violence in their home countries. CBP has determined that violence is one of many contributing factors associated with the movement of UC.

Question: Are children leaving known violent areas of these countries or just rural, poor areas?

Response: In general, we do not believe that there is any one reason for the recent increases in migrations by unaccompanied children, particularly for those who originate from nations that do not directly border the United States. This migration pattern seems driven by a host of factors including poor economic conditions, a lack of opportunity, and

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Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
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violence in the home countries of such migrants. U.S. Immigration and Customs Enforcement believes that two main drivers are currently responsible for the recent increase in migration rates of unaccompanied children. The first is an earlier increase in adult migration rates that occurred during the previous decade (especially since Fiscal Year 2005); current unaccompanied children are now seeking to be reunited with those adults. The second is a misbelief among these migrants that such reunited minors will be allowed long-term residency within the United States.

It is difficult to provide a direct correlation between the increase in unaccompanied children migrations and violence occurring in their home countries. The violence in Central America predates the current surge in migration rates of unaccompanied children, but the President has stated that we will address the underlying security and economic issues that cause migration and, in coordination with El Salvador, Guatemala, and Honduras, we are investing in community policing and law enforcement efforts to combat gang violence and strengthen citizen security in some of the most violent communities in these countries.

In terms of rural versus urban, there is also no discernable pattern as to where unaccompanied children encountered at the southwest border originated. Traditionally, both rural and urban areas in these countries are known for their levels of violence and poverty. However, children are not routinely interviewed on this topic during CBP processing and therefore, little is known of their actual places of residence. Adults provide residence location data during initial processing but that information is generally self-reported with little to no documentation to support their claims, and therefore is commonly deemed less reliable.

Question#:	14
Topic:	Criminal Aliens and Gang Members
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Criminal Aliens and Gang Members: How many young men being allowed to enter the United States illegally already have gang ties in their home countries? Please provide the number for FY 2014 broken down by country of origin.

Response: For clarification, DHS is required to transfer custody of UC who are not otherwise eligible for a limited withdrawal of application to the Department of Health and Human Services. Below is data of UC apprehensions with gang affiliation by citizenship.

U.S. Border Patrol Nationwide Male Unaccompanied Children (UC) Apprehensions with a Gang Affiliation by Citizenship
Fiscal Year 2014 (to date) through June
Data includes Deportable Aliens Only
Data Source: EID (Unofficial) as of 6/30/14

Citizenship	Southwest Border	Northern Border	Coastal Border	Nationwide
El Salvador	15	0	0	15
Guatemala	3	0	0	3
Honduras	2	0	0	2
Mexico	7	0	0	7

Question: Does CBP check the criminal records of UACs, both in their home country and in the U.S.? If not, why not?

Response: If a UC is 14 years of age or older U.S. criminal records are checked. We currently do not have a method to check foreign criminal databases of UCs.

Question: Does CBP utilize criminal record information on juveniles during its processing procedures? Why or why not?

Response: Yes, criminal and immigration histories are utilized for immigration processing.

Question: Does CBP document possible or suspected gang affiliations of juveniles taken into custody?

Question#:	14
Topic:	Criminal Aliens and Gang Members
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
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Response: Yes. DHS also notifies HHS of all known or suspected gang affiliations prior to transferring custody.

Question: Based on what we know, can you estimate or project what percentage of these unaccompanied alien children will join gangs and engage in other criminal activities in the U.S. within the next decade?

Response: DHS is unable to estimate or project future gang affiliation or criminal activity.

Question#:	15
Topic:	Demographics of UCs
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Demographics of UACs: The Administration reports, in FY 2014, there has been an increase in the number of UAC who are girls and those who are under the age of 13. According to CRS, in a June 3rd press release following an Administration press call, the Administration claims the demographic change of the UAC population has influenced the response to the increase in UAC crossing the border. However, CRS was unable to find data to illustrate this change, so it noted "it is unclear whether the increase in girls and in children under 13…is simply because the number of all UAC has increased, or if the number of girls and children under 13 has increased as a proportion of all UAC."

However, according to a June 25th demographics report from the Nogales Processing Center, out of the total number of children in their custody at that time (903), the overwhelming majority were older than age 12 (887) and male (557).

Furthermore, yesterday, a leaked ICE report dated June 3rd indicates males between the ages of 15 and 17 comprise 47 percent of all other than Mexican UAC, and nearly 30 percent are ages 10-14.

Why would the Administration claim the demographic of these children is increasingly young and female and base their response to the situation on that data when, in fact, the demographic appears to be quite the opposite?

Response: With regard to the demographics of unaccompanied children (UC) in the Nogales Processing Center (NPC), the majority of UC in this facility were relocated to the NPC from the Rio Grande Valley. CBP focused on transferring those UC from the Rio Grande Valley to the NPC who would likely meet the specific eligibility requirements for placement in a U.S. Department of Health and Human Services (HHS) emergency shelter located on a U.S. Department of Defense (DoD) facility. Those requirements resulted in an older age (12-17) primarily male population. HHS had medical staff on site at the NPC to provide medical screenings and vaccinations which was also a requirement of the DoD prior to housing a UC in a DoD installation. Please see Attachment entitled "USBP Nationwide" in response to question 15 for a full breakdown of apprehensions by age and sex.

Question: In the hearing, I asked for you to provide the committee with statistics that show how much of this UC population is actually female and under the age of 13. Please provide those statistics for the past three years, broken down by country of origin.

Question#:	15
Topic:	Demographics of UCs
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
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Response:
The response to this question has been classified as For Official Use Only/Law Enforcement Sensitive (FOUO/LES) and is on file in the committee offices.

Question#:	16
Topic:	Crossing the Border
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Family Units and Adults Crossing the Border: It has been reported there are also large numbers of mothers with children who are crossing the border, not merely unaccompanied alien children.

What happens to mothers with small children, who have left their husbands behind, who do not speak English and who have no way to legally make a living once in the United States?

Response: In light of the recent influx of adults with children being encountered by U.S. Customs and Border Protection along the southwest border, U.S. Immigration and Customs Enforcement (ICE) has recently increased its capacity to detain and expedite the removal of family units in a humane manner that complies with federal law. While ICE has enhanced its capacity, it continues to make custody determinations on a case-by-case basis and in some instances releases aliens in the exercise of discretion. In such instances, ICE may require enrollment in the Alternatives to Detention (ATD) program as a condition of release. Since May of this year, the program has enrolled a significant number of new participants, many of whom are members of family units who illegally entered the United States through the Rio Grande Valley. In fact, ICE's current ATD population is at its highest point since program inception.

Question: If they are likely to become a public charge, is this not a violation of current immigration law (8 USC 1182(a)(4)), which states "any alien who…is likely at any time to become a public charge is inadmissible?"

Response: Not necessarily. Under applicable legal precedent, the "public charge" is inadmissibility ground at 8 U.S.C. § 1182(a)(4) calls for a case-specific inquiry. A number of factors are considered by DHS in determining the potential applicability of this charge, including: the alien's age, health, family status, ownership of any assets and resources, financial status, and education/skills. The receipt of public cash assistance or institutionalization for long-term care can be factors to be considered in this totality assessment, however, public benefits received do not necessarily subject the alien to inadmissibility under this ground. *See Matter of A-*, 19 I&N Dec. 867 (BIA 1988) (holding that unemployed 33-year-old mother of three children who had no physical or mental impediments that would affect her ability to earn a living was not a public charge, notwithstanding the fact that her family received public cash assistance for four years).

Moreover, DHS has discretion in deciding which charges to bring against aliens in removal proceedings and, in light of the fact-intensive analysis required to make use of the "public

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charge" ground of inadmissibility, may elect to proceed on other grounds. For example, an alien who entered the United States without authorization is inadmissible, regardless of whether he or she is likely to become a public charge. *See* 8 U.S.C. § 1182(a)(6)(A). Finally, even in those cases where DHS elects to apply the public charge ground of inadmissibility, this ground is not a bar to asylum or many other forms of relief from removal.

Question#:	17
Topic:	CBP Facilities
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Health Concerns within the UAC Population Housed In CBP Facilities: Several articles over the past month continue to report problems with illegal alien children bringing communicable diseases across the border. On top of this threat to other children living in these facilities, there are also health threats to our border patrol agents and the communities to which we are releasing these children.

Response: CBP has public health controls in place to minimize any possible health risks. Throughout the Rio Grande Valley Sector we are conducting public health screening on all incoming detainees to screen for any symptoms of illnesses and contagious diseases. CBP has provided training and disseminated numerous work practice guidelines, muster topics, posters, health advisories and fact sheets to enable employees to recognize signs and symptoms of contagious diseases and to take appropriate precautions for reducing exposure to such diseases.

Question: Are there any cases of scabies or tuberculosis at any CBP facility housing UAC?

Response: U.S. Customs and Border Protection (CBP) keeps unaccompanied alien children in custody for the length of time it takes to process the child and transfer them to the U.S. Department of Health and Human Services' Office of Refugee Resettlement for care, custody, and housing. As of August 1, 2014, there are no existing cases of scabies reported in CBP facilities.

Question: Have there been any outbreaks of diseases such as tuberculosis, scabies or measles at any CBP facility housing UAC?

Response: Scabies has been a common ailment among detainees arriving in CBP custody. There has not been any tuberculosis diagnosis or outbreak of measles among children while in CBP facilities.

Question: Have any border patrol agents contracted any diseases during their care of UAC?

Response: Agents working in facilities that housed UC have reported contracting scabies.

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Increases in cases of occupational illness due to contagious diseases or infestations are commensurate with the increased volume of detainees. From March 1, 2014 to August 25, 2014, there were 22 cases of CBP employees working in the Rio Grande Valley who received compensation under the Federal Employees' Compensation Act for occupational illnesses due to contagious diseases or infestations that received compensation. The illnesses were not life threatening. During the same time frame in 2013, in the Rio Grande Valley, there were no cases of occupational illness due to contagious diseases or infestations that resulted in such compensation.

By comparison, from March 1, 2014 to August 25, 2014, CBP employees working throughout the enterprise, there were 88 cases of occupational illnesses due to contagious diseases or infestations that resulted in FECA compensation. During the same time frame in 2013, CBP wide, there were 30 cases of occupational illnesses due to contagious diseases or infestations that resulted in FECA compensation.

Question: Do you train border patrol agents in the proper precautions they should take in caring for children with diseases such as tuberculosis and scabies?

Response: Yes. Agents are trained to take every precaution to minimize the health risks associated with communicable disease encounters. Personal protective equipment such as latex gloves and respirator masks are required when dealing with subjects who have these illnesses. Additionally, the DHS Office of Health Affairs (OHA) issued guidance on recognizing, preventing, and treating infectious diseases, such as scabies. OHA physicians have provided health education to the Border Patrol agents on how to identify signs of infections, and how to prevent further infection and contamination.

Question: How do they know the proper care for the child and how to dispose of any contaminated materials?

Response: Agents are required to take an annual training class titled Bloodborne Pathogens and Tuberculosis Prevention. Further, CBP has established Border Station Medical Units with support from the DHS Office of Health Affairs at border stations in the Rio Grande Valley, where medical providers (physicians, physician assistants, or nurse practitioners) conduct secondary medical screening and address minor medical issues. If any serious symptoms are present, individuals are referred to a medical provider or healthcare facility for treatment and medical clearance.

Question#:	36
Topic:	NTA 1
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Tracking UACs: Once a UAC has been transferred to an HHS facility and turned over to a sponsor, the illegal immigrant is given a Notice to Appear (NTA) in immigration court, which officially starts deportation proceedings. If the UAC does not show up, he is considered a fugitive. However, if the UAC does appear, deportation proceedings begin, but they can actually be an opportunity for the UAC to receive some type of humanitarian relief, such as asylum or Special Immigrant Juvenile status.

The Center for Immigration Studies reports, as of 2013, ICE had hundreds of thousands of illegal aliens on its docket who had received final orders of removal, but who remained in the United States. This is the number of aliens still present after all due process has been exhausted, and they have presumably appeared at the various proceedings. While it is likely a few thousand may not be removed because their home countries will not accept them, at the end of 2013, there were over 872,000 illegal aliens ordered removed, but who have ignored those orders.

Why would this population of children be any different than the above statistics? In fact, isn't it more likely that a child, without the watchful eye of a responsible, legally present adult, would abscond either from appearing in court or after they were ordered removed?

Response: The Department of Homeland Security (DHS) defers to the U.S. Department of Justice Executive Office for Immigration Review (EOIR) to provide statistics regarding the appearance rates of unaccompanied children.

Question: For FY 2014, how many UCs received a Notice to Appear before an immigration judge? What is the statistical breakdown of the results of the NTAs (i.e. how many received humanitarian or other relief vs. deportation?)

Response: Pursuant to the *Trafficking Victims Protection Reauthorization Act of 2008* (TVPRA), with the exception of certain unaccompanied children from contiguous countries who DHS 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*. Under the provisions of the TVPRA, unaccompanied children are not eligible for expedited removal, nor may they be issued a reinstatement of a prior order of removal, if applicable. Regarding the final disposition of these cases, ICE defers to DOJ EOIR which manages the immigration court docket.

Question#:	36
Topic:	NTA 1
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: After receiving an NTA and being released on their own recognizance, for FY 2014, how many UACs with NTAs have actually appeared for their hearings? In the alternative, do you know how many fail to appear?

Response: ICE does not record or statistically report on the number of unaccompanied children who do not appear for their immigration court proceedings after having been issued an NTA. ICE defers to DOJ EOIR, which manages the immigration court docket for such statistics.

Question: What is ICE doing to track and deport those UACs who ignore their Notice to Appear and abscond from their immigration hearings or who are ultimately ordered removed, but have not yet departed?

Response: Upon receipt of notification that an unaccompanied child has been ordered removed *in absentia* by an immigration judge, ICE Enforcement and Removal Operations (ERO) will take appropriate enforcement action based on its national security, public safety, and border security priorities.

Question: Thus, in order to actually be removed isn't it true that UACs are basically on the "honor system" to keep in touch with ICE and the immigration court during what is often a very lengthy deportation proceeding that could last for years?

Response: Consistent with the Trafficking Victims Protection Reauthorization Act, with the exception of certain unaccompanied children from contiguous countries who DHS may permit to withdraw their applications for admission in certain circumstances and return to their home country, unaccompanied children apprehended at the border are generally issued a Notice to Appear and placed into removal proceedings. Unaccompanied children are generally not subject to regular ICE reporting requirements while awaiting the outcome of their immigration court hearings.

Question#:	37
Topic:	NTA 2
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: The Role of Prosecutorial Discretion in Terminating Notices to Appear (NTAs) [For use with Posters]: We have recently spoken with a whistleblower- an ICE agent in a regional office, who has shared with us over 10 documented examples of terminated Notices to Appear for Unaccompanied Alien Children, which you can see in these posters. The reason for these terminations, therein resulting in any and all removal proceedings being terminated, is listed as "Prosecutorial Discretion" or "PD." This term, "PD," is written on documents transmitted back to ICE agents.

What is this term "Prosecutorial Discretion" in the context of cancelled Notices to Appear?

Response: The purpose and exercise of prosecutorial discretion is explained in the June 17, 2011 memo from former Director John Morton, ICE, entitled *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Alien* (hereinafter Morton memo). As explained in the Morton memo, "the term 'prosecutorial discretion' applies to a broad range of discretionary enforcement decisions, including but not limited to … deciding to issue, reissue, serve, file, or cancel a Notice to Appeal (NTA)." Prosecutorial discretion may be exercised at any stage of an administrative proceeding, although it is generally preferable to do so as early in the case or proceeding as possible in order to preserve government resources and focus resources on ICE enforcement priorities.

Question: Under what policies and procedures does the Office of Chief Counsel issue these?

Response: Assuming the phrase "issues these" refers to the exercise of prosecutorial discretion, ICE would refer to the Morton memo and its discussion about the timing of prosecutorial discretion. As explained in the Morton memo, prosecutorial discretion can be exercised at any stage of an administrative proceeding and does not require an affirmative request from the alien or his or her representative. To ensure appropriate and efficient allocation of resources, ICE officers, agents, and attorneys are encouraged to consider prosecutorial discretion as early as possible. The Morton memo also refers to the extensive discussion on opportunities to exercise prosecutorial discretion from the October 24, 2005 memo from Principal Legal Advisor William J. Howard, ICE Office of the Principal Legal Advisor (OPLA), entitled *Prosecutorial Discretion.*

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Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
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Question: What is the reason that these are issued?

Response: Assuming the phrase "these issued" refers to the exercise of prosecutorial discretion, as explained in the Morton memo, ICE must prioritize the use of its enforcement personnel, detention space, and removal assets to ensure the aliens ICE removes represent, as much as reasonably possible, the agency's enforcement priorities.

Question: What happens to illegal alien children once their NTA is cancelled? Is there follow-up?

Response: Under applicable regulations, certain identified persons may issue or cancel Notices to Appear before jurisdiction vests with the Department of Justice Executive Office for Immigration Review (EOIR). 8 C.F.R. §§ 239.1, 239.2. Once a Notice to Appear is filed with EOIR, removal proceedings may only be terminated by EOIR (either an immigration judge or the Board of Immigration Appeals, as appropriate). Termination of removal proceedings does not affect an unaccompanied child's ability to pursue asylum or other benefits relating to trafficking, as the unaccompanied child may apply for such benefits affirmatively with U.S. Citizenship and Immigration Services. Cases where Notices to Appear have been cancelled (or terminated) may be recommenced by the filing of a new Notice to Appear. The decision to file a new Notice to Appear would be a discretionary determination based upon any further developments in a person's case that could weigh against him or her, such as any recent criminal or immigration history.

Question: In the specific examples provided to us by this ICE agent, PDs were issued for minors: What status is a child given once their NTA is terminated through a "PD?"

Response: Prosecutorial discretion does not confer any new immigration status on the individual.

Question: What follow-up is conducted to ensure the child's welfare?

Response: DHS defers to the Department of Health and Human Services (HHS), Office of Refugee and Resettlement (HHS ORR) on this question.

Question: Is the child able to attend school if they have no status?

Response: The requirements for school enrollment and attendance are decisions made by the individual states, but the United States Supreme Court has ruled that, as a general

Question#:	37
Topic:	NTA 2
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
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matter, states may not deny minor children public education due to their lack of lawful immigration status. *See Plyler v. Doe*, 457 U.S. 202 (1982).

Question#:	38
Topic:	NTA 3
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Authority for Use of Prosecutorial Discretion in Terminating NTAs: This manner of terminating removal proceedings utilizes the idea of "discretion." Where is the authority for this discretion found? Please cite specific policies, procedures, U.S. Code or otherwise.

Response: 8 C.F.R. § 239.2(a)(7) states that any officer authorized to issue Notices to Appear (NTAs) under 8 C.F.R. § 239.1(a) may cancel a NTA prior to jurisdiction vesting in the U.S. Department of Justice's Executive Office for Immigration Review immigration judge, provided the officer is satisfied that circumstances of the case have changed after the NTA was issued to such an extent that continuation is no longer in the best interest of the government.

The purpose and exercise of prosecutorial discretion is described in multiple memoranda, including the June 17, 2011, memorandum from former Director Morton, U.S. Immigration and Customs Enforcement, entitled *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Alien.* This memorandum describes ICE's use of its enforcement personnel, detention space, and removal assets to ensure the individuals it removes represent, as much as reasonably possible, the agency's enforcement priorities namely the promotion of national security, public safety, and border security.

Question#:	39
Topic:	NTA 4
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Status of UACs Once a Notice to Appear is Terminated: Once a Notice To Appear is terminated, the minor has no ability to present a case for asylum, trafficking, or refugee status, essentially stripping the due-process rights granted to them through the Trafficking Victims Protection Act.

How do you ensure that despite terminating their cases, these rights are still provided?

Response: Under applicable regulations, certain identified persons may issue or cancel Notices to Appear before jurisdiction vests with the Department of Justice's Executive Office for Immigration Review (EOIR). 8 C.F.R. §§ 239.1, 239.2. Once a Notice to Appear is filed with EOIR, removal proceedings may only be terminated by EOIR (either an immigration judge or the Board of Immigration Appeals, as appropriate). Termination of removal proceedings does not affect an unaccompanied child's ability to pursue asylum or other benefits relating to trafficking, as the unaccompanied child has the ability to apply for such benefits affirmatively with U.S. Citizenship and Immigration Services.

Question: What status does an individual have in the U.S. once their Notice to Appear has been cancelled?

Response: Neither the issuance (or cancellation) of a Notice to Appear, nor EOIR's termination of removal proceedings, changes a person's status in the United States.

Question#:	40
Topic:	Agency Coordination
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Agency Coordination to Track UACs: Once the Department of Health and Human Services (HHS) releases a UAC to a sponsor with a Notice to Appear (NTA) before an immigration judge, does HHS report to ICE or any other division of the Department of Homeland Security (DHS) on the number of UACs who have been released, and to whom and to what locations the UACs are released? If not, why not?

Response: As a general practice, when the U.S. Department of Health and Human Services (HHS) releases an unaccompanied child to a sponsor, it provides the Department of Homeland Security (DHS) with pertinent information, including the address of the sponsor.

Question: Would it not be helpful to ICE/DHS for purposes of investigations and oversight of this program if HHS reported to you on the trends it is experiencing?

Response: U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) is responsible for investigating a wide range of domestic and international activities arising from the illegal movement of people and goods into, within, and out of the United States. On the issue of HHS reporting on trends it is experiencing in unaccompanied children, HSI is always interested in actionable information that may point us to organized criminal activity.

Question: Aren't you concerned that HHS does not tell ICE/DHS to whom the UACs are being release?

Response: As a general practice, when HHS releases an unaccompanied child to a sponsor, it provides DHS with pertinent information, including the address of the sponsor.

Question: According to conference calls with congressional staff, if a UAC turns 18 in the custody of HHS, he/she is turned over to DHS custody. What happens to these UACs who are returned to DHS custody after turning 18? Are they released on their own recognizance?

Response: When an unaccompanied child turns 18 years of age, if in HHS custody he or she is transferred to ICE for a custody determination in accordance with controlling law and policy. ICE may take appropriate enforcement action based on its national security,

Question#:	40
Topic:	Agency Coordination
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public safety, and border security priorities. The Trafficking Victims Protection Reauthorization Act of 2008 directs DHS to consider placement of the "aged-out" unaccompanied child in the least restrictive setting available, after taking into account the unaccompanied child's danger to self, danger to the community, and risk of flight.

Question: If they are given an NTA, does ICE or any other agency track them to ensure they appear at their immigration hearing?

Response: Unaccompanied children, like all other aliens on the non-detained docket, are subject to conditions of release. For those ordered removed by a U.S. Department of Justice Executive Office for Immigration Review immigration judge, ICE Enforcement and Removal Operations takes appropriate enforcement action based on its national security, public safety, and border security priorities.

Question: For each of the last three fiscal years, please provide the number of UAC who have turned 18 while in the custody of the U.S. government.

Response: ICE does not maintain statistics on the number of unaccompanied children who have turned 18 while in the custody of HHS, and defers to HHS to provide that information.

Question#:	41
Topic:	escape
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: I understand that some UACs "escape" or runaway from HHS custody, and they disappear into the interior of the U.S. How many do that and who are they?

Response: While the U.S. Department of Health and Human Services (HHS) generally notifies the respective U.S. Immigration and Customs Enforcement (ICE) Field Office Juvenile Coordinator following such an incident, ICE defers to HHS to provide further information, as HHS is responsible for the long term care and custody of unaccompanied children.

Question: Does HHS timely notify you?

Response: Generally, HHS notifies the respective ICE Field Juvenile Coordinator as soon as it is discovered that an unaccompanied child has run away, and information on the unaccompanied child is provided to ICE for case management purposes within 24 hours. As a matter of practice, ICE then notifies the U.S. Department of Justice's Executive Office for Immigration Review, which manages the immigration court docket.

Question: Do you make them a priority to apprehend? Why or why not?

Response: ICE Enforcement and Removal Operations takes appropriate enforcement action based on its national security, public safety, and border security priorities.

Question#:	42
Topic:	parents/sponsors
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: As you heard in the hearing, HHS does not check the immigration status of the sponsors to whom these UAC are released. Has ICE at least asked to interview and arrest or pursue other enforcement actions against such parents/sponsors? Why or why not? If the parents/sponsors have no status, then isn't this a family unit you could now detain and remove?

Response: U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) does not have a direct role in the U.S. Department of Health and Human Service's placement determinations concerning unaccompanied children. However, ICE ERO personnel review cases and take appropriate enforcement action, including initiating removal actions against parents or sponsors, where such action is consistent with governing law, public safety, national security, and the agency's enforcement priorities.

Question: To your knowledge, is HSI interviewing the parents/sponsors in an attempt to get at the dangerous smuggling rings that are bringing a significant number of UAC to the U.S.?

Response: ICE Homeland Security Investigations agents interview all relevant parties, including parents or sponsors as appropriate, during criminal investigations of Human Smuggling Organizations (HSOs). These criminal investigations target include those groups involved in smuggling unaccompanied children in order to gain information and evidence for use against such suspected HSOs.

Question#:	43
Topic:	Differences in Treatment of Minors
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Differences in Treatment of Minors from Contiguous Countries (Mexico and Canada) and Those from Central America: Is it true that the law treats minors from contiguous countries and Central American minors differently regarding the process for deportation? What is the basis for this policy?

Response: In December 2008, Congress enacted the William Wilberforce Trafficking Victim Protection Reauthorization Act of 2008 (TVPRA), Public Law 110–457 (Dec. 23, 2008), one of the stated purposes for which was to "enhance measures to combat trafficking in persons." Generally, any unaccompanied child, as defined in the Homeland Security Act of 2002, 6 U.S.C. § 279(g)(2), sought to be removed from the United States by the Department of Homeland Security (DHS) must be placed in removal proceedings under section 240 of the Immigration and Nationality Act (INA). *See* 8 U.S.C. § 1232(a)(5)(D). With regard to "an unaccompanied alien child from a contiguous country," such individual may be permitted to withdraw his or her application for admission to the United States if it is determined that he or she has not been the victim of trafficking, does not have a fear of return, and is able to make an independent decision to withdraw his or her application for admission. 8 U.S.C. § 1232(a)(2). The difference in treatment between unaccompanied children from contiguous and non-contiguous countries is not the result of policy but rather a requirement of the TVPRA itself.

Question: However, isn't it true all children are screened to determine whether they are victims of trafficking, regardless of their country of origin?

Response: Although the TVPRA only requires DHS to screen unaccompanied children who are nationals or habitual residents of a country that is contiguous with the United States, as matter of policy dating back to March 2009, DHS screens all unaccompanied children encountered at land borders and ports of entry, regardless of nationality, to determine if they have been a victim of trafficking or are at risk of being trafficked upon return, or have a fear of persecution if they are returned to their home country.

Question: Do you believe the flow of unaccompanied alien children (UAC) from Central America would decrease if the United States treated all UAC as we do Mexican UAC, which means all would be subject to voluntary mandatory return?

Response: The law does not provide for voluntary mandatory return, but rather provides that unaccompanied children from contiguous countries may be permitted to withdraw

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Committee:	HOMELAND SECURITY (SENATE)

their application for admission to the United States if it is determined that they have not been victims of trafficking, do not have a fear of return, and are able to make an independent decision to withdraw their applications for admission. This in no way precludes such individuals from seeking protection from removal under the immigration laws.

Question: What are the differences between UAC who enter through a contiguous country versus those who originate in that country? Is this not an arbitrary distinction?

Response: DHS is legally required to process the unaccompanied child based on the child's country of nationality or last habitual residence. Per the TVPRA, DHS may allow "an unaccompanied alien child from a contiguous country" to withdraw his or her application for admission to the United States if such child meets certain criteria, 8 U.S.C. § 1232(a)(2). If, however, such child does not meet the criteria or is from a non-contiguous country, and DHS is seeking to remove the child, then, DHS is required to place such child in removal proceedings under section 240 of the INA. *See* 8 U.S.C. § 1232(a)(5)(D). The difference in treatment between an unaccompanied child from a contiguous and non-contiguous country arises from the TVPRA itself.

Question: Even if the law may hinder expedited removal of Central American minors, that does not mean agencies are forbidden from deporting these minors, correct?

Response: The law does not preclude the removal of unaccompanied children from the United States, and DHS does remove unaccompanied children from the United States in accordance with the law and its enforcement priorities. Currently, the law requires that all unaccompanied children sought to be removed by DHS, except for unaccompanied children from a contiguous country, be placed in removal proceedings under section 240 of the INA. During such proceedings, the unaccompanied child may seek relief or protection from removal. If the immigration judge orders the unaccompanied child removed or grants voluntary departure, DHS arranges for the unaccompanied child's safe return to his or her country of nationality in accordance with its immigration enforcement priorities.

Question: The law discriminates between children from contiguous countries and those who are not. While there is no definition of "contiguous" in the *Trafficking Victims Protection Reauthorization Act of 2008* (TVPRA), the dictionary definition of "contiguous" not only means "touching," but also "in close proximity without actually touching." Thus, under current law, wouldn't a reasonable interpretation allow the existing process for children from "contiguous" countries also apply to children from

Question#:	43
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Central America who are not from Mexico, as they are in close proximity to the United States and are entering through Mexico?

Response: Since the enactment of the TVPRA in 2008, the definition of contiguous countries has been consistently interpreted to include only the countries that "touch" the United States.

Question: Is it true that Mexico is granting 10-day transit visas to illegal UAC coming from Central America so they can "transit" through Mexico to the United States?

Response: Our law-enforcement partners within the Mexican Immigration agency stated that they are not aware of any form of "10 day transit visa" but that they will check with the Mexican Secretariat of Foreign Relations to make sure that such a document is not being issued by that agency. At this time, DHS cannot add additional details to verify or refute this allegation.

Question#:	44
Topic:	Children Arriving with an Adult
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Treatment of Children Arriving with an Adult and Those Who are Not Minors: What percentage of children arriving at our borders is accompanied by a parent or other adult? What percentage of those arriving at our borders are not minors?

Response:

U.S. Border Patrol Nationwide Total, Adult, and Accompanied Children Apprehensions
FY 2014 (to date) through June
Data includes Deportable Aliens Only
Data Source: EID (Unofficial) as of 7/30/14

	Southwest Border	Northern Border	Coastal Border	Nationwide
Total Apprehensions	381,470	2,301	2,937	386,708
Adults	292,568	2,248	2,833	297,649
Adults % of Total APPs	77%	98%	96%	77%
Accompanied Children	31,409	37	60	31,506
AC % of Total APPs	8%	2%	2%	8%

Question: Regardless of their country of origin, those who are not minors and those minors who arrive with a parent can be processed under expedited removal (i.e. not as a UAC), correct?

Response: Correct, expedited removal process for those groups is not limited by country of origin.

Question: Are regular deportation proceedings (i.e. not those required for Central American UAC, which put them into HHS custody) instituted for these illegal immigrants? Why or why not?

Response: Although unaccompanied children are required to be transferred to the Department of Health and Human Services, they are still placed in removal proceedings. With regard to adults or children arriving with an adult, expedited removal proceedings may be initiated, if appropriate. Otherwise removal proceedings under section 240 of the *Immigration and Nationality Act* are generally initiated.

Question#:	45
Topic:	family units
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: How many of these family units are you able to actually deport versus how many go onto the non-detained docket and start building equities in the U.S. that will remove them from your list of priorities?

Response: In Fiscal Year 2014 through June 30, U.S. Customs and Border Protection's Border Patrol reported apprehending 55,562[3] aliens it identified as members of family units. As of July 12th, U.S. Immigration and Customs Enforcement removed 56 of these aliens and reported managing those remaining in the United States on the detained and non-detained dockets.

Mexican and Central American partners have responded admirably to calls for assistance. The Department of Homeland Security will continue to engage with these countries on repatriation and reintegration of their citizens, and dedication of their consular resources to this effort.

[3] Determined to be members of family units by U.S. Border Patrol, from data provided by U.S. Border Patrol. Customs and Border Protection's Office of Field Operations (which operates ports of entry) does not flag apprehensions as members of family units.

Question#:	46
Topic:	RFI
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: How Long Has ICE Known About the Increasing Numbers of UAC Coming Across the Border: In January, isn't it true that Immigration and Customs Enforcement submitted a request for information (RFI) to determine which organizations could provide escort services for unaccompanied alien children?

Response: A Request for Information (RFI) was issued by U.S. Immigration and Customs Enforcement (ICE) on January 29, 2014, in anticipation of a need to transfer unaccompanied children in Department of Homeland Security (DHS) custody to the U.S. Department of Health and Human Services (HHS), as required by the *Trafficking Victims Protection Reauthorization Act of 2008*.

Question: What prompted ICE to submit this request in January?

Response: ICE Enforcement and Removal Operations requested the RFI in anticipation of a need to transfer unaccompanied children in DHS custody to HHS, as the law requires. This RFI was made in order to ensure compliance with the law, while keeping ICE's law enforcement resources focused on its enforcement priorities. Upon identification of any contractual need, a formal RFI is often customary, as part of market research. This practice is in accordance with *Federal Acquisition Regulation Part 10.002*, and enables the agency to determine whether commercial sources are available to meet the government's need.

Question: If ICE had already determined there was an impending need for these escort services, isn't it true that the Administration was aware of the increasing numbers of UACs crossing the border at least 7 months ago, not merely in May 2014?

Response: The Department has grown concerned with the numbers of unaccompanied children encountered by DHS officials at or near the southwest border. While the DHS Office of Immigration Statistics (OIS) does not generate internal projections of the number of unaccompanied children that will enter the United States during a given year, in Fiscal Year (FY) 2013 OIS did begin providing projections of the number of unaccompanied children that might be transferred from DHS to HHS custody that year. The projection made for FY 2013 of DHS to HHS transfers was 21,500. In FY 2013 DHS transferred 24,719 unaccompanied children to HHS custody.

Question: Did ICE ever actually issue an RFP on this project?

Question#:	46
Topic:	RFI
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Response: A Request for Proposals (RFP) has not been issued. The review of the RFI responses indicated that the internal requirements document needed significant improvement, more clearly detailing ICE's actual need. ICE continues to gather information, including through a second RFI that was released in June, to inform a potential formal RFP.

Question#:	47
Topic:	ICE Resources
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Tom A. Coburn
Committee:	HOMELAND SECURITY (SENATE)

Question: Use of ICE Resources to Transfer UACs: How is ICE allocating its transfer resources to ensure they are streamlined and not duplicative?

For example, I have data that shows, on June 25th, there were 170 transfers out of the Nogales Processing Center in Arizona. 135 of those went to Fort Sill, OK by air, but there was 1 transfer to a children's home in Miami, 1 to Glendale, AZ, 3 to Poughkeepsie, NY, among other small or single transfers. Does ICE only provide air services to certain large cities and/or to the DOD facilities HHS is using to house immigrants? Does ICE charter a plane or a bus solely to transfer 1 or 2 minors?

Response: U.S. Immigration and Customs Enforcement (ICE) allocates and manages its transportation resources to ensure that its processes are streamlined and not duplicative.

At the direction of the Federal Emergency Management Agency Command Group, ICE Air charter flights transport unaccompanied children to designated Department of Health and Human Service (HHS) Office of Refugee Resettlement (ORR) emergency shelters at Department of Defense sites located in Ventura, California; San Antonio, Texas; and Fort Sill, Oklahoma. The unaccompanied children remain in ICE custody during the flight, and upon landing, the local ICE Enforcement and Removal Operations field office then transports them from the aircraft to the HHS ORR-designated shelter(s). Once there, the unaccompanied children are officially transferred into HHS care and custody, as required by law. ICE Air charters also fly missions to transfer groups (up to 135 passengers) to HHS ORR custody in the following metro areas: Chicago, Illinois; Miami, Florida; Newark, New Jersey; and El Paso, Texas.

ICE does not charter planes or buses to transport one or two unaccompanied children; instead, ICE utilizes commercial air escorts and ground transportation to transfer smaller numbers of unaccompanied children to HHS ORR-designated placement facilities.

Post-Hearing Questions for the Record
Submitted to the Hon. W. Craig Fugate, Hon. R. Gil Kerlikowske, and Thomas S. Winkowski
From Senator Ron Johnson

"Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border"
July 9, 2014

Question: How many unaccompanied children (UACs) have crossed into the U.S. since the Obama administration released its 2012 Deferred Action for Childhood Arrivals (DACA) memo?

Response:

U.S. Border Patrol Nationwide Unaccompanied Alien Children Apprehensions by Border
June 15, 2012 - June 30, 2014
Data includes Deportable Aliens Only
Data Source: EID (Unofficial) as of End of Year Dates

FY	Southwest	Northern	Coastal	Nationwide
FY2012*	7,467	21	10	**7,498**
FY2013	38,759	30	44	**38,833**
FY2014TD - June	57,478	16	44	**57,538**

*FY2012 data includes 6/15/12 - 9/30/12

Question#:	19
Topic:	Mexican citizens
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: How many of the unaccompanied children crossing since 2012 are Mexican citizens?

Response:

U.S. Border Patrol Nationwide Mexican Unaccompanied Children Apprehensions
Fiscal Year (FY) 2012 – FY 2014 (to date) through June
Data includes Deportable Aliens Only
Data Source: EID (Unofficial) FY 2012-FY 2013 as of End of Year Dates; FY 2014 (to date) as of 6/30/14

FY	Southwest Border	Northern Border	Coastal Border	Nationwide
2012	13,943	27	4	13,974
2013	17,219	12	9	17,240
2014 (to date)	12,599	4	10	12,613

Question#:	20
Topic:	deported
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: How many of the 57,000 unaccompanied children have been deported?

Response: For fiscal year 2014 through August 16, 2014, of the 52,729 unaccompanied children U.S. Immigration and Customs Enforcement (ICE) book-ins recorded, ICE Enforcement and Removal Operations recorded 452 removals.

Question: Of the 57,000 unaccompanied children, what percentage is from non-contiguous countries?

Response:
The response to this question has been classified as For Official Use Only/Law Enforcement Sensitive (FOUO/LES) and is on file in the committee offices.

Question#:	21
Topic:	parents
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Please estimate the number of apprehended children whose parents reside illegally in the United States.

Response: DHS is unable to estimate this number.

Question#:	48
Topic:	DACA 2
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: How many unaccompanied children have been returned to their country of origin since DACA?

Response:

Fiscal Year (FY) 12-FY14 Year to Date Unaccompanied Children Removals

FY12	FY13	FY14 (through 07/19/14)
1,809	1,868	1,457

Note: FY 2012 and FY 2013 data represent full year figures.

Question#:	49
Topic:	deportations since 2008
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Has DHS been expediting Mexican unaccompanied children deportations since 2008?

Response: Under the provisions of the *Trafficking Victims Protection Reauthorization Act of 2008*, unaccompanied children are not eligible for expedited removal. However, through June 25, 2014 of Fiscal Year 2014, the Border Patrol granted voluntary return to 12,010 unaccompanied children from Mexico.

Question#:	50
Topic:	timeline
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: What is the average timeline from apprehension to deportation for an apprehended UAC? Please provide a breakdown for Mexican UACs and OTM UACs.

Response: Pursuant to the *Trafficking Victims Protection Reauthorization Act of 2008*, with the exception of certain unaccompanied children from contiguous countries who the Department of Homeland Security (DHS) may permit to withdraw their applications for admission and return to their home country, unaccompanied children apprehended at the border are placed in removal proceedings under section 240 of the *Immigration and Nationality Act* if DHS is seeking to remove them.

Because of the unique facts at issue for each case, there is significant variation in the length of removal proceedings administered by the Department of Justice's Executive Office for Immigration Review.

Question#:	51
Topic:	type of claim
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Ron Johnson
Committee:	HOMELAND SECURITY (SENATE)

Question: Please provide the number of UACs in the past five years claiming refugee or asylum status (by type of claim).

Response: The USCIS Asylum Division asylum officer records the ground(s) for asylum upon which he or she is making the final decision on the merits of the asylum application in the Refugees, Asylum and Parole System (RAPS) at the time of final decision. No ground is entered into RAPS at the time that the case is first receipted and initial data entry is completed. The asylum officer may record one or more grounds for asylum, or may record no grounds if no grounds for asylum are found. If the asylum officer is not making a decision on the merits of the asylum application for reasons including, but not limited to, that the applicant failed to appear for the asylum interview or withdrew the asylum application, or that the officer determined that the Asylum Office did not have jurisdiction over the application, the asylum officer does not record the grounds for asylum. These cases are designated as "unknown grounds" in the table below. The "unknown grounds" category also includes those UC cases that are still pending a final decision with USCIS. Applications for refugee status are submitted by persons who are outside the U.S. UC are defined as children who are in the U.S. without legal status and without a parent or legal guardian to provide care and physical custody, so they do not submit refugee applications.

Unaccompanied Child (UC) Asylum Applications by Type of Claim

	Only 1 Ground for Asylum						Multiple Grounds for Asylum					No Grounds Found	Unknown Grounds
	Race	Religion	Nationality	Political Opinion	Social Group	TOTAL	Any 2	Any 3	Any 4	All 5	TOTAL		
FY09	3	4	1	13	73	94	16	2			18	33	66
FY10	8	23	1	28	305	365	32	2			34	107	269
FY11	9	22	0	20	240	291	32	4			36	83	178
FY12	0	11	0	13	119	143	11	1			12	43	221
FY13	3	7	0	9	103	122	6	1			7	44	555
FY14 YTD	1	3	0	4	58	66	5	1			6	10	1,756
TOTAL	24	70	2	87	898	1,081	102	11	0	0	113	320	3,045

Data through July 29, 2014.

Post-Hearing Questions for the Record
Submitted to the Hon. W. Craig Fugate, Hon. R. Gil Kerlikowske, and Thomas S. Winkowski
From Senator Rob Portman

"Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border"
July 9, 2014

Question: How has your agency been allocating, planning, or repurposing existing funds to address the issues involving unaccompanied minors?

Response: The significant surge in apprehensions of unaccompanied minors has put a strain on the financial and human capital resources of the Department. In response to this surge, the DHS Components directly impacted, particularly U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), have reprioritized their workload to ensure critical mission activities continue to be completed while also addressing the immediate requirements associated with the unaccompanied children.

CBP reprioritized its budgetary resources to address the emerging requirements and deferred some work on other facilities to address the increased need for hold room capacity. CBP used this expects funding for clothing, food, medical, transportation, and other requirements.

The increase in unaccompanied minor apprehensions increased the requisite transportation and costs associated with escort travel for ICE. In order to address this increase, ICE has been allocating current funds from the Transportation and Removal Program, originally allocated for ground and air transportation contracts for the current detained and removable population, to the transportation of unaccompanied minors from DHS to the U.S. Department of Health and Human Services shelter facilities, which are located in several states.

Question#:	6
Topic:	cost per child
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: What is the cost per child when you take into account the resources to detain, transport, house, and adjudicate the unaccompanied minor?

Response: The Department does not calculate costs relating to unaccompanied children (UCs) on a per child basis. While there are certain costs that are variable, based on per capita requirements, many costs are fixed costs based on the nature of the contract vehicle. Overall cost calculations are therefore based on estimates in specific areas, such as apprehensions, monthly charges (e.g., bedding, janitorial services, child care, etc.), daily averages (e.g., medical transport costs, custody transfers, etc.), and personnel costs for transporting and escorting the UCs to HHS ORR shelter facilities, as well as specific one-time expenses.

Question#:	7
Topic:	apprehending
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: What has FEMA done to educate, train, and provide resources for agents in the process of apprehending, detaining, and releasing unaccompanied children?

Response: FEMA is not responsible for the training of CBP officers or agents. Rather, CBP has a robust training program for officers and agents that is in line with the requirements of the Flores Settlement agreement and the TVPRA.

Question#:	22
Topic:	lesser priority
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: In a June 24, 2014 hearing in front of the House Homeland Security Committee, Secretary Johnson said that unaccompanied children were a "lesser priority" for removal by DHS than adults, who for example, are convicted felons. Further, he stated that in accordance with the current immigration removal processes all persons, both children and adults, who enter the U.S. illegally, are apprehended, detained, and then given a notice of their removal hearing. Is this still the current policy?

Response: Yes, all persons, both children and adults who are not amenable to repatriation from the border areas to contiguous countries are processed for immigration purposes. Those individuals who meet the qualifications for removal via the expedited removal process are processed as such. Those not amenable to the expedited removal process are served with a Notice to Appear before the immigration court. All individuals are transferred either to Immigration and Customs Enforcement (adults and adults with children) or to the Department of Health and Human Services (UC).

Pursuant to the *Trafficking Victims Protection Reauthorization Act of 2008*, with the exception of certain unaccompanied children from contiguous countries who 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 issued a Notice to Appear (NTA) and placed into removal proceedings. Adults, including adults with children who are eligible for voluntary return, may be permitted to return to their home country without being placed in immigration proceedings. All other adults, including those with children, are either issued a NTA and placed in traditional removal proceedings or are processed using expedited removal procedures, which require the adults and/or family units to be detained.

Regarding the detention of aliens, U.S. Immigration and Customs Enforcement's (ICE) detention and release determinations are made either as a matter of discretion[1] or as a

[1]See memoranda from John Morton, former ICE Director, *Superseding Guidance on Reporting and Investigating Claims to United States Citizenship (Nov. 19, 2009)*; *Guidance Regarding the Handling of Removal Proceedings of Aliens with Pending or Approved Applications or Petitions* (Aug. 20, 2010); *Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens* (June 17, 2011); and *Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011)*. All of the above policy memoranda can be viewed at http://www.ice.gov.

Question#:	22
Topic:	lesser priority
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

matter of controlling law.[2] With regard to unaccompanied children, under the law, DHS is generally required to detain unaccompanied children but, must transfer them to the U.S. Department of Health and Human Services for care, custody, and placement within 72 hours of determination.

For any aliens who are ordered removed by an immigration judge, ICE Enforcement and Removal Operations will take appropriate enforcement action based on its national security, public safety, and border security priorities.

[2]In *Zadvydas v. Davis*, 533 *U.S. 678* (2001), the U.S. Supreme Court limited ICE's post-order custody authority beyond the statutory 90-day removal period. The Supreme Court held that 180 days of post-order custody is presumptively reasonable and lawful, but thereafter, if the individual demonstrates that he or she is not significantly likely to be removed in the reasonably foreseeable future, he or she must be released if the government cannot justify continued detention. Accordingly, absent exceptional circumstances, an individual will likely be released after 180 days in post-order custody, without regard to his or her criminal history or risk of flight.

Question#:	23
Topic:	responsible
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Specifically in terms of unaccompanied children, which agency is responsible for the care of the children as they await their removal hearing?

Response: The Department of Homeland Security is required to transfer those unaccompanied children (UC) who do not meet the exceptions outlined in the TVPRA section 235 to the Department of Health and Human Services for care and custody within 72 hours of determining the child is in fact a UC.

Question#:	24
Topic:	immigration hearing
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: It has been reported that the first immigration hearing can be set as long as several years? Can you confirm the average length of time for immigration hearing to commence?

Response: The Department of Homeland Security defers to the Department of Justice Executive Office for Immigration Review for specifics related to immigration court.

Question#:	25
Topic:	DHS literature
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: At the same hearing Secretary Johnson said that it was his understanding that the amount of unaccompanied children who have entered the U.S. was approximately 38,000, much different from the 65,000 listed on DHS literature. Could you please provide an accurate number?

Response:

U.S. Border Patrol Nationwide Unaccompanied Children Apprehensions
FY 2014 (to date) through June
Data includes Deportable Aliens Only
Data Source: EID (Unofficial) as of 6/30/14

	Southwest Border	Northern Border	Coastal Border	Nationwide
Unaccompanied Children	57,493	16	44	57,553

Question#:	26
Topic:	DHS to HHS
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: DHS and HHS both use a great amount of technology to aid in their individual functions. What are the policies in place today that allows the two agencies to share information?

Response: Currently, IT development is underway that will allow for U.S. Customs and Border Protection data to be pushed automatically to the U.S. Department of Health and Human Services in order to streamline the referral of unaccompanied children.

Question: Specifically, what are the measures in place to ensure a child is properly processed, screened, and accounted for while moving from the custody of DHS to HHS and then on to a guardian in the U.S.?

Response: The *Trafficking Victims Protection Reauthorization Act* (TVPRA) of 2008 requires that unaccompanied children from contiguous countries be screened for trafficking indicators by CBP. If no indicators exist and the child meets several other conditions, he or she may be permitted to voluntarily withdraw his or her application for admission to the United States and be repatriated immediately by CBP. Where the Department of Homeland Security (DHS) seeks to remove an unaccompanied child from the United States, including unaccompanied children from contiguous countries who do not withdraw their application for admission and all unaccompanied children from countries other than Mexico or Canada, DHS must do so by means of removal proceedings under section 240 of the *Immigration and Nationality Act*. In such cases, the child must be transferred to U.S. Health and Human Services (HHS) Office of Refugee Resettlement (ORR), which is responsible for the child's care and custody.

During the limited time that DHS maintains physical custody of unaccompanied children pending their transfer to ORR, the unaccompanied children are housed separately from adult detainees and are provided with regular access to snacks, milk, and juice. DHS endeavors to transfer such unaccompanied children to HHS, within 72 hours of determining that they are unaccompanied children under the TVPRA. Thereafter, HHS is responsible for the care and custody of unaccompanied children, as well as for the vetting of any sponsor to whom an unaccompanied child may be released. As a general practice, when HHS releases an unaccompanied child to a sponsor, it provides DHS with pertinent information, including the address of the sponsor.

Question#:	27
Topic:	border agents and detention officials
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: How do the two agencies plan to work together in the future to provide focused training to border agents and detention officials for dealing with the unique nature of unaccompanied children?

Response: U.S. Customs and Border Protection provides initial basic training and annual refresher training to agents and officers to equip them to handle the unique nature of unaccompanied children.

Question#:	28
Topic:	CBP issued several advisories
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: More than 52,000 unaccompanied children, have arrived at the U.S.- Mexico border this year through June 15, 2014. This is more than double the number in a similar period in 2013. CBP issued several advisories in June and I would like to get clarification on some of the numbers being reported. As of June 18th, there were 3,103 unaccompanied children in the U.S. Customs and Border Protection custody along the Southwest border. As of June 25th, there were 2,700 children in CBP custody. During this period, how many minors were handed over to HHS?

Response: Between June 18, 2014 and June 25, 2014, DHS recorded 2,148 initial book-ins into Office of Refugee Resettlement's custody via both U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection transfers.

Question: How many were not permitted to enter the United States and were returned to their country of origin?

Response: DHS has limited authority to offer withdrawal of application to children who are from a contiguous country and meet certain guidelines reflected in the TVPRA.

USBP Nationwide Unaccompanied Children Apprehensions by Citizenship
FY 2014 (to date) through June
Data includes Deportable Aliens Only
Data Source: EID (Unofficial) as of 6/30/14

Citizenship	Southwest Border	Northern Border	Coastal Border	Nationwide
CANADA		2		2
MEXICO	12,599	4	10	12,613

The rest of the response to this question has been classified as For Official Use Only/Law Enforcement Sensitive (FOUO/LES) and is on file in the committee offices.

Question#:	28
Topic:	CBP issued several advisories
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: How many minors were apprehended by CPB during this period?

Response:



USBP APP Stats for
QRS-SHSC Border C

U.S. Border Patrol Nationwide Unaccompanied Children Apprehensions
June 18, 2014 through June 25, 2014
Data includes Deportable Aliens Only
Data Source: EID (Unofficial) as of 6/25/14

	Southwest Border	Northern Border	Coastal Border	Nationwide
Unaccompanied Children	2,871			2,871

Question#:	29
Topic:	DHS policy
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: President Obama has stated that the unaccompanied children - who are mostly from Central America - are not eligible for expedited removal, a procedure that the Homeland Security Department uses to deport children from Mexico and Canada. What protocols need to be changed in DHS policy to allow that removal authority to extend for children from El Salvador, Honduras and Guatemala who illegally enter the United States?

Response: Congress would need to amend the Trafficking Victims Protection Reauthorization Act of 2008 to extend procedures that currently apply to UCs from contiguous countries to UCs from non-contiguous countries. DHS is legally required to process the unaccompanied child based on the child's country of nationality or last habitual residence. Per the TVPRA, DHS may allow "an unaccompanied alien child from a contiguous country" to withdraw his or her application for admission to the United States if such child meets certain criteria, 8 U.S.C. § 1232(a)(2). If, however, such child does not meet the criteria or is from a non-contiguous country, and DHS is seeking to remove the child, then, DHS is required to place such child in removal proceedings under section 240 of the INA. *See* 8 U.S.C. § 1232(a)(5)(D). The difference in treatment between an unaccompanied child from a contiguous and non-contiguous country arises from the TVPRA itself. Per the TVPRA, expedited removals cannot be utilized on children from non-contiguous countries.

Question#:	30
Topic:	Trafficking Victims Protections Act
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: Under the 2008 reauthorization of the Trafficking Victims Protections Act, Customs and Border Protection agents who detain unaccompanied children are required to turn children over to HHS Office of Refugee Resettlement within 72 hour of their arrest. What is the length of time for this process today?

Response: Unaccompanied children (UC) are only kept in U.S. Customs and Border Protection (CBP) custody for as long as it takes to transfer them to the U.S. Department of Health and Human Services (HHS). If bed space is unavailable with HHS, the UACs must remain in CBP custody until HHS is able to accept them.

Question: What screening measures are in place by CPB to determine if a minor is a victim of human trafficking at the time they are apprehended?

Response: During initial processing, all UCs are asked a series of questions to determine if they are a victim of human trafficking. Interviewing agents are also trained to recognize verbal and non-verbal indicators of trafficking.

Question: How would an expedited removal process impact the opportunity for an unaccompanied child to make the case that they are facing danger at home and deserve protection in the United States?

Response: Regardless of the type of administrative proceedings that apply, every UC apprehended by CBP would be screened for evidence of credible fear of persecution or potential victim of human trafficking. UCs who meet protection standards will be afforded the appropriate protections required by law.

Question#:	31
Topic:	information sharing
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: What are the systems in place for information sharing between CPB, HHS, and DOJ regarding efforts to combat human trafficking and smuggling?

Response: The President's Interagency Task Force to Monitor and Combat Trafficking in Persons, chaired by Secretary of State John Kerry, and the working level Senior Policy Operating Group, chaired by the Department of State's Ambassador at Large to Monitor and Combat Trafficking in Persons, are mechanisms for coordinating federal efforts to combat trafficking in persons. Both bodies were created by the Trafficking Victims Protection Act and its reauthorizations. The SPOG meets quarterly and coordinates interagency policy, grants, research, and planning issues involving international trafficking in persons and the implementation of the TVPA. Additionally, there is the Interagency Working Group on Migrant Smuggling and Trafficking, which meets on a regular basis to share information on efforts to combat smuggling and trafficking. This working group is co-chaired by the Departments of State and Justice.

The Extraterritorial Criminal Travel (ECT) Strike Force Program serves as an operational-level entity composed of law enforcement, intelligence, diplomatic, and prosecutorial agencies to target criminal travel networks deemed to present a national security threat or whose operations pose a significant humanitarian concern. The ECT Strike Force is a joint partnership between several agencies to include CBP, Homeland Security Investigations (HSI), FBI and DOJ Criminal Division designed to leverage extraterritorial investigative and prosecutorial expertise to disrupt foreign-based criminal travel networks. CBP provides support through investigative research and identifying previously unknown facilitators and associates of interest.

The Department of Homeland Security (DHS) established the Human Smuggling Cell (HSC) on October 1, 2014 as an interagency platform to coordinate and integrate human smuggling intelligence and operations with the objective of developing a comprehensive threat picture designed to drive law enforcement and other disruption efforts against HSC-designated smuggling networks and associated transnational criminal organizations. In order to achieve this objective the HSC leverages the expertise and resources of participating components and partners.

Question#:	32
Topic:	screening process
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: What kind of screening process occurs when a minor is apprehended by CBP?

Response: The *Trafficking Victims Protection Reauthorization Act* (TVPRA) requires that unaccompanied children from contiguous countries be screened for trafficking indicators by CBP. If no indicators exist and the child meets several other conditions, he or she may be permitted to voluntarily withdraw his or her application for admission to the United States and be repatriated immediately by CBP. Where the Department of Homeland Security (DHS) seeks to remove an unaccompanied child from the United States, including unaccompanied children from contiguous countries who do not withdraw their application for admission and all unaccompanied children from countries other than Mexico or Canada, DHS must do so by means of removal proceedings under section 240 of the *Immigration and Nationality Act*. In such cases, the child must be transferred to U.S. Health and Human Services (HHS) Office of Refugee Resettlement (ORR), which is responsible for the child's care and custody.

Question#:	33
Topic:	prey to trafficker
Hearing:	Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border
Primary:	The Honorable Rob Portman
Committee:	HOMELAND SECURITY (SENATE)

Question: If a child is released into the custody of an adult outside of detention, which agency is in charge of assuring that the minor continues to reside with this individual? Which federal agency is keeping track of these minors so that they are not disappearing, falling prey to trafficker or those who would seek to harm them?

Response: DHS defers to the Department of Health and Human Services for information related to releases of UC to appropriate sponsors.

Senate Committee on Homeland Security and Governmental Affairs
Questions for the Record
"Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border"
HHS Witness: Mark Greenberg
July 9, 2014

SENATOR PORTMAN

Question 1: In terms of unaccompanied children, which agency is responsible for the care of the children as they await their removal hearing?

HHS's Office of Refugee Resettlement (ORR), in the Administration for Children and Families, is responsible for providing care to unaccompanied children referred by immigration authorities until they are placed with an adult family member or responsible sponsor. HHS legal responsibility for care and custody ceases upon discharge or release from HHS custody. Upon release from HHS custody, the sponsor is responsible for ensuring that the child attends his/her immigration hearing. Additionally, HHS provides information to the sponsor on how and when to notify the Department of Homeland Security (DHS) and the immigration court (administered by the Department of Justice) of any change of address (including how to obtain information about a change of venue of the immigration court, if required).

Question 2: DHS and HHS both use a great amount of technology to aid in their individual functions. What are the policies in place today that allows the two agencies to share information? Specifically , what are the measures in place to ensure a child is properly processed, screened, and accounted for while moving from the custody of DHS to HHS and then on to a guardian in the U.S.?

Information sharing practices between DHS and HHS are set by mutual policy as required under law and the *Statement of Principles between DHS and HHS Unaccompanied Alien Children Program*.

- At the time of an unaccompanied child's referral by DHS to HHS, DHS provides HHS with the following information:
  - Biographical information (age, gender, nationality)
  - Apprehension information
  - Any special needs (cognitive delays; disabilities)
  - Medical information
  - Immigration status
  - Sibling/relative information (with whom the child was apprehended; whether child has sibling or other relatives in ORR custody)
  - Criminal or juvenile background, if available, including arrest history; court information; police records; whether criminal charges are pending
  - Whether the child is deemed a danger to self or others
  - Whether the child is believed to be an escape risk (e.g., a risk to run away)
  - Behavior in DHS custody
  - Information that would indicate the unaccompanied child may have heightened vulnerability to sexual abuse, such as known or suspected prior sexual victimization; known or suspected prior sexual abusiveness; gender nonconforming appearance or manner; or identification as lesbian, gay, bisexual, transgender, questioning, or intersex
  - Trafficking or other concerns

- DHS and HHS have a joint age determination policy, which requires sharing of information (specific to the age determination itself) as required under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 §235(b)(4)
- HHS shares with DHS – both 24 hours prior to release and within 24 hours of release from HHS custody – a discharge notification that includes the name of the child; other biographical information; and name and address of the sponsor to whom the unaccompanied child is being released.
- In the event that an unaccompanied child is being transferred between ORR facilities, HHS sends notice both to the local DHS/Immigration and Customs Enforcement (ICE) Juvenile Coordinator and to the local DHS/ICE Chief Counsel's office.
- HHS also has a general information sharing policy that allows other Federal agencies (including DHS) to make a formal request for information about a specific unaccompanied child.

Question 3: What process does HHS employ to place an unaccompanied child with a guardian in the U.S.? If the child has been a victim of unsafe practice – kidnapping, rape, human trafficking, cartel-related violence – what is the policy of HHS for first screening for this, and then for submitting the child for a T-visa, U-visa, asylum, or refugee status?

In accordance with TVPRA, each child is screened by a case worker during the initial HHS intake process to determine if he or she:

- is a victim of a severe form of trafficking in persons, or
- has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened.

These findings are documented within the assessment itself. A child who is determined to be a possible victim of trafficking or abuse, as discussed above, is not placed with a sponsor until a home study is conducted and a determination is made that the child will be safe in that home. The assessment is reviewed, and updated if necessary: at a minimum of every 30 days for children in traditional shelters and transitional foster care homes; within 48 hours of a transfer between HHS care providers, or if significant information is learned while the child is in HHS custody.

These assessments are also used to determine whether there is a viable sponsor in the United States who can care for the child. Once a sponsor has been identified, the child's case worker assesses the sponsor, conducts a background check, and processes paperwork. The case is then reviewed by an independent third party reviewer. If the release is deemed safe the case will be sent to a local ORR field staffer who will make a release decision based on the recommendation of the unaccompanied child's case worker and if necessary on the recommendation of the third party reviewer.

Prior to making a release decision a home study may be required. HHS conducts home studies of a sponsor's home and their suitability to be a sponsor in accordance with section 235(c)(3)(B) of the TVPRA of 2008, which stipulates home studies be performed in the following cases:

1) The unaccompanied child is a victim of a severe form of trafficking;

2) The unaccompanied child is a special needs child with a disability as defined in section 3 of the Americans with Disability Act of 1990;

3) The unaccompanied child is a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or,

4) The unaccompanied child's proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking based on all available objective evidence.

In addition to ORR assessments of the child, ORR also funds a legal service provider to provide legal screenings of the child by an attorney, paralegal or Board of Immigration Appeals (BIA) accredited representative. These contractors will assess the unaccompanied child to determine if he or she appears to qualify for legal relief. If the child does appear to qualify for legal relief the legal service provider will try to refer the unaccompanied child for pro bono legal counsel (and in some cases for direct representation by the legal service provider).

Question 4: Does HHS have a policy to communicate with the embassies or governments of the countries these children are primarily coming from – Honduras, Guatemala, El Salvador– in order to provide supplementary information when locating a guardian for the child in the U.S.?

If necessary HHS or its care provider case workers will work with local consulates from an unaccompanied child's country of origin. This is typically done if there is a question about the authenticity of the child's or the potential sponsor's foreign documents (such as a birth certificate). Unaccompanied children are also given an opportunity to contact their consulate if they wish.

Question 5: Has HHS worked with DHS and border agents for training in how to handle unaccompanied children crossing the Southern Border?

HHS and DHS routinely meet, hold conference calls, and keep all lines of communication open to discuss issues related to unaccompanied children.

Question 6: How can the two agencies work together in the future to provide focused training to border agents and detention officials for dealing with the unique nature of unaccompanied children?

DHS and HHS meet and coordinate regularly, and continually seek methods to better manage the unaccompanied children process. HHS/ORR staff have presented at DHS/ICE Juvenile Coordinator trainings, and continue to look for opportunities for additional training collaboration.

Question 7: How has your department been allocating, planning, or repurposing existing funds to address the issues involving unaccompanied minors?

Congress provided $868 million for the unaccompanied child program though the annual appropriations process. Another $44 million was transferred into the program through the Secretary's transfer authority.

Question 8: What is the cost per child when you take into account the resources to detain, transport, house, and adjudicate the unaccompanied minor?

The average cost to HHS to provide regular shelter and care for an unaccompanied child in ACF custody is approximately $250 per day. This average cost assumes that all unaccompanied children can be served in standard shelter beds which are significantly less expensive than the

temporary beds which were needed to accommodate the sudden influx of children arriving in May and June.

There are other costs associated with this program beyond sheltering the children. Additional services vary based on the particular needs of each child. These additional services may include for instance, legal and medical services, and grants for home studies and post release service providers.

Question 9: More than 52,000 unaccompanied children have arrived at the U.S.-Mexico border this year through June 15, 2014. This is more than double the number in a similar period in 2013. CBP issued several advisories in June and I would like to get clarification on some of the numbers being reported. As of June 18th, there were 3,103 unaccompanied children in the U.S. Customs and Border Protection custody along the Southwest border. As of June 25th, there were 2,700 children in CBP custody. During this period, how many minors were handed over to HHS?

HHS records show 2,723 unaccompanied children were placed into HHS custody between June 18 and June 25th.

Question 10: Under the 2008 reauthorization of the Trafficking Victims Protections Act, Customs and Border Protection agents who detain unaccompanied children are required to turn children over to HHS Office of Refugee Resettlement within 72 hour of their arrest. What is the length of time for this process today? How would an expedited removal process impact the opportunity for an unaccompanied child to make the case that they are facing danger at home and deserve protection in the United States?

This is a question best addressed by DHS, which is responsible for referring and then transporting the unaccompanied child to HHS custody. Absent exceptional circumstances, DHS is required to transfer children within 72 hours of determining the child is an unaccompanied child who should be in ORR custody. Earlier in the summer, there were many unaccompanied children held at the border for more than 72 hours, due to the unexpected surge in arrivals that resulted in a lack of sufficient HHS shelter space.

Question 11: What are the systems in place for information sharing between CPB, HHS, and DOJ regarding efforts to combat human trafficking and smuggling?

HHS handles each unaccompanied child's case on an individual basis. If there is a trafficking concern HHS/ORR collaborates with DHS/ICE-Homeland Security Investigations (HSI) to interview the child and, if necessary, turn over relevant information (case file information, case summaries) to the Federal investigators. For more detailed information regarding combatting human trafficking and smuggling, HHS recommends that this question also be directed to Federal law enforcement officials.

Question 12: After HHS becomes aware of an adult point of contact in the United States, what types of background checks, employment or housing verification is completed?

HHS's primary responsibility in determining if a child can be released to a sponsor is ensuring that the potential sponsor can safely and appropriately care for a child. A background check is conducted on each potential sponsor, and steps are taken to verify a potential sponsor's identity and relationship to the child. The background check includes a public records name-and-address check to search for criminal history; review of any criminal history the sponsor self-reports

during the release process; and interviews with the child and the prospective sponsor.

During the screening process, each potential sponsor is asked about his or her immigration status by a grantee case manager. A heightened background check is undertaken if a potential sponsor is not a parent or legal guardian of the child or, if the potential sponsor is a parent or legal guardian, there is a concern about his or her ability to care for the child. This heightened background check may produce immigration status information. HHS does not disqualify potential sponsors based on immigration status but uses the information to make a determination whether the potential sponsor can safely and appropriately care for a child. Immigration status may be relevant, for example, if a potential sponsor is expected to leave the country prior to the resolution of the child's immigration proceedings.

In accordance with TVPRA, HHS requires verification of a sponsor's identity and relationship, if any, to a child before placing a child with a sponsor.

- To meet this requirement, HHS requires our grantees caring for the children 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.
- 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 if there is a question to the authenticity of the documents.

HHS also requires non-parent sponsors to provide proof of address as part of their application to sponsor an unaccompanied child.

HHS conducts Child Abuse and Neglect checks if the sponsor requires a home study; or for cases where a special concern has been identified by the case manager or third party reviewer.

Question 13: If a child is released into the custody of an adult outside of detention, which agency is in charge of assuring that the minor continues to reside with this individual? Which federal agency is keeping track of these minors so that that they are not disappearing, falling prey to trafficker or those who would seek to harm them?

HHS responsibility for care and custody of an unaccompanied child ends upon discharge or release. This is why it is important that we take care when deciding to release a child to a particular relative or sponsor. Upon release from HHS custody, the sponsor is responsible for ensuring that the unaccompanied child is protected against smugglers and traffickers or others who would attempt to victimize the child. Additionally, HHS provides information to the sponsor on how and when to notify DHS and the immigration court (administered by DOJ) of any change of address (including, how to obtain information about a change of venue of the immigration court, if required).

In the event that the sponsor no longer is able or willing to continue providing care for the child, HHS works on these situations on a case-by-case basis. HHS no longer has the legal custody relationship with children after they are released.

SENATOR COBURN

Tracking Unaccompanied Alien Children (UAC): Once the Department of Health and Human Services (HHS) releases a UAC to a sponsor with a Notice to Appear (NTA) before an immigration judge, you indicated HHS reports to the Department of Homeland Security (DHS) on the number of UAC who have been released on their own recognizance. However, in a briefing to congressional staff on the Senate Finance Committee, it is my understanding you stated HHS does not report to DHS.

Question 1: So, I want to ask you again, does HHS report to DHS on to whom and to what locations the UACs are released? If not, why not?

HHS reports to DHS the addresses of the sponsors to whom the unaccompanied children are released.

Question 2: Does HHS track these children in order to ensure they appear at their immigration hearing?

No, HHS does not track children once released from custody

Identifying the Sponsors to Whom UAC are Released: In a June conference call with Congressional staff and in this hearing you stated HHS is not and will not be checking the immigration status of relatives or sponsors to whom UAC are released.

Question 3: Apart from immigration status, does HHS have any procedures to verify the basic identification presented by individuals claiming to be the parents or relatives of these children? Does HHS check to determine whether that identification is fraudulent? Is U.S. government issued identification required? Why or why not? Please provide a list of accepted forms of identification.

HHS's primary responsibility in determining if a child can be released to a sponsor is ensuring that the potential sponsor can safely and appropriately care for a child. A background check is conducted on each potential sponsor, and steps are taken to verify a potential sponsor's identity and relationship to the child. The background check includes a public records name-and-address check to search for criminal history; review of any criminal history the sponsor self-reports during the release process; and interviews with the child and the prospective sponsor.

During the screening process, each potential sponsor is asked about his or her immigration status by a grantee case manager. A heightened background check is undertaken if a potential sponsor is not a parent or legal guardian of the child or, if the potential sponsor is a parent or legal guardian, there is a concern about his or her ability to care for the child. This heightened background check may produce immigration status information. HHS does not disqualify potential sponsors based on immigration status but uses the information to make a determination whether the potential sponsor can safely and appropriately care for a child. Immigration status may be relevant, for example, if a potential sponsor is expected to leave the country prior to the resolution of the child's immigration proceedings.

In accordance with TVPRA, 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 may be then verified by consulate staff of the child and parent's home country for authentication, if there is a question as to the authenticity of the documents.

All sponsors must submit supporting documents to prove the sponsor's identity and relationship to the child. Certified copies or originals of all documents are preferred but not required unless there is a trafficking concern or a specific concern that a document may be fraudulent. HHS also works with foreign consulates to obtain copies or verification of the unaccompanied child and/or sponsor documentation, such as birth or marriage certificates.

To prove a sponsor's identity, HHS requires all sponsors to submit one form of government-issued photo identification, and a copy of their birth certificate. To prove the sponsor's relationship to the child, HHS requires certain documentation depending on the relationship of the sponsor to the child. HHS accepts foreign identity cards, and birth certificates to establish proof of identity and relationship. If there is a question as to the documents authenticity HHS will work with the issuing country's consulate or embassy to verify the documents in question.

1. All Sponsors with familial relationships with UC: Must submit a birth certificate and if necessary a trail of birth certificates to prove the relationship. A "trail of birth certificates" refers to using birth certificates from various family members to establish a relationship to the child. For instance, if a child's grandparent is sponsoring the child, in addition to the grandparent's birth certificate we would ask for the child's parent's birth certificate to show evidence of a familial relationship between the grandparents and the unaccompanied child.
2. Qualifying Stepparent Sponsors: Must submit a trail of birth certificates, marriage certificates, and court orders to prove the relationship.
3. Legal Guardian Sponsors: Must submit a copy of a court's guardianship order.
4. Non-Related Sponsors: Must submit an explanation of their relationship with the unaccompanied child or the child's family, which must be confirmed by the unaccompanied child and the child's family.

Question 4: Does HHS conduct background checks on the relatives, parents or other sponsors prior to releasing a child to their custody? If yes, what databases are checked and what other agencies help HHS with the checks? If not, why not?

Criminal Public Record Check: This is a criminal public records check based on the sponsor's name and address. HHS grantees contract with vendors to conduct these background searches. All potential sponsors, and any other household members where a special concern is identified, must complete a Criminal Public Record Check.

National Federal Bureau of Investigation (FBI) Criminal History Check: This is a check of FBI national criminal history and state repository records based on digital fingerprints or digitized paper prints. The categories of sponsors and household members that must complete this check include:

- All non-parent/legal guardian sponsors, which may include related and non-related adults.
- Any parent or legal guardian who displays a documented risk to the safety of the minor, where the minor is especially vulnerable, or where the case is referred for a home study.

- All adult household members for cases referred for a home study.
- Any case where a special concern is identified. HHS may require an adult household member to complete this background check for a special concern.

Child Abuse and Neglect Check (CA/N): HHS will conduct a CA/N check in any locality where the sponsor or household member has lived in the past five years. For any case where a home study is conducted, the potential sponsor must complete this check. In addition, any adult household member who poses a special concern may also have to complete this background check.

State Criminal History Repository Check and/or Local Police Check: For an unresolved criminal arrest or issue, this additional state or local check may assist in locating arrest records or other criminal offense details. This is an additional background check that may be completed under special circumstances for a potential sponsor or household member that poses a special concern.

HHS works with the U.S. Office of Personnel Management and the FBI to complete criminal background checks. HHS also works with states to conduct child abuse and neglect checks.

Question 5: How would the process for conducting a background check or determining how a child is released into the custody of a parent or other sponsor compare with the traditional social service treatment for the process of placing a child in temporary or long-term foster care?

For the domestic child welfare system, each State provides its own criteria and licensing requirements for foster parents. They all require a determination of suitability which includes a safe home environment and background checks of the individuals in the home, including a check of criminal history.

Foster family homes must be licensed by a State licensing authority in accordance with standards that the licensing authority establishes. In order to be an allowable title IV-E placement, the foster family home must be fully licensed and may not be the subject of major deficiencies, as determined by the licensing authority.

If statutorily required, prospective foster parents must submit to a fingerprint-based check of the National Crime Information Database (NCID). In order to be approved as a foster parent, a prospective foster parent may never have been convicted of certain delineated felonies, including felony child abuse or neglect and various specified crimes of violence. A prospective foster parent also may not be approved if the parent has been convicted of a felony drug-related offense or felony assault and battery.

If a State maintains a child abuse and neglect registry, it must check the registry to ensure that a prospective foster parent, and all other adults living in the home, are not included on the registry. The state also must request that any other state in which the prospective foster parent has lived within the preceding five years check its child abuse and neglect registry. These checks must occur before the prospective foster parent can be approved.

Similarly, potential sponsors for unaccompanied children are required to undergo background checks and complete an assessment process that identifies risk factors and other potential safety concerns. The background check consists of:

- a criminal records review through a public records name and address check of the sponsor;

- self-reporting by the sponsor of criminal history or domestic violence;
- interviews with the child to uncover any criminal or domestic violence concerns about the sponsor;
- a written assessment of the child and the sponsor completed by case managers and clinicians; and
- in some cases a fingerprint background check.

A fingerprint background check is required if:

- any risk factors are raised;
- there is any concern for the child's safety, or
- if the sponsor is not the child's parent or legal guardian.

The fingerprints are cross-checked with Federal Bureau of Investigation records and DHS arrest records.

In accordance with the Trafficking Victims Protection Reauthorization Act of 2008, HHS requires verification of a sponsor's identity and relationship, if any, to a child before placing a child with a sponsor.

Question 6: Is HHS required to do a home study to determine the eligibility of the sponsor?

HHS conducts home studies of a sponsor's home and their suitability to be a sponsor in accordance with section 235(c)(3)(B) of the TVPRA of 2008, which stipulates home studies be performed in the following cases:

1) The unaccompanied child is a victim of a severe form of trafficking;
2) The unaccompanied child is a special needs child with a disability as defined in section 3 of the Americans with Disability Act of 1990;
3) The unaccompanied child is a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or,
4) An unaccompanied child's proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking based on all available objective evidence.

Currently, approximately 13 percent of unaccompanied children receive home studies prior to their release. In addition, post-release services must be performed for all cases in which a home study was conducted.

Question 7: Is HHS required to consult with the consulate of the UAC's home country or to interview the UAC to ensure the child agrees with the placement?

HHS is not required to consult with the unaccompanied child's home country as to the release of the child to a sponsor. HHS does take into account the child's perspective of the release to a sponsor, and a child may contact his or her consulate at any time for any reason.

Question 8: Based on my understanding, there appears to be relatively little information requested of the sponsor claiming an alien child. In fact, a June 3rd Immigration and Customs Enforcement (ICE) report recently released by the media noted the same family members or sponsors are appearing several times to claim different children. Have you seen any evidence of "sponsor shopping" where one sponsor may be claiming custody of multiple children?

Yes, in very rare instances we have seen "sponsor shopping."

Question 9: If you have, what do you do with that information?

All addresses and names of potential sponsors are stored in the HHS/ORR database. When a potential sponsor is identified for an unaccompanied child, the child's case manager performs a name and address search on the sponsor in the database. A sponsor who has claimed custody of multiple children would appear as such in the database.

A case manager could then use such information as grounds to deny the sponsorship or to require a heightened background check and possibly a home study.

Question 10: Is that sponsor put on any type of list that would prevent him/her from claiming more children in the future?

As noted above, case workers and Federal staff have access to a database that contains information as to whether a sponsor's name or address has been used previously to sponsor or to *attempt* to sponsor a child.

Question 11: How many investigations have been opened in regards to possible fraudulent placement or 'claiming' of children? Who handles those investigations?

HHS/ORR does not have an investigatory law enforcement function. The ORR policy requires that the relationship between the sponsor and the UAC be established before the child is released from HHS custody. ORR's responses to the background check process and interviewing of the child and the sponsor during this process are put into place to prevent the release of children to smugglers, traffickers or others who would try to victimize the child.

While such instances are few and far between, HHS/ORR policy would consider an individual attempting to fraudulently sponsor a child as a serious incident requiring reporting to ORR. As this would represent a crime, the case should be referred to law enforcement. ORR does not maintain records of investigations like these, but expects the number to be small.

- **Procedure for Alien Children Who are Not Claimed by a Sponsor and What Happens If They Reach Age 18 in HHS Custody:** If no sponsor claims a UAC, what is the procedure for caring for the child in the future?

Question 12: How long can they stay in an HHS facility?

Once unaccompanied children turn 18 they must be removed from the HHS facility. Our programs are state licensed for juveniles and no adults are allowed to be in custody.

Question 13: What happens to UAC who turn 18 while in HHS custody? Are they released on their own recognizance? Are they transferred to the custody of another agency?

If former unaccompanied children turn 18 while in HHS custody they are transferred to DHS custody. Section 235(c)(2)(B) of the TVPRA 2008 contains additional information about such transfers. HHS may not release an alien on their own recognizance under the Homeland Security Act of 2002 §462(b)(2).

Question 14: If a UAC is given an NTA, does HHS or any other agency ensure the child appears for an immigration hearing? Why or why not?

If an unaccompanied child is in HHS custody and has an NTA for an appearance while in HHS custody, HHS will take the child to the noticed court hearing or proceeding. Before an unaccompanied child is released to a sponsor by HHS the sponsor must commit to abide by the terms of the *Sponsor Care Agreement,* which requires that the sponsor ensure that the child appear for all hearings or proceedings for which they are a party.

Question 15: How many UAC fall into this category (i.e. reach the age of 18 while in HHS custody)?

Numbers vary year to year but approximately one percent of unaccompanied children age out while in HHS custody.

- **Health Concerns within the UAC Population Housed in HHS/DOD Facilities:** Several articles over the past month continue to report problems with illegal alien children bringing communicable diseases across the border. On top of this threat to other children living in these facilities, our border patrol agents and the communities to which we are releasing these children, there are also reports that health officials caring for these sick children are being told to keep their mouths shut, as sharing information on the extent of the problem would lead to immediate dismissal, and that HHS, one if its contractors running the facilities at Lackland and Fort Sill, BCFS, and state officials have covered up a very serious health threat.

Question 16: What are the primary health issues facing the UAC population coming into the U.S.?

The Centers for Disease Control and Prevention (CDC) believes that the children arriving at U.S. borders pose little risk of spreading infectious diseases to the general public.

Countries in Central America, where most of the unaccompanied children are from (Guatemala, El Salvador, and Honduras), have childhood vaccination programs, and most children have received some or all of their recommended childhood vaccines. However, they may not have received a few vaccines, such as chickenpox, influenza, and pneumococcal vaccines. As a precaution, ORR is providing vaccinations to all children who do not have documentation of previous valid doses of vaccine.

The primary health concerns for unaccompanied children are similar to the ones experienced by domestic children, including such common childhood maladies like skin conditions (warts, eczema, acne, cellulitis) and the common cold. Unaccompanied children may also come into HHS custody suffering from injuries or exposure-related illness or disease associated with their journey to the U.S.

Question 17: Are there any cases of scabies or tuberculosis at any HHS facility housing UAC?

Yes. There have been cases of scabies, but HHS does not track these numbers. To date, in FY 2014 there have been about a nine cases of confirmed active TB.

Children receive an initial screening for visible and obvious health issues (for example, lice, rashes, diarrhea, and cough) when they first arrive at CBP facilities. Onsite medical staff are available at CBP facilities to provide support, and referrals are made to a local emergency room for additional care, if needed. Children must be considered "fit to travel" before they are moved from the border patrol station to an ORR shelter. Children receive a thorough medical screening

and vaccinations at ORR shelter facilities. If children are found to have certain communicable diseases, they are separated from other children and treated as needed.

Question 18: Have there been any outbreaks of diseases such as tuberculosis, scabies or measles at any HHS facility housing UAC?

No, while there have been individual cases, there have been no widespread transmissions reported by programs to ORR in 2014. All programs would follow reporting guidelines to State health officials as required by State licensing standards.

Question 19: Have any health professionals contracted any diseases during their care of UAC?

ORR has not received any reports of health professional's having contracted any disease from unaccompanied children.

Question 20: I will repeat the questions I asked of DHS representatives at the hearing, do you believe HHS employees have the right to communicate directly with Congress?

HHS believes it is important for the Department to communicate directly with Congress. We support transparency and opened our doors for tours of these facilities over the summer for Members of Congress. However, the Lackland and Fort Sill facilities were operated by ORR grantees, not by HHS employees. And, staff are employees of the grantees. HHS answered Congressional questions during these tours and responded to any Congressional concerns both during these tours as well as through our legislative offices. Congress is a key partner in our efforts; we would be happy to meet with you or your staff on this issue.

Question 21: Do you believe HHS employees have the right to communicate with the HHS Office of the Inspector General?

Yes.

- **Failure to Maintain Proper Vaccinations Prior to Entering the U.S.:** The INA (8 USC 1182(a)(1)) makes inadmissible any alien who has a communicable disease of public health significance or who has failed to present documentation of having received vaccination against vaccine-preventable diseases, including at least mumps, measles, rubella, polio, tetanus, pertussis, influenza type B, and hepatitis B.

Question 22: How many children are coming in without having documentation of vaccination as required by the INA?

I can only answer to those children who are unaccompanied children and referred to HHS by another Federal department or agency. Of those, very few would come with documentation of vaccination.

Most of the unaccompanied children are from countries in Central America (Guatemala, El Salvador, and Honduras that have childhood vaccination programs, and most have received some or all of their recommended childhood vaccines. However, they may not have received a few vaccines, such as influenza, pneumococcal, and varicella (chickenpox) vaccines. As a precaution, ORR is providing vaccinations to all children who do not have documentation of previous valid doses of vaccine.

The type of vaccine given depends on the age of the children. Babies get different vaccines than teenagers. Unaccompanied children are vaccinated according to the catch-up schedule recommended by the Advisory Committee on Immunization Practices (ACIP). The only exception where we don't follow the standard ACIP recommendation is for pneumococcal vaccine. This is normally a vaccine for infants, but per interim CDC guidance, virtually all children should be vaccinated against pneumococcal disease. In general, unaccompanied children aged 12 years and older are vaccinated against: measles, mumps, rubella, varicella, influenza, diphtheria, tetanus, pertussis, pneumococcal disease, meningococcal disease, polio, hepatitis A, and hepatitis B

Question 23: Are there any children with communicable/contagious diseases being treated by HHS? If so, what type of diseases are you seeing?

Typical contagious diseases include the common cold, lice, and scabies. Depending on the season, influenza, pneumonia, and varicella (chicken pox) are also routinely reported.

Children receive an initial screening for visible and obvious health issues (for example, lice, rashes, diarrhea, and cough) when they first arrive at CBP facilities. Onsite medical staff are available at CBP facilities to provide support, and referrals are made to a local emergency room for additional care, if needed. Children must be considered "fit to travel" before they are moved from the border patrol station to an ORR shelter. Children receive a thorough medical screening and vaccinations at ORR shelter facilities. If children are found to have certain communicable diseases, they are separated from other children and treated as needed.

Question 24: Are any children with communicable/contagious diseases being released into local communities by HHS? If so, doesn't this violate existing immigration law?

Children with communicable disease of public health significance are retained in HHS custody until it is determined they are no longer infectious.

Question 25: What has been the cost, so far, to provide vaccinations to apprehended UACs?

Unaccompanied children are eligible to receive vaccines through the Vaccines for Children (VFC) program; these vaccines are provided to States and funded by the Federal Government. We also note that it is in the public health interest of the United States to immunize these children to minimize the potential for vaccine-preventable disease outbreaks.

Question 26: What has been the cost to treat HHS healthcare providers who have been infected by diseases spread by UAC?

ORR has not received any reports of about a health professional's having contracted any disease from unaccompanied children.

- **Services Provided to UAC While in Federal Care:** What are the guidelines utilized by HHS and ORR during the time children are in their custody?

Question 27: What medical services are provided? Does this include provision of birth control or other family planning drugs? If yes, what type of birth control or other family planning drugs are provided?

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. While children are in licensed programs under HHS/ORR care, medically necessary services are provided in accordance with the Flores Settlement Agreement. The cost of medical care for the children while they are in HHS/ORR custody is paid by the Federal Government.

Birth control drugs may be provided at the direction of a doctor, but only for medically-necessary reasons (e.g., control of menstrual cycles), not pregnancy prevention.

Question 28: What educational services are provided?

At a minimum, the *Flores* Settlement Agreement requires the following of ORR's licensed programs:

"Educational services appropriate to the minor's level of development, and communication skills in a structured classroom setting, Monday through Friday, which concentrates primarily on the development of basic academic competencies and secondarily on English Language Training (ELT). The educational program shall include instruction and educational and other reading materials in such languages as needed. Basic academic areas should include Science, Social Studies, Math, Reading, Writing and Physical Education. The program shall provide minors with appropriate reading materials in languages other than English for use during the minor's leisure time."

Question 29: What psychological services are provided?

Generally, psychological services are mandated by State licensing. At a minimum the *Flores* Settlement Agreement requires the following for licensed programs:

"At least one (1) individual counseling session per week conducted by trained social work staff with the specific objectives of reviewing the minor's progress, establishing new short term objectives, and addressing both the developmental and crisis-related needs of each minor."

"Group counseling sessions at least twice a week. This is usually an informal process and takes place with all the minors present. It is a time when new minors are given the opportunity to get acquainted with the staff, other children, and the rules of the program. It is an open forum where everyone gets a chance to speak. Daily program management is discussed and decisions are made about recreational activities, etc. It is a time for staff and minors to discuss whatever is on their minds and to resolve problems."

Question 30: What legal services are being provided?

HHS contracts with a legal service provider to give unaccompanied children in-person Know Your Rights (KYR) presentations by an attorney, paralegal or BIA Accredited

Representative. HHS may provide a video version of the KYR if no in-person presentation is available.

Legal service providers also provide legal screenings of unaccompanied children to determine whether they appear to be eligible for legal relief due to trafficking, victimization, or other reason under the law. Those children who are found to have a potential claim for legal relief may be referred to a *pro bono* or volunteer attorney.

Additionally, HHS funds legal representation for unaccompanied children in certain limited circumstances.

Unaccompanied children are given a notice of their rights; a notice of their right to apply for special immigrant juvenile status; a list of pro bono legal service providers where the HHS facility caring for the child is located; and, upon release, a list of legal service providers serving the unaccompanied child's sponsor's area. UAC are given legal services information including the availability of free legal assistance, the right to be represented by counsel at no expense to the government, the right to a removal/deportation or exclusion hearing before an immigration judge, and the right to apply for asylum or to request voluntary departure in lieu of removal/deportation.

HHS also requires its caseworkers to assist the sponsors of unaccompanied children in scheduling attendance at a Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC), if available. The LOPC is administered by the DOJ Executive Office for Immigration Review. The purpose of the LOPC is to inform the children's custodians of their responsibilities in ensuring the child's appearance at all immigration proceedings, as well as protecting the child from mistreatment, exploitation, and trafficking, as provided under the Trafficking Victims Protection Reauthorization Act of 2009. For more information about the LOPC program, please contact DOJ.

Question 31: What recreational services are provided?

The *Flores* Settlement Agreement requires the following of all licensed programs:

"Activities according to a recreation and leisure time plan which shall include daily outdoor activity, weather permitting, at least one hour per day of large muscle activity and one hour per day of structured leisure time activities (this should not include time spent watching television). Activities should be increased to a total of three hours on days when school is not in session."

SENATOR PRYOR

Question 1: 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) funding request?

a. How is the Administration going to ensure that the Office of Management and Budget can be agile in their requests and give Congress time to ensure oversight for crisis's build over time like this one?

At the time that the FY 2015 budget was developed, we did not have sufficient data to precisely project the amount of funding that would be needed in FY 2015. At that time we were also working with interagency partners to explore ways to improve the operational efficiency of the unaccompanied children program, as directed by the FY014 Senate and House Appropriations Committees in Conference Reports.

It was not until months after the budget was released, in May and June of 2014, that HHS/ORR experienced a sudden increase in referrals of unaccompanied children, which exceeded all past projections. 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 FY 2015 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 2: 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?

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 FY 2011, and we will use their experience and lessons learned as we prepare for the future.

Question 3: Many of the children arriving at the border are traumatized by what they have experienced and are in need of psychosocial care. Can you describe HHS's plans to provide mental health support for these children?

How much funding in President Obama's emergency supplemental request will be dedicated to mental health support?

Many unaccompanied children have suffered significant psychological and emotional (and corresponding physical) trauma on their journey to the United States. Many are victims of violent crimes such as rape, assault, robbery, and other abuse at the hands of smugglers, criminal gangs, or other migrants. Others have witnessed these crimes perpetrated on their relatives, and other children or adults, either in their home country or in transit. These children come into HHS custody having suffered a significant psychological toll in many cases, and require and receive clinical counseling as required under law.

Generally, psychological services provided for unaccompanied children are mandated by State licensing. At a minimum they must include the following as required under the *Flores* Settlement Agreement:

"At least one (1) individual counseling session per week conducted by trained social work staff with the specific objectives of reviewing the minor's progress, establishing new short term objectives, and addressing both the developmental and crisis-related needs of each minor. Group counseling sessions at least twice a week. Unaccompanied children also receive a mental health screening shortly after coming into HHS custody and are referred for mental health care if necessary. The Office of Refugee Resettlement also maintains therapeutic shelter beds for children needing more intensive mental health services."

SENATOR JOHNSON

Question 1: Please provide a breakdown of the demographics of the 57,000 unaccompanied children cited at the hearing. The breakdown should include country of origin, gender, age, and % with relatives already here 1) legally, 2) illegally.

Please see attached spreadsheet. As you will see from the attached data, there are a very small number of individuals who enter HHS care and custody who are coded as being 18 years old. An 18 year old is ineligible for the HHS UAC program, but in a small number of cases a child is not determined to be 18 until after arriving at an HHS shelter. In these cases, the individual is removed from the shelter and becomes the responsibility of DHS. In a small number of other cases, the individual's date of birth may have been entered in error. HHS would also note the attached totals reflect referrals (from DHS), and not placements (which include referrals plus any transfer placements).

Question 2: How many UACs have been reunited with parents/guardians in the United States?

There have been approximately 41,384 unaccompanied children released to a sponsor between October 1, 2013 to July 9, 2014. Sponsors are adults, typically family members, who are suitable to provide for the child's physical and mental well-being and have not engaged in any activity that would indicate a potential risk to the child.

Question 3: Please describe the incidence of disease among UACs at ORR facilities for years 2013 and 2014. Please provide disease type and count.

While we maintain medical records for each child, we do not maintain this information in a way that can be extracted in a simple way, except for tracking cases of TB and varicella (chicken pox). In calendar year 2014, as of the date of the hearing, there have been 104 reported cases of varicella, and nine cases of confirmed active TB. We would be happy to meet with you or your staff on this topic.

Fiscal Year 2014 - October 1, 2013 through June 30, 2014

In FY 2014, a total of 48,370 unaccompanied children were referred into HHS custody, as of June.
In the charts below, the totals sometimes are slightly less than this figure because some of the data fields were missing entries.

Country	# of UAC	Percentage
Albania	20	0.042%
Angola	2	0.004%
Argentina	2	0.004%
Armenia	1	0.002%
Bahamas	1	0.002%
Bangladesh	6	0.012%
Belize	16	0.033%
Bolivia	1	0.002%
Brazil	8	0.017%
Cameroon	2	0.004%
Chad	1	0.002%
China	82	0.170%
Colombia	8	0.017%
Costa Rica	4	0.008%
Cuba	11	0.023%
Dominican Republic	6	0.012%
Ecuador	622	1.291%
El Salvador	13592	28.214%
Gabon	1	0.002%
Ghana	4	0.008%
Guadeloupe	3	0.006%
Guatemala	15222	31.597%
Haiti	18	0.037%
Honduras	17469	36.262%
India	69	0.143%
Italy	1	0.002%
Latvia	1	0.002%

Age	# of UAC	Percentage
0	212	0.4%
1	236	0.5%
2	149	0.3%
3	125	0.3%
4	215	0.4%
5	261	0.5%
6	407	0.8%
7	549	1.1%
8	861	1.8%
9	1235	2.6%
10	1596	3.3%
11	1904	4.0%
12	2269	4.7%
13	3119	6.5%
14	4490	9.3%
15	6629	13.8%
16	10680	22.2%
17	13028	27.0%
18	224	0.5%
Total	48189	

Gender	# of UAC	Percentage
Female	16676	35%
Male	31607	65%
Total	48283	

Macao	2	0.004%
Mali	1	0.002%
Mexico	656	1.362%
Myanmar	1	0.002%
Nepal	1	0.002%
Nicaragua	189	0.392%
Nigeria	4	0.008%
Panama	1	0.002%
Peru	60	0.125%
Philippines	2	0.004%
Poland	1	0.002%
Romania	9	0.019%
Russia	2	0.004%
Saint Vincent And The Grena	1	0.002%
Saudi Arabia	2	0.004%
Senegal	1	0.002%
Somalia	5	0.010%
South Korea	2	0.004%
Spain	1	0.002%
Swaziland	2	0.004%
Syria	2	0.004%
Trinidad and Tobago	1	0.002%
Turkey	4	0.008%
United Arab Emirates	1	0.002%
United States of America*	50	0.104%
Venezuela	1	0.002%
Total	48175	

*Note this refers to the number of children born to a UAC who was in HHS custody.

Fiscal Year 2013 - October 1, 2013 through September 30, 2014

In FY 2013, a total of 24,668 unaccompanied children were referred into HHS custody.
In the charts below, the totals sometimes are slightly less than this figure because some of the data fields were missing entries.

Gender	Total UAC
Male	18377
Female	6660
Total	25037

Age	Total UAC
0	132
1	46
2	36
3	35
4	73
5	92
6	102
7	206
8	337
9	379
10	506
11	583
12	848
13	1193
14	1982
15	3537
16	6413
17	8485
18	26
Total	25011

Country of Citizenship	Total UAC
Afghanistan	1
Albania	21
Argentina	2
Armenia	1
Bahamas	1
Bangladesh	3
Belize	8
Bolivia	1
Brazil	7
Cameroon	1
China	41
Colombia	6
Congo	2
Costa Rica	3
Cote D'Ivoire	1
Cuba	7
Dominican Republic	9
Ecuador	493
El Salvador	6431
Eritrea	1
Ethiopia	1
Ghana	8
Guadeloupe	2
Guatemala	9202
Haiti	26
Honduras	7419
Hong Kong	1

India	218
Iraq	1
Israel	1
Jamaica	1
Korea	2
Mexico	846
Micronesia	1
Nepal	3
Nicaragua	106
Nigeria	5
Pakistan	1
Panama	1
Peru	57
Philippines	3
Romania	21
Russia	1
Rwanda	5
Saint Kitts and Nevis	1
Saudi Arabia	1
Somalia	4
South Africa	1
Thailand	1
Turkey	1
Ukraine	1
United Kingdom	1
United States of America*	45
Total	25028

*Note this refers to the number of children born to a UAC who was in HHS custody.

Fiscal Year 2012 - October 1, 2011 through September 30, 2012

In FY 2012, a total of 13,625 unaccompanied children were referred into HHS custody.
In the charts below, the totals sometimes are slightly less than this figure because some of the data fields were missing entries.

Gender	Total UAC
Male	10264
Female	3149
Total	13413

Age	Total UAC
0	75
1	14
2	13
3	19
4	24
5	31
6	52
7	79
8	110
9	169
10	206
11	291
12	406
13	532
14	1018
15	1846
16	3506
17	5194
18	28
Total	13613

Country of Citizenship	Total UAC
Afghanistan	4
Albania	1
Antigua amd Barbuda	1
Azerbaijan	1
Bahrain	1
Belize	6
Bermuda	2
Bolivia	1
Bostwana	1
Brazil	15
Canada	1
China	27
Colombia	10
Costa Rica	4
Cuba	3
Dominican Republic	12
Ecuador	256
El Salvador	3655
Eritrea	1
Ethiopia	1
France	1
Ghana	2
Guadeloupe	1
Guatemala	4584
Guinea	2
Haiti	14
Honduras	3573

India	24
Jamaica	2
Liberia	1
Mali	2
Mauritania	1
Mexico	1075
Nicaragua	52
Nigeria	2
Peru	19
Romania	20
Rwanda	1
Saint Lucia	1
Somalia	1
Spain	2
Sri Lanka	3
Sweden	2
Tanzania	1
Thailand	1
Trinidad and Tobago	1
Turkey	1
Uganda	1
United States of America*	27
Venezuela	1
Vietnam	1
Total	13422

*Note this refers to the number of children born to a UAC who was in HHS custody.

Fiscal Year 2011 - October 1, 2010 through September 30, 2011

In FY 2011, a total of 6,560 unaccompanied children were referred into HHS custody.
In the charts below, the totals sometimes are slightly less than this figure because some of the data fields were missing entries.

Gender	Total UAC
FEMALE	1037
MALE	3670
Total	4707

Age	Total UAC
0	34
1	10
2	6
3	1
4	12
5	20
6	31
7	31
8	54
9	51
10	53
11	82
12	128
13	187
14	295
15	563
16	1240
17	1899
18	7
Total	4704

Country of Citizenship	Total UAC
Albania	1
Australia	1
Bangladesh	1
Belize	1
Bolivia	2
Brazil	4
Canada	3
China	19
Colombia	10
Costa Rica	1
Cuba	2
Dominica	1
Dominican Republic	8
Ecuador	107
El Salvador	1176
Equatorial Guinea	1
Eritrea	1
Germany	3
Ghana	1
Guatemala	1409
Guyana	1
Haiti	16
Honduras	949
India	97
Jamaica	2
Mali	2
Mexico	802
Nepal	1

New Zealand	1
Nicaragua	14
Nigeria	1
Peru	10
Romania	13
Russia	3
Saudi Arabia	1
South Africa	1
Sri Lanka	1
Tanzania	1
Trinidad and Tobago	1
United Kingdom	2
United States of America*	21
Yemen	1
Total	4693

*Note this refers to the number of children born to a UAC who was in HHS custody.

Fiscal Year 2010 - October 1, 2009 through September 30, 2010

In FY 2010, a total of 7,383 unaccompanied children were referred into HHS custody.
In the charts below, the totals sometimes are slightly less than this figure because some of the data fields were missing entries.

Gender	Total UAC
FEMALE	2185
MALE	5270
Total	7455

Age	Total UAC
0	21
1	3
2	8
3	7
4	13
5	23
6	60
7	74
8	104
9	114
10	148
11	165
12	229
13	327
14	511
15	981
16	1787
17	2716
18	111
Total	7402

Country of Citizenship	Total UAC
AUSTRIA	1
BELIZE	2
BOLIVIA	1
BRAZIL	22
CANADA	2
CAYMAN ISLANDS	1
CHILE	1
CHINA	54
COLOMBIA	9
COSTA RICA	3
COTE D'IVOIRE	1
CUBA	9
CZECH REPUBLIC	1
DOMINICA	1
DOMINICAN REPUBLIC	20
ECUADOR	259
EL SALVADOR	2053
ERITREA	2
ETHIOPIA	1
FRANCE	3
GERMANY	1
GHANA	1
GUADELOUPE	1
GUATEMALA	1822
GUINEA	3
GUYANA	3
HAITI	699
HONDURAS	1105

HONG KONG	1
INDIA	62
JAMAICA	3
KENYA	1
LIBERIA	1
MALI	1
MEXICO	1195
NEPAL	2
NEW ZEALAND	1
NICARAGUA	35
NIGERIA	1
PANAMA	3
PARAGUAY	1
PERU	21
PHILIPPINES	1
POLAND	1
ROMANIA	5
SAINT LUCIA	2
SAUDI ARABIA	1
SIERRA LEONE	1
SOMALIA	11
SOUTH AFRICA	2
SRI LANKA	3
TRINIDAD AND TOBAGO	3
UNITED STATES OF AMERICA*	15
UNKNOWN	3
VENEZUELA	2
Total	7459

*Note this refers to the number of children born to a UAC who was in HHS custody.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Mark Pryor (#1)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

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 State for Foreign Operations funding request?

a. How is the Administration going to ensure that the Office of Management and Budget 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 has ebbed and flowed over time. In fiscal year 2014, however, the scale of migration has resulted in the apprehension of more than 54,000 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 portion of the supplemental requested for the Department of State and USAID addresses the underlying factors of migration and immediate repatriation and reintegration needs, especially in El Salvador, Guatemala, and Honduras. The Department of State and USAID intend to work with the U.S. interagency to implement these assistance programs. In addition, the Department of State and USAID are carefully preparing out-year budget requests to ensure sustained engagement in Central America to promote economic prosperity, good governance, and security, beyond the supplemental request.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Mark Pryor (#2)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

The President's 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 under the Foreign Assistance Act of 1961 to support a range of social, economic, rule of law, and development objectives globally. The FY 2014 emergency supplemental request would use ESF to expand the capacity of host 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. The supplemental also includes a request for transfer authority to the International Narcotics Control and Law Enforcement and Complex Crises

Fund foreign assistance accounts to ensure OMB has the flexibility needed to address unaccompanied children and migration issues.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Mark Pryor (#3)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

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% 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:

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. 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.

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 five 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.

U.S. assistance is also needed to 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.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Mark Pryor (#4)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

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 have taken steps to deter migration from their countries. Each government has accepted the return of family-unit repatriation flights, an important visible sign that no undocumented migrant has permission to stay in the United States. The three countries have conducted 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 numerous public declarations from high-level government officials seeking to deter citizens from choosing to migrate. For example, El Salvador's President Sanchez Ceren has spoken publicly about the dangers of travel by unaccompanied children, the Guatemalan and Honduran First Ladies have 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, 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 seven smugglers.

All of these actions are important in addressing the number of unaccompanied child migrants arriving at the U.S. southern border. We are working with the governments to continue their multifaceted approach to discourage potential migrants from making the dangerous journey to the United States.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Claire McCaskill (#1)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

In 2010, the U.S. government established the Central America Regional Security Initiative (CARSI) to support anti-corruption, judicial reform, anti-gang, community policing, and corrections efforts, as well as crime prevention, law enforcement, and counternarcotics programs in Central America. It is also my understanding that the State Department and the U.S. Agency for International Development (USAID) are engaged in a variety of economic development, institution-building, and job creation programs in Central America.

1) Please provide a list of programs run or funded by the State Department and USAID under the CARSI umbrella, including but not limited to security and counternarcotics programs, and related non-CARSI activities, including but not limited to economic development, institution-building, or job creation programs in Guatemala, Honduras and El Salvador since 2010, and the funding allocated to each. Please include a list of any partner agencies for each program and the amount of funding each agency contributes.

Answer:

The Central America Regional Security Initiative (CARSI) and complementary bilateral foreign assistance for El Salvador, Guatemala, and Honduras encompasses solely State and USAID foreign assistance appropriations accounts. CARSI and bilateral foreign assistance for El Salvador, Guatemala, and Honduras do not include direct appropriations from other non-foreign assistance agency accounts.

The following table lists CARSI and bilateral assistance programming and allocations by fiscal year of appropriation:

$ in thousands	FY10 Actual	FY11 Actual	FY12 Actual	FY13 Actual
Central America Regional Security Initiative (CARSI)	**95,000**	**101,508**	**135,000**	**145,619**
Economic Support Fund	23,000	30,000	50,000	50,619
Rule of Law and Human Rights	5,600	5,400	7,500	6,969
Good Governance	17,400	24,600	42,500	43,650
International Narcotics Control and Law Enforcement	65,000	71,508	85,000	95,000
Stabilization Operations and Security Sector Reform	10,000	5,600	5,900	8,700
Counternarcotics	22,556	26,958	28,450	35,550
Transnational Crime	15,482	28,300	14,400	25,000
Rule of Law and Human Rights	16,962	10,650	36,250	25,750
Foreign Military Financing	7,000	0	0	0
Stabilization Operations and Security Sector Reform	7,000	0	0	0
El Salvador Bilateral	**31,122**	**29,778**	**29,183**	**27,566**
Development Assistance	23,904	23,904	23,904	21,426
Rule of Law and Human Rights	1,212	1,764	1,500	646
Good Governance	2,788	2,986	-	1,000
Education	8,000	7,500	9,000	8,599
Macroeconomic Foundation for Growth	2,034	1,500	1,540	1,540
Trade and Investment	2,770	3,150	5,000	5,000
Financial Sector	1,000	825	-	-
Private Sector Competitiveness	3,600	3,679	4,364	4,641
Environment	2,500	2,500	2,500	-
Economic Support Fund	-	-	2,000	3,354
Rule of Law and Human Rights	-	-	-	1,204
Good Governance	-	-	2,000	2,150
Foreign Military Financing	-	1,247	1,250	1,709
Stabilization Operations and Security Sector Reform	-	1,247	1,250	1,709
Global Health Programs – State	20	20	-	-
Health	20	20	-	-
Global Health Programs – USAID	5,490	3,086		-
Health	5,490	3,086	-	-
International Military Education and Training	1,708	1,521	1,029	1,077
Stabilization Operations and Security Sector Reform	1,708	1,521	1,029	1,077
Nonproliferation, Antiterrorism, Demining and Related	-	-	1,000	-

Programs				
Stabilization Operations and Security Sector Reform	-	-	1,000	-
Guatemala Bilateral	**102,536**	**110,161**	**84,474**	**80,779**
Development Assistance	38,726	49,325	46,325	45,861
Stabilization Operations and Security Sector Reform	-	1,112	-	-
Transnational Crime	-	500	-	500
Rule of Law and Human Rights	5,100	4,734	7,665	3,825
Good Governance	3,200	4,654	4,160	2,880
Political Competition and Consensus-Building	2,500	-	-	500
Civil Society	-	-	-	1,331
Health	-	-	1,000	-
Education	6,000	6,000	9,000	8,599
Trade and Investment	1,700	500	-	-
Agriculture	13,600	13,000	13,000	14,141
Private Sector Competitiveness	2,026	7,525	2,000	3,001
Environment	4,600	11,300	9,500	11,084
Food for Peace Title II	42,413	38,085	14,209	11,876
Good Governance	-	-	853	-
Health	18,000	16,416	9,377	10,807
Agriculture	7,000	6,383	3,979	-
Environment	17,413	15,286	-	238
Disaster Readiness	-	-	-	831
Foreign Military Financing	-	499	500	712
Stabilization Operations and Security Sector Reform	-	499	500	712
Global Health Programs – USAID	14,600	18,068	17,600	16,796
Health	14,600	18,068	17,600	16,796
International Military Education and Training	797	192	840	688
Stabilization Operations and Security Sector Reform	797	192	840	688
International Narcotics Control and Law Enforcement	6,000	3,992	5,000	4,846
Rule of Law and Human Rights	6,000	3,992	5,000	4,846
Honduras Bilateral	**50,268**	**56,017**	**57,040**	**51,980**
Development Assistance	37,491	42,266	46,266	44,428
Rule of Law and Human Rights	1,201	580	580	1,798
Good Governance	6,143	6,385	8,572	5,721
Political Competition and Consensus-Building	500	850	850	1,500
Civil Society	1,649	1,685	2,064	2,064
Health	2,000	-	-	-
Education	9,700	9,700	10,700	13,090
Agriculture	8,000	15,000	17,000	15,000
Private Sector Competitiveness	5,998	2,566	-	-
Environment	2,300	5,500	6,500	5,255

Foreign Military Financing	-	998	1,000	2,848
Stabilization Operations and Security Sector Reform	-	998	1,000	2,848
Global Health Programs – State	1,000	1,000	1,000	-
Health	1,000	1,000	1,000	-
Global Health Programs – USAID	11,000	10,988	8,000	3,578
Health	11,000	10,988	8,000	3,578
International Military Education and Training	777	765	774	626
Stabilization Operations and Security Sector Reform	777	765	774	626
Nonproliferation, Antiterrorism, Demining and Related Programs	-	-	-	500
Stabilization Operations and Security Sector Reform	-	-	-	500

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Claire McCaskill (#2)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

In 2010, the U.S. government established the Central America Regional Security Initiative (CARSI) to support anti-corruption, judicial reform, anti-gang, community policing, and corrections efforts, as well as crime prevention, law enforcement, and counternarcotics programs in Central America. It is also my understanding that the State Department and the U.S. Agency for International Development (USAID) are engaged in a variety of economic development, institution-building, and job creation programs in Central America.

2) Please provide a list of contracts, the scope of the contracts, the names of the contractors and the FY 2013 obligations for each contract as well as the nature of the oversight being conducted on each contract – including the number of in-country contracting officers representatives (I-CORs) – that is managed, co-managed funded, in whole or in part, by the State Department or USAID in Guatemala, Honduras and El Salvador. Please indicate whether any of the contractors are responsible in any way for the oversight of any contracts other than their own.

Answer:

The State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) and USAID implement activities through several different types of programming mechanisms, including Letters of Agreement, Country Agreements for USAID (which are signed in-country), contracts, interagency agreements, cooperative agreements, and grants.

These instruments are managed according to standards consistent with Department and USAID acquisition and assistance oversight requirements, which are established pursuant to applicable U.S. law and regulation. USAID generally obligates funds in-country through Country Agreements. INL may obligate funds in Washington through interagency agreements and Letters of Agreement with international organizations.

For the Department and USAID, Contracting Officers (COs), Agreement Officers (AO), and Grants Officers (GO) are responsible for entering into, administering, and terminating mechanisms in accordance with the limitations of their delegated authority, policy directives, and required procedures. COs/AOs/GOs appoint Contract Officer Representatives (CORs), Agreement Officer Representatives (AORs), and Grants Officer Representatives (GORs), respectively, and as appropriate for the mechanism. CORs/GORs/AORs are appointed to perform specific oversight duties and are delegated limited authorities that are otherwise vested in the CO/GO/AO. To be authorized to perform these duties that would otherwise be the responsibility of the CO, GO, or AO, the COR, GOR, or AOR, respectively, must have completed the mandatory training for their position and the CO, GO, or AO must delegate this authority in a designation letter.

The attached listing includes contracts, grants, cooperative agreements, and Washington-based interagency agreements and Letters of Agreement with international organizations obligated during FY 2013.

State/INL:

Regional
Number of AORs/CORs – One per mechanism

Aviation Program Contract
Contractor(s)/Grantee(s): DynCorp
Duration: Initiated in 2013
FY 2013 Obligations: $9,600,000 INCLE

Strengthening Treatment and Rehabilitation Services International Organization Letter of Agreement
Implementer: Organization of American States / CICAD
Duration: 2013 - 2017
FY 201313 Obligations: $300,000 INCLE

Capacity Building Training, Travel and Support for Law Enforcement and Rule of Law in Central America Grant
Contractor(s)/Grantee(s): National Center for State Courts
Duration: 2014 - 2015
FY 2013 Obligations: $3,296,006 INCLE

Forensic Capacity in Central America's Northern Triangle Grant
Contractor(s)/Grantee(s): American Bar Association, Rule of Law Initiative
Duration: 2011 - 2014
FY 2013 Obligations: $1,000,000 INCLE

Precursor Chemical Investigation and Response Training Interagency Agreement
Implementer: Drug Enforcement Administration
Duration: 2013 - 2014
FY 2013 Obligations: $500,000 INCLE

Criminal History Information System Interagency Agreement
Implementer: Department of Homeland Security / Enforcement and Removal Operations
Duration: 2014 - 2016
FY 2013 Obligations: $2,270,000 INCLE

Central America Community Impact Exchange Interagency Agreement
Implementer: Department of Justice / Federal Bureau of Investigation
Duration: 2013 - 2014
FY 2013 Obligations: $400,000 INCLE

Anti-Money Laundering/Counter Terrorist Financing Interagency Agreement

Implementer: Department of the Treasury / Office of Technical Assistance
Duration: 2014 - 2016
FY 2013 Obligations: $3,000,000 INCLE

Regional – Honduras, Panama, El Salvador, Guatemala
Number of AORs/CORs – One per mechanism

International Task Force Agent Training Interagency Agreement
Implementer: Department of Homeland Security / Immigrations and Customs Enforcement
Duration: 2014 - 2016
FY 2013 Obligations: $500,000 INCLE

Regional – Honduras, Panama, Guatemala, Belize
Number of AORs/CORs – One per mechanism

Capacity Building Training, Travel and Support for Law Enforcement and Rule of Law in Central America Grant
Contractor(s)/Grantee(s): National Center for State Courts
Duration: 2012 - 2014
FY 2013 Obligations: $3,530,589 INCLE

El Salvador, Honduras, Belize
Number of AORs/CORs – One per mechanism

Regional Precursor Chemical Identification, Management, and Disposal International Organization Letter of Agreement
Implementer: Organization of American States / Department of Public Security
Duration: 2013 - 2014
FY 2013 Obligations: $1,000,000 INCLE

Guatemala
Number of AORs/CORs – One per mechanism

International Commission against Impunity in Guatemala International Organization Letter of Agreement
Implementer: International Commission against Impunity in Guatemala
Duration: Initiated in 2010
FY 2013 Obligations: $4,845,655 INCLE

Guatemala Precursor Chemical Identification, Management, and Disposal Contribution
Implementer: Organization of American States / Department of Public Security
Duration: 2013 - 2014
FY 2013 Obligations: $500,000 INCLE

Honduras

Number of AORs/CORs – One per mechanism

Resident Legal Advisor embedded within Honduran Attorney General's Office IAA Implementer: Department of Justice / Overseas Prosecutorial Development, Assistance and Training
Duration: 2014 - 2015
FY 2013 Obligations: $1,500,000 INCLE

USAID/LAC:

Latin America and the Caribbean Citizen Security Task Order
Contractor(s)/Grantee(s): Democracy International
Duration: 2013 - 2016
Total Projected Investment: $1,680,000 ESF
FY 2013 Obligations: $336,532.87 ESF

El Salvador Support - Central America Regional
Number of AORs/CORs – One

Regional Global Development Alliance (GDA): Building Communities to Foster Youth Development
Contractor(s)/Grantee(s): Glasswing International
Duration: 2012 - 2016
Total Projected Investment: $2,450,000 ESF + $2,500,000 private sector
FY 2013 Obligations: $0 ESF[1]

SICA Crime Prevention Observatory - OBSICA
Contractor(s)/Grantee(s): United Nations Development Program (UNDP)
Duration: 2014 - 2017
Total Projected Investment: $12,000,000 ESF
FY 2013 Obligations: $0 ESF[2]

El Salvador
Number of AORs/CORs - Three

Global Development Alliance - SolucionES
Contractor(s)/Grantee(s): Fundación Empresarial para el Desarrollo Educativo (FEPADE)
Duration: 2012 - 2017

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[1] USAID's portion of this cooperative agreement with Glasswing was fully funded in FY 2012.
[2] The PIO agreement with UNDP was recently signed at the end of May 2014 with prior year funds obligated in FY 2014.

FY 2013 Obligations: $2,000,000 ESF
Total Projected Investment: $20,000,000 ESF + $22,000,000 private sector

Citizen Safety: Crime and Violence Prevention Project Follow-On
Contractor(s)/Grantee(s): Creative Associates
Duration: 2013 - 2018
Total Projected Investment: $24,800,000 (ESF + DA)
FY 2013 Obligations: $7,722,255 ESF

Justice Sector Improvement Project
Contractor(s)/Grantee(s): Checchi and Co.
Duration: 2013 – 2018
Total Projected Investment: $21,400,000 (ESF + DA)
FY 2013 Obligations: $2,285,000 ESF

Guatemala
Number of AORs/CORs - Two

Violence Prevention Project (VPP)
Contractor(s)/Grantee(s): RTI International
Duration: 2010 - 2014
Total Projected Investment: $26,000,000 (ESF + INCLE)
FY 2013 Obligations: $0 ESF[3]

Security Sector Security and Justice Sector Reform Project (SJSRP)
Contractor(s)/Grantee(s): Checchi and Co.
Duration: 2012 - 2017
Total Estimated Investment: $19,800,000 (ESF + DA)
FY 2013 Obligations: $0 ESF[4]

Honduras
Number of AORs/CORs – Six

Fostering Citizen Participation, Transparency and Social Opportunities - Community Action for Prosperity (CAP) – IMPACTOS
Contractor(s)/Grantee(s): Counterpart International
Duration: 2011 - 2016
Total Projected Investment: $4,990,000 ESF

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[3] This project was fully funded with FY 2012 funds.
[4] This contract is mostly funded with non-CARSI DA. $3,000,000 in FY 2012 CARSI funds are slated to be sub-obligated into the contract in the near future.

FY 2013 Obligations: $1,734,000 ESF

Proyecto Mejorando la Educación para Trabajar, Aprender y Superarse (METAS)
Contractor/Grantee: Education Development Center (EDC)
Duration: 2010-2014
Total Projected Investment: $10,600,000 (ESF + DA)
FY 2013 Obligations: $1,658,852 ESF

CARSI Municipal Citizen Security Planning and Violence Prevention
Contractor(s)/Grantee(s): United Nations Development Program (UNDP)
Duration: 2011-2015
Total project Investment: $3,070,000 ESF
FY 2013 Obligations: $2,293,755.79 ESF

CARSI Gang Prevention – Alianza Joven Honduras (AJH)
Contractor(s)/Grantee(s): Creative Associates (GDA)
Duration: 2013-2015
Total Projected Investment: $2,500,000 ESF + $2,500,000 private sector
FY 2013 Obligations: $1,400,000 ESF

Jovenes Saludables
Contractor(s)/Grantee(s): Population Services International (PSI)
Duration: 2012-2015
Total Projected Investment: $1,175,000 (ESF + DA)
FY 2013 Obligations: $400,000 ESF

CARSI Strengthening Local Capacity to Building a Culture of Peace (FORPAZ)
Contractor/Grantee: Save the Children Honduras
Duration: 2013-2015
Total Projected Investment: $550,105 ESF
FY 2013 Obligations: $325,000 ESF

Honduras Convive!
Contractor/Grantee: Creative Associates
Duration: 2012-2015
Total Projected Investment: $20,000,000 (ESF + TI)
FY 2013 Obligations: $500,000 ESF

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Claire McCaskill (#3)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

In 2012, GAO found that U.S. agencies have reported some results from CARSI funds, but have not attempted to assess their performance using the metrics they themselves outlined in a 2012 interagency strategy for Central America that were designed to measure the results of CARSI and related non-CARSI activities. Please provide the metrics outlined in the interagency strategy for Central America and describe any efforts undertaken since 2012 to implement these metrics.

Answer:

The Government Accountability Office (GAO) Report entitled "Central America: U.S. Agencies Considered Various Factors in Funding Security Activities, but Need to Assess Progress in Achieving Interagency Objectives," cited some steps taken by the Department and USAID to measure outcomes, while pointing to a need to assess and report performance against five objectives and benchmarks: (1) Support Host Nation Efforts to Reduce Homicide Rates: Reduce homicide rates by 5 percent per year in select communities being supported by the Department of State and USAID; (2) Increase the Prosecution of Violent Crimes: Reduce impunity rates, including for human rights abuses, by 5 percent per year in

select communities being supported by the Department of State and USAID; (3) Reduce Levels of Violence in Communities at Risk: Reduce violence rates by 5 percent per year in select communities being supported by the Department of State and USAID; (4) Facilitate the Sharing of Operational Intelligence: By 2014, support the creation of a regional Central American information sharing center staffed by vetted representatives from each country; and (5) Reduce the Quantity of Cocaine Transiting Central America: Central American countries increase cocaine removal rates by 2 percent per year, while seeking to reduce its displacement into the Caribbean and other transit routes. The Department of State monitors data associated with the objectives in select communities and at the national level.

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 which programs are successful.

In an effort to refine the objectives and benchmarks identified in the GAO report, the Department of State and USAID are developing a rigorous, 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 Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. This framework will complement the evaluation programs already in place or those planned for implementation. For example, a recent independent evaluation by Vanderbilt University indicated USAID's community-based prevention programs are very successful in decreasing insecurity in treatment communities in El Salvador; results for Guatemala and Honduras are forthcoming but look promising as well. The ability to scale up these community-based prevention models, which are based on best practices in other major cities in the United States and Latin America, can potentially lead to improved security in Central American communities. 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, and improved the administration of justice in those communities where it is operating.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Claire McCaskill (#4)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

The Subcommittee on Financial and Contracting Oversight, which I chair, conducts oversight and investigations of federal spending through contracts and grants. At many agencies, federal contractors sit side by side with federal employees performing similar work. Given the magnitude of spending and the importance of the work performed by federal contractors and grantees, I was surprised to learn that many federal agencies refuse to permit agency witnesses to appear before Congress on the same panel of witnesses as a contractor or grantee. Although there may be legitimate reasons not to do so in certain circumstances, the blanket refusal to allow a federal official and an individual who is being paid by the federal agency the official represents to sit together at a hearing makes it more difficult to conduct efficient and effective oversight. In addition, I believe that this policy no longer accurately reflects the way the federal government does business.

4) Absent extenuating circumstances, will you agree to testify on the same panel as individuals who receive federal contracts or grants at hearings on the management and oversight of federal spending? If not, please explain why not.

Answer:

We recognize the critical role of Congressional oversight in the governing process and the valuable contribution that contractors can make to Congressional oversight, including in hearings. We also seek to work with Congress to ensure that hearings are conducted in a way that clearly

distinguishes the views of Administration officials from non-U.S. government officials. We handle individual hearing requests on a case-by-case basis to ensure hearings are productive.

The Department of State has established policies and procedures on the management and oversight of federal spending that ensure federal contractors do not perform inherently governmental functions. As with all Congressional requests for information, the Department will make efforts to provide the appropriate subject matter expert in response to any requests for testimony on this subject.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Tom Coburn (#1a)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

Foreign Aid to Central America: The Administration reported in June that it would be providing $9.6 million in additional support for Central American governments to reintegrate their repatriated citizens; $40 million to Guatemala through a new USAID program to improve citizen security; $25 million to El Salvador for a new USAID Crime and Violence Prevention program for youth outreach centers; $18.5 million to Honduras under the Central American Regional Security Initiative (CARSI) to support community policing and law enforcement; $161.5 million for CARSI programs to Central America to respond to security and governance challenges; $65 million for programs to prevent at-risk youth from joining gangs and to expand education and job training; $96.5 million for programs promoting peace and security; and $130 million in ongoing assistance to El Salvador, Honduras and Guatemala for a variety of programs, including climate change.

a) Is the United States using any of the funds set aside for foreign aid to these countries to cover the costs the U.S. incurs from their children illegally entering the United States and the costs the U.S. incurs to send them home? If not, why not?

c) What is the Administration doing to conduct oversight of these funds to ensure they get to those who need it, and that programs they fund are effective at deterring future waves of UACs from coming to the U.S.?

Answer A:

State and USAID are providing $9.6 million in funding to address the needs relating to unaccompanied children. The U.S. Agency for International Development (USAID) is providing $7.6 million in repatriation assistance through the International Organization for Migration (IOM) in El Salvador, Guatemala, and Honduras. Program elements include improvement and expansion of existing repatriation centers and training/capacity building for personnel involved in repatriation efforts in each country and will expand the capacity of governments and non-governmental organizations to provide services to returned migrants. In addition, PRM is providing $2 million to build the capacity of Central American governments to identify, screen, protect, and refer unaccompanied child migrants to appropriate services throughout the migration process; USAID and PRM programming is mutually reinforcing.

Answer C: All foreign assistance programs administered by the Department of State and USAID are required to have oversight processes in place to ensure the effectiveness of activities and ensure compliance with federal regulations. To comprehensively address the challenges facing Central America, an expanded approach, particularly for prosperity and

governance, is needed. The supplemental request would allow the Department of State and USAID to bring such programs to a more national scale. The supplemental request does not include direct budget support to Central American governments.

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 could be scaled up or expanded within Central America, with the commitment of the countries involved.

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, Belize, Nicaragua, Costa Rica and Panama. This results framework will complement the evaluation programs already in place or planned for implementation.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Tom Coburn (#1b)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

Don't these particular foreign governments have a history of corruption? If so, how can the Administration guarantee the funds sent to these governments actually go to those who truly need the programs?

Answer:

We consider the governments of El Salvador, Guatemala, and Honduras to be reliable partners working with us to address the urgent humanitarian situation on the U.S. southern border. Ongoing host government-led efforts in El Salvador, Guatemala, and Honduras include media campaigns, law enforcement investigations targeting organizations engaged in human smuggling, and programs to combat poverty. President Obama and the three presidents 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 humanely repatriate migrants, and to address the underlying causes of

migration by improving security and promoting greater social and economic opportunity.

Central American countries are characterized by high levels of impunity, corruption, and lack of transparency. Corruption strains a state's ability to address the complex root causes that drive migration; and it undermines the effectiveness of rule of law institutions. The Administration's FY14 Supplemental Request proposes public financial management, fiscal reform initiatives, and programs designed to strengthen the judiciary's independence, transparency, and accountability.

All foreign assistance programs administered by the Department of State and USAID are required to have oversight processes in place to ensure the effectiveness of activities and ensure compliance with federal regulations. The supplemental funding requested for State and USAID will support training and technical assistance for energy, improved income opportunities, support for rural coffee farmers, workforce development, improved customs and border controls, public financial management and fiscal reform, justice sector strengthening, community-based programs to reduce youth crime and violence, police capacity enhancement, improved corrections systems, efforts to address transnational crime, and repatriation.

The request does not include direct budget support to the governments involved

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Tom Coburn (#2)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

Terminating Foreign Aid to Central America: Most other-than-Mexican UACs transit Mexico with little or no consequence from that government or from the respective government from which they originated. Has the Administration considered reducing aid to Mexico, Honduras, El Salvador, and Guatemala to offset the cost to American taxpayers of securing our Southern Border as well as the costs related to adjudicating and deporting these illegal immigrants?

Answer:

Cutting off aid to our partners in Central America and Mexico will not resolve the migration crisis and, instead, 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. A loss of U.S. assistance would result in a worse environment for children in Central American countries and lead to even more migration to the United States.

As part of our engagement to promote more economically viable and safe communities, the United States works closely with Mexico and our Central American partners to address the complex and systemic challenges

these countries face. U.S. investments have been and must continue to be met with resources and reciprocal commitments by Central American governments. Ongoing host government-led efforts in El Salvador, Guatemala, and Honduras include media campaigns, law enforcement investigations targeting organizations engaged in human smuggling and trafficking, and programs to combat poverty.

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.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Tom Coburn (#3)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

Is it true that Mexico is granting 10-day transit visas to Central American UAC so they can "transit" through Mexico to the U.S.?

a. If so, has the U.S. government asked Mexico to terminate these visas? Why or why not?

Answer:

Under its *Paso Seguro* program, Mexico issues biometrically-enabled Regional Visitors Cards free of charge to citizens of Guatemala and Belize. The cards allow bearers to visit the four states in southern Mexico – Chiapas, Tabasco, Campeche, and Quintana Roo – for up to 72 hours. To pass beyond these states, travelers are required to have either a visa for Mexico or the United States. The *Paso Seguro* program is designed to support the cross-border economy and allows residents and nationals of those two countries the opportunity to shop and visit relatives on short trips in southern Mexico.

As part of its southern border strategy, Mexico plans to increase migration and security management along the border and through the

narrowest point of the Isthmus of Tehuantepec. Checkpoints beyond the four southern-border states will be employed to prevent migrants without a valid Mexican or U.S. visa from transiting further north.

While Central American countries have called on Mexico to create a special visa status for transiting migrants, Mexico has announced plans for stricter enforcement on major transit routes.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Tom Coburn (#4)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

In your testimony, you noted Mexico has deported 85,000 people in 2013, and of those, 8,000 were UAC. Is this correct?

a. Can you provide the numbers for Mexico for these two categories for the past three fiscal years, broken down by country of origin of the UAC?

b. Based on these numbers as compared to the U.S., is it true that Mexico is deporting more UAC than the U.S.? Why or why not?

Answer:

According to Mexico's National Institute of Migration (INM), Mexico detained 86,929 migrants and returned 80,079 to their countries of origin, either via deportation or assisted return, during calendar year 2013. Mexico reported 9,622 minors detained and reported assisting the return of 8,350 of these minors (including 5,477 unaccompanied minors) during 2013. Under Mexico's migration law, minors are exempt from deportation and can only be processed for assisted return.

INM's annual report showed Mexico returned 5,477 unaccompanied minors to their countries of origin (including 1,036 from El Salvador; 2,184 from Guatemala; and 2,169 from Honduras) during calendar year 2013. According to the same source, Mexico returned 3,820 unaccompanied minors during calendar year 2012 (including 767 from El Salvador; 1,554 from Guatemala; and 1,423 from Honduras).

The INM figures from calendar year 2014 from January through mid-July show 60,865 detained, with 12,436 minors as part of that group. Of the detained minors, 7,630 were unaccompanied.

The Departments of State and Homeland Security are working with Mexican counterparts to increase our data sharing on Central American migrants, including the number of detentions and repatriations.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Rob Portman (#1)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

Specifically in terms of unaccompanied children, which agency is responsible for the care of the children as they await their removal hearing?

Answer:

The Departments of Homeland Security and Health and Human Services coordinate the U.S. government's response to children and families once they have arrived in the United States.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Rob Portman (#2)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

What has the State Department done to educate, train, and provide resources for agents in the process of apprehending, detaining, and releasing unaccompanied children to HHS?

Answer:

The Department of State does not provide training or resources for U.S. Customs and Border Protection (CBP) agents responsible for apprehending, detaining, and releasing unaccompanied children to HHS. I refer you to CBP for information about the training for and resources available to its agents.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Rob Portman (#3)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

How can the two agencies work together in the future to provide focused training to border agents and detention officials for dealing with the unique nature of unaccompanied children?

Answer:

The Department of State does not provide training or resources for U.S. Customs and Border Protection (CBP) agents responsible for apprehending and detaining unaccompanied children. The Department of State and the U.S. Agency for International Development do, however, work through the International Organization for Migration (IOM) to build the capacity of Central American governments to identify, screen, protect, and refer families and unaccompanied child migrants to appropriate services, after they are returned from the United States.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Rob Portman (#4)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

How has your department been allocating, planning, or repurposing existing funds to address the issues involving unaccompanied minors?

Answer:

The Administration remains firmly committed to addressing the challenges faced by Central America. State and USAID are providing $9.6 million to address needs related to unaccompanied children. Of the $9.6 million, USAID is providing $7.6 million for new programming to support repatriation centers in El Salvador, Guatemala, and Honduras. This funding will enable El Salvador, Guatemala, and Honduras to make investments in their existing repatriation centers, provide training to immigration officials on migrant care, and increase the capacity of these governments and non-governmental organizations to provide additional services to returned migrants. In addition, the Bureau of Population, Refugees and Migration (PRM) is providing $2 million in existing funding 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.

The Department of State also has existing funding under the Merida Initiative that we are using to support Mexico's efforts on its southern border. U.S. assistance will provide a more mobile, integrated border management system that incorporates sophisticated non-intrusive inspection equipment and communication technologies, supporting Mexico's efforts to increase its interdiction and criminal detection capabilities.

The Administration's FY 2015 request for foreign assistance for Central America prioritizes funding for programs to address citizen security, crime and violence prevention, democracy, and development.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Rob Portman (#5)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

What is the cost per child when you take into account the resources to detain, transport, house, and adjudicate the unaccompanied minor?

Answer:

This question does not fall within the Department of State's purview. The Departments of Homeland Security, Health and Human Services, and Justice coordinate the U.S. government's response to children and families once they have arrived in the United States. I refer you to them for specific questions relating to the care and custody of these children once they arrive in the United States.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Rob Portman (#6)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

More than 52,000 unaccompanied children, have arrived at the U.S.-Mexico border this year through June 15, 2014. This is more than double the number in a similar period in 2013. CBP issued several advisories in June and I would like to get clarification on some of the numbers being reported. As of June 18th, there were 3,103 unaccompanied children in the U.S. Customs and Border Protection custody along the Southwest border. As of June 25th, there were 2,700 children in CBP custody. During this period, how many minors were handed over to HHS?

Answer:

The Department of State does not have jurisdiction over any migrants – adult or children – in custody. I refer you to U.S. Customs and Border Protection (CBP) and Health and Human Services (HHS) for information on the number of children handed over to HHS by CBP.

Questions for the Record Submitted to
Deputy Assistant Secretary Franciso Palmieri by
Senator Rob Portman (#7)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

At what point is there an opportunity to apply for asylum in the United States?

Answer:

Unaccompanied minors from Central American countries other than Mexico who present themselves to Customs and Border Protection (CBP) at the border must be transferred from CBP custody to the Department of Health and Human Services' Office of Refugee Resettlement (HHS/ORR) within 72 hours of determining that the child is a minor. The minor is placed into INA Section 240 removal proceedings by Immigration and Customs Enforcement. If the minor wishes to apply for asylum, the immigration judge can continue the removal proceedings in order to allow the child to file an asylum application with U.S. Citizenship and Immigration Service (USCIS). Under the present law, USCIS has jurisdiction over asylum applications filed by unaccompanied minors apprehended at the border who have been placed into removal proceedings.

The Department of State has no role in this process and any further questions should be directed to USCIS.

Questions for the Record Submitted to
Deputy Assistant Secretary Francisco Palmieri by
Senator Rob Portman (#8)
Senate Committee on Homeland Security and Governmental Affairs
July 9, 2014

Question:

If a child is released into the custody of an adult outside of detention, which agency is in charge of assuring that the minor continues to reside with this individual? Which federal agency is keeping track of these minors so that that they are not disappearing, falling prey to trafficker or those who would seek to harm them?

Answer:

The Departments of Homeland Security and Health and Human Services lead the U.S. government's response to unaccompanied children and families once they have arrived in the United States. I refer you to the Departments of Homeland Security and Health and Human Services for specific questions relating to the custody and care of these children once they have arrived in the United States.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 27, 2015

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find responses to questions for the record arising from the appearance of Juan P. Osuna, Director of the Executive Office for Immigration Review, before the Committee on July 9th, 2014, at a hearing entitled "Challenges at the Border: Examining the Causes, Consequences, and Response to the Rise in Apprehensions at the Southern Border." We hope that this information is of assistance to the Committee.

Please do not hesitate to contact this office if we may be of additional assistance regarding this or any other matter. The Office of Management and Budget has advised us that there is no objection to submission of this letter from the perspective of the Administration's program.

Sincerely,

Peter J. Kadzik
Assistant Attorney General

Enclosure

cc: The Honorable Thomas Carper
Ranking Member

Questions for the Record
Juan P. Osuna
Director, Executive Office of Immigration Review
U.S. Department of Justice

Committee on Homeland Security and Governmental Affairs
United States Senate
Hearing on Challenges at the Border: Examining the Causes, Consequences, and Responses to the Rise in Apprehensions at the Southern Border
July 9, 2014

Questions Posed by Senator Coburn

Questions Related to Case Backlogs:

1. **Before the influx of UACs, did the Executive Office for Immigration Review (EOIR) have any existing case backlog? If so, please provide details of this backlog, including the number of cases, the type of cases (i.e. UAC, detained family, etc.), country of origin of the illegal alien, and the length of time each case has been pending.**

Response:

At the end of the first quarter of Fiscal Year (FY) 2015, the U.S. Department of Justice (DOJ) Executive Office of Immigration Review (EOIR) had 434,087 cases pending in immigration court, 61,089 of which were cases involving children identified by the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) as unaccompanied alien children (UAC). Each Notice to Appear filed by the Department of Homeland Security (DHS) is entered separately into EOIR's database. The chart immediately below shows the pending caseload from the end of the first quarter of FY 2015, by the year the Notice to Appear was filed with EOIR. The second chart (next page) contains, for individuals identified as UAC by HHS/ORR, information concerning country of origin for pending cases. EOIR does not track family units as case types. For length of time UAC cases have been pending, please see the first chart below. As shown in the chart, 305 cases have been pending since at least September 30, 2009; 586 cases initiated in FY 2010 remain pending; 943 cases initiated in FY 2011 remain pending; 3,013 cases initiated in FY 2012 remain pending; 8,555 cases initiated in FY 2013 remain pending; and 35,314 cases initiated in FY 2014 remain pending; and 12,373 cases initiated in FY 2015 remain pending.

Fiscal Year	Pending	Pending UAC
Pre 2010	29,868	305
2010	21,353	586
2011	36,838	943
2012	59,034	3,013

2013	94,757	8,555
2014	148,646	35,314
2015	39,024	12,373
Total	**434,087**	**61,089**

Pending UACs by Nationality as of December 31, 2014

Nationality	Pending UAC
AFGHANISTAN	1
ALBANIA	31
ARGENTINA	2
ARMENIA	5
BANGLADESH	9
BELIZE	18
BOLIVIA	1
BRAZIL	17
BURMA (MYANMAR)	3
CAMEROON	1
CHAD	1
CHINA	170
COLOMBIA	11
COSTA RICA	9
CUBA	2
DOMINICAN REPUBLIC	17
EAST GERMANY	25
ECUADOR	1,088
EL SALVADOR	19,561
EQUATORIAL GUINEA	4
ERITREA	1
ETHIOPIA	1
GABON	6
GERMANY	1
GHANA	4
GIBRALTAR	1
GUADELOUPE	15
GUATEMALA	18,458
GUINEA	3
GUYANA	4
HAITI	29
HOLLAND	57
HONDURAS	19,407

HONG KONG	2
INDIA	302
ITALY	1
JAMAICA	6
KENYA	2
LAOS	1
LEBANON	1
LIBERIA	1
LIBYA	1
MALI	3
MEXICO	1,379
MONGOLIA	1
NEPAL	2
NICARAGUA	240
NIGERIA	7
PAKISTAN	1
PANAMA	2
PERU	89
PHILIPPINES	2
ROMANIA	37
RUSSIA	1
SOMALIA	11
SOUTH KOREA	2
SPAIN	1
SWAZILAND	2
SYRIA	3
TRINIDAD AND TOBAGO	1
TURKEY	3
TURKS AND CAICOS ISLANDS	1
UKRAINE	2
UNKNOWN NATIONALITY	17
VENEZUELA	2
Total	**61,089**

A. Since experiencing this huge increase in UACs coming across the border, what is the <u>current</u> case backlog at EOIR?

<u>Response:</u>

As of December 31, 2014, there were 434,087 cases pending in immigration court.

B. What is the average time to process and complete a case? Does it vary depending on the type of illegal alien petitioning (i.e. UAC, detained family, adult, etc.)?

Response:

The average processing time in the immigration courts for an initial case completion of a detained case is 83 days. The average case processing time in the immigration courts for an initial case completion of a non-detained case is 812 days. Average processing times do not reflect the unique factors of each case. As an average, they do not provide information about the group of cases that take a relatively short time to complete, nor do they provide information about those that take longer to complete. For instance, a detained case that does not have any application for relief or protection generally will be completed in a much shorter time than the average, and a non-detained case with an application for relief or protection generally will take much longer. In addition, the average also may include cases that were delayed for a variety of factors, including adjournments for a respondent to find an attorney, or for DHS to adjudicate an application for relief or protection. The custody status that EOIR reports is based on what the database reflects at the time of the case's completion. The detained average processing time may include cases that were non-detained for a portion of time, and the non-detained processing time may include cases that were detained for a portion of time.

A. You noted in your testimony that EOIR has re-ordered its priorities to process UAC first. How has this affected regular detained cases?

I. Isn't it true this forces those already on the docket and in detention to remain in custody longer? Why or why not?

Response:

EOIR has taken a series of steps to help address the influx of migrants crossing the southern border of the United States. These steps include making docket adjustments, re-prioritizing certain case types, and refocusing EOIR's immigration court resources. EOIR set the adjudication of cases of recent border crossers that fall into the following four groups, as its top priority: unaccompanied children; adults with children in detention; adults with children released on "alternatives to detention"; and all other individuals in detention. Hearings for individuals in detention will continue to be processed expeditiously, as they were prior to the announcement of the newly defined priority groups. Cases that do not fall into these categories will take longer to adjudicate.

II. Will this new priority system enable regular detained aliens to be released from ICE custody before their immigration case occurs due to the extended time they may be in detention? Why or why not?

Response:

The Department of Homeland Security's U.S. Immigration and Customs Enforcement (ICE) is responsible for detention and release of individuals. We defer to ICE regarding this matter. Hearings for individuals in detention will continue to be processed expeditiously.

B. In the EOIR FY 2013 Statistics Yearbook, which was prepared in April 2014, the chart in Figure 1 clearly displays a significant decrease, except for a slight uptick in 2011, in the number cases being filed with EOIR. In FY 2009, total receipts were 328,619 and in FY 2013, total receipts were 271,279, a 17% decrease. In addition, in Figure 2, the Yearbook notes new Notice to Appear cases have declined from 256,378 in FY 2009 to 193,350 in FY 2013, a 25% decrease. Given these statistics, why does EOIR have a case backlog?

Response:

At the end of FY 2013, EOIR's immigration courts had 356,030 proceedings pending, marking an increase of nearly 28,524 proceedings pending over the end of FY 2012. In FY 2014, that pending caseload grew by 62,831 proceedings, reaching 418,861 proceedings pending, 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.

Due to budgetary constraints, in January 2011, the Attorney General ordered a hiring freeze for DOJ, of which EOIR is a part. In February 2014, the Attorney General lifted the hiring freeze and EOIR began a hiring initiative to backfill more than 200 vacant positions.

There are currently 242 immigration judges nationwide. With FY 2014 enacted appropriations, EOIR is currently in the process of hiring up to 32 new immigration judges. There is also an interim rule allowing for the designation of temporary immigration judges; we are currently in the process of reviewing applications for up to 9 temporary immigration judges. EOIR has also requested funding for 25 permanent immigration judge positions in the supplemental appropriations act. In the FY 2015 President's Budget request, EOIR requested funding for 35 immigration judge teams, which consist of an immigration judge, language specialist, legal technician, clerk, law clerk, Board of Immigration Appeals (BIA) attorney, and a paralegal for every two immigration judges.

To appropriately manage both our incoming and pending caseload, EOIR needs a sustained commitment from Congress to allow for continued additional staffing. It is challenging to predict in any one year what next year's caseload may bring, so we need a consistent source of funding that allows EOIR to remain flexible in its hiring processes, permitting us to ramp up staffing when needed, and consistently accounting for natural attrition of the immigration judge corps.

Questions Related to Tracking UACs:

2. **Does EOIR track these UACs once they receive a Notice to Appear in order to ensure they actually appear at their immigration hearings? Why or why not? If not, what other agency tracks them?**

Response:

EOIR provides notices of hearing to the alien at the last known address for the alien, and to alien's counsel, if the alien is represented by counsel. At a hearing, immigration judges clearly explain the consequences of failing to appear in immigration court. Should an alien not appear in immigration court and be ordered removed in his or her absence, it is ICE's responsibility to enforce the removal order.

A. **You noted in your testimony that the no-show rate is 17% for all illegal aliens. What types of aliens do you include to get that figure? Isn't it true that number also includes aliens that are in detention, not merely those who are released on their own recognizance?**

Response:

The overall *in absentia* rate for all immigration court completions for FY 2014 was 19 percent. This 19 percent figure includes detained cases. For the first quarter of FY 2015, the overall *in absentia* rate was 29 percent.

I. **If you do not include detained aliens, what is the overall no-show rate for immigration proceedings?**

Response:

The *in absentia* rate for immigration court completions for FY 2014, for non-detained aliens was 34 percent. For the first quarter of FY 2015, the *in absentia* rate for non-detained aliens was 45 percent.

B. **You also mentioned in your testimony that the no-show rate is higher for juveniles. What is the no-show rate for juveniles? Please break this rate down by country of origin of the illegal alien.**

Response:

Nationwide, for FY 2014, 54 percent of all cases marked as juvenile were cases with an *in absentia* order. For the first quarter of FY 2015, 70 percent of all cases marked as juvenile are cases with an *in absentia* order.

Cases Marked as Juvenile with In Absentia Order FY 2014

Nationality	IJ Decisions Marked As Juvenile	Initial Case Completions Marked As Juvenile* With An In Absentia Order	In Absentia Rate for Cases Marked As Juvenile
ALBANIA	4	0	0%
ANGOLA	1	0	0%
ARGENTINA	1	1	100%
BAHAMAS	1	0	0%
BANGLADESH	2	0	0%
BELIZE	1	0	0%
BRAZIL	5	2	40%
CAMEROON	1	0	0%
CANADA	5	1	20%
CHILE	1	0	0%
CHINA	35	2	6%
COLOMBIA	10	0	0%
COSTA RICA	3	0	0%
CUBA	9	1	11%
DEMOCRATIC REPUBLIC OF CONGO	1	0	0%
DOMINICA	2	0	0%
DOMINICAN REPUBLIC	5	2	40%
EAST GERMANY	2	2	100%
ECUADOR	135	51	38%
EL SALVADOR	2,126	1,052	49%
ERITREA	7	0	0%
ESTONIA	1	0	0%
ETHIOPIA	2	0	0%
FEDERATED STATES OF MICRONESA	1	1	100%
FIJI	1	0	0%
FRANCE	1	0	0%
GABON	2	0	0%
GAMBIA	1	0	0%
GHANA	5	0	0%
GUADELOUPE	7	5	71%
GUATEMALA	3,645	2,160	59%
GUYANA	2	0	0%
HAITI	18	4	22%
HOLLAND	1	1	100%
HONDURAS	3,034	1,855	61%
INDIA	52	3	6%

IRAN	2	0	0%
IRAQ	17	0	0%
IRELAND	3	0	0%
ISRAEL	1	0	0%
ITALY	2	1	50%
IVORY COAST (COTE D'IVOIRE)	1	0	0%
JAMAICA	5	2	40%
KENYA	1	0	0%
LEBANON	1	1	100%
MACAU	1	0	0%
MALI	3	1	33%
MEXICO	628	197	31%
MONGOLIA	1	0	0%
NICARAGUA	34	16	47%
NIGERIA	5	0	0%
PAKISTAN	4	1	25%
PERU	23	16	70%
PHILIPPINES	3	0	0%
ROMANIA	8	5	63%
RUSSIA	4	2	50%
RWANDA	3	0	0%
SAUDI ARABIA	2	0	0%
SOMALIA	3	0	0%
SPAIN	1	0	0%
SRI LANKA	1	1	100%
SUDAN	3	0	0%
SYRIA	1	0	0%
TAIWAN	1	0	0%
TURKS AND CAICOS ISLANDS	1	0	0%
UNITED ARAB EMIRATES	1	1	100%
UNITED KINGDOM	4	1	25%
UNKNOWN NATIONALITY	3	2	67%
VENEZUELA	2	0	0%
VIETNAM	4	0	0%
ZIMBABWE	1	0	0%
Total	**9,908**	**5,390**	**54%**

Cases Marked as Juvenile with In Absentia Order FY 2015 (through December 31, 2014)

Nationality	IJ Decisions Marked As Juvenile	Initial Case Completions Marked As Juvenile* With An In Absentia Order	In Absentia Rate for Cases Marked As Juvenile
ALBANIA	2	0	0%
AUSTRALIA	1	1	100%
BELIZE	1	0	0%
BRAZIL	3	2	67%
CAMEROON	1	0	0%
CHINA	8	1	13%
COLOMBIA	6	0	0%
DJIBOUTI	1	0	0%
DOMINICAN REPUBLIC	2	2	100%
EAST GERMANY	3	1	33%
ECUADOR	46	21	46%
EGYPT	2	0	0%
EL SALVADOR	1,318	860	65%
ETHIOPIA	1	0	0%
GABON	2	2	100%
GHANA	1	0	0%
GUADELOUPE	3	3	100%
GUATEMALA	2,028	1,430	71%
HAITI	6	2	33%
HOLLAND	10	8	80%
HONDURAS	2,146	1,670	78%
INDIA	22	3	14%
JAMAICA	1	1	100%
JORDAN	1	1	100%
KUWAIT	3	0	0%
MAURITANIA	1	0	0%
MEXICO	392	192	49%
MOROCCO	2	0	0%
NEPAL	1	0	0%
NICARAGUA	21	16	76%
NIGER	1	0	0%
NIGERIA	8	2	25%
PERU	11	5	45%
PHILIPPINES	1	1	100%
ROMANIA	6	6	100%
RUSSIA	1	0	0%

SOMALIA	2	0	0%
SYRIA	2	0	0%
TURKEY	1	1	100%
Total	**6,068**	**4,231**	**70%**

C. What is the no-show rate for UAC? Please break this rate down by country of origin of the illegal alien.

Response:

Nationwide, for FY 2014, 48 percent of all cases identified by HHS/ORR as UAC are cases with an *in absentia* order. For the first quarter of FY 2015, 61 percent of all cases identified by HHS/ORR as UAC cases are cases with an *in absentia* order.

FY 2014 IJ Decisions & In Absentia Orders for UAC by Nationality

Nationality	IJ Decisions Marked As Juvenile	Initial Case Completions Marked As Juvenile* With An In Absentia Order	In Absentia Rate for Cases Marked As Juvenile
ALBANIA	5	0	0%
ARGENTINA	2	1	50%
BAHAMAS	1	0	0%
BANGLADESH	1	0	0%
BELIZE	2	0	0%
BOLIVIA	1	0	0%
CAMEROON	1	0	0%
CANADA	2	1	50%
CHINA	33	2	6%
COLOMBIA	5	1	20%
COSTA RICA	2	0	0%
CUBA	2	0	0%
DEMOCRATIC REPUBLIC OF CONGO	1	0	0%
DOMINICA	2	0	0%
DOMINICAN REPUBLIC	4	2	50%
EAST GERMANY	7	7	100%
ECUADOR	149	59	40%
EL SALVADOR	2403	1188	49%
ERITREA	2	0	0%
ESTONIA	1	0	0%
ETHIOPIA	1	0	0%
FEDERATED STATES OF MICRONESA	1	1	100%
FRANCE	1	0	0%

GABON	2	0	0%
GHANA	4	0	0%
GUADELOUPE	8	5	63%
GUATEMALA	4243	2405	57%
GUYANA	2	0	0%
HAITI	10	3	30%
HOLLAND	5	3	60%
HONDURAS	3148	1713	54%
INDIA	54	5	9%
IVORY COAST (COTE D'IVOIRE)	1	0	0%
JAMAICA	4	2	50%
LATVIA	1	0	0%
LEBANON	1	1	100%
MACAU	1	0	0%
MALI	2	1	50%
MEXICO	640	136	21%
MONGOLIA	1	0	0%
NICARAGUA	42	18	43%
NIGERIA	1	0	0%
PAKISTAN	2	0	0%
PERU	19	13	68%
PHILIPPINES	1	0	0%
PORTUGAL	2	0	0%
ROMANIA	3	2	67%
RUSSIA	1	0	0%
RWANDA	4	0	0%
SOMALIA	3	0	0%
THAILAND	1	0	0%
THE REPUBLIC OF THE MARSHALL ISLANDS	1	0	0%
UNITED ARAB EMIRATES	1	1	100%
UNITED KINGDOM	1	0	0%
UNKNOWN NATIONALITY	6	1	17%
VIETNAM	4	0	0%
Total	**10,848**	**5,571**	**51%**

First Quarter of FY 2015 IJ Decisions & In Absentia Orders for UAC by Nationality

Nationality	IJ Decisions Marked As Juvenile	Initial Case Completions Marked As Juvenile* With An In Absentia Order	In Absentia Rate for Cases Marked As Juvenile
ALBANIA	4	0	0%

AUSTRALIA	1	1	100%
BELIZE	2	0	0%
CAMEROON	2	0	0%
CHINA	14	1	7%
COLOMBIA	4	0	0%
COSTA RICA	3	0	0%
CUBA	1	0	0%
DOMINICAN REPUBLIC	4	2	50%
EAST GERMANY	5	1	20%
ECUADOR	73	35	48%
EL SALVADOR	1794	925	52%
ETHIOPIA	1	0	0%
GABON	3	3	100%
GUADELOUPE	3	2	67%
GUATEMALA	3004	1977	66%
GUINEA	1	0	0%
HAITI	9	4	44%
HOLLAND	9	8	89%
HONDURAS	2391	1603	67%
HONG KONG	1	1	100%
INDIA	33	4	12%
JAMAICA	1	0	0%
KENYA	1	0	0%
MEXICO	254	60	24%
NEPAL	2	0	0%
NICARAGUA	37	24	65%
NIGERIA	2	0	0%
PERU	10	6	60%
PHILIPPINES	1	0	0%
SOMALIA	2	0	0%
SOUTH AFRICA	2	0	0%
TURKEY	1	1	100%
Total	**7,675**	**4,658**	**61%**

D. Can you provide those statistics for the past 3 years?

Response:

Please see below for information from the past three fiscal years regarding *in absentia* orders and the *in absentia* rate in cases identified by HHS/ORR as UAC.

FY 2011 IJ Decisions & In Absentia Orders for UAC by Nationality

Nationality	IJ Decisions	Initial Case Completions With An In Absentia Order	In Absentia Rate
ALBANIA	3	0	0%
ARGENTINA	1	0	0%
ARMENIA	2	1	50%
AUSTRALIA	1	0	0%
AUSTRIA	1	0	0%
BELIZE	2	0	0%
BOLIVIA	2	0	0%
BRAZIL	20	4	20%
CANADA	3	0	0%
CAYMAN ISLANDS	1	0	0%
CHILE	1	1	100%
CHINA	54	0	0%
COLOMBIA	7	2	29%
COSTA RICA	3	1	33%
CUBA	7	0	0%
DOMINICAN REPUBLIC	13	6	46%
ECUADOR	110	32	29%
EL SALVADOR	1,227	483	39%
ERITREA	1	0	0%
ETHIOPIA	2	0	0%
GERMANY	4	0	0%
GUADELOUPE	2	1	50%
GUATEMALA	1,519	485	32%
GUINEA	4	0	0%
GUYANA	7	0	0%
HAITI	4	1	25%
HONDURAS	1,003	329	33%
INDIA	14	7	50%
INDONESIA	1	0	0%
JAMAICA	5	0	0%
MALI	1	0	0%
MEXICO	1,067	210	20%
MOROCCO	1	0	0%
NAMIBIA	1	1	100%
NEPAL	1	0	0%
NEW ZEALAND	2	0	0%
NICARAGUA	27	15	56%

PAKISTAN	2	0	0%
PANAMA	2	0	0%
PERU	14	5	36%
PHILIPPINES	1	0	0%
POLAND	1	0	0%
ROMANIA	1	0	0%
RUSSIA	3	0	0%
SENEGAL	1	0	0%
SIERRA LEONE	1	1	100%
SOMALIA	8	0	0%
SOUTH AFRICA	1	0	0%
SRI LANKA	4	2	50%
TRINIDAD AND TOBAGO	2	0	0%
UNITED KINGDOM	1	0	0%
UNKNOWN NATIONALITY	2	0	0%
URUGUAY	1	0	0%
VENEZUELA	3	0	0%
Total	**5,172**	**1,587**	**31%**

FY 2012 IJ Decisions & In Absentia Orders for UAC by Nationality

Nationality	IJ Decisions	Initial Case Completions With An In Absentia Order	In Absentia Rate
AFGHANISTAN	1	0	0%
BELIZE	8	0	0%
BRAZIL	13	2	15%
CHINA	46	0	0%
COLOMBIA	12	2	17%
CUBA	5	1	20%
DOMINICAN REPUBLIC	12	5	42%
ECUADOR	119	31	26%
EL SALVADOR	1,215	463	38%
ERITREA	2	0	0%
ETHIOPIA	1	0	0%
GHANA	2	0	0%
GUADELOUPE	2	1	50%
GUATEMALA	1,747	571	33%
GUINEA	1	0	0%
GUYANA	3	0	0%
HAITI	15	2	13%
HOLLAND	1	0	0%

HONDURAS	1,180	374	32%
INDIA	31	7	23%
INDONESIA	1	0	0%
IRAN	1	0	0%
IRAQ	1	0	0%
JAMAICA	1	0	0%
KENYA	3	0	0%
MALI	1	0	0%
MEXICO	765	166	22%
NEPAL	1	0	0%
NICARAGUA	23	10	43%
NIGERIA	1	0	0%
PERU	10	3	30%
ROMANIA	12	5	42%
SENEGAL	1	0	0%
SIERRA LEONE	1	0	0%
SINGAPORE	1	0	0%
SOMALIA	8	0	0%
SPAIN	3	0	0%
SRI LANKA	2	0	0%
ST. LUCIA	2	0	0%
TANZANIA	1	0	0%
UGANDA	1	1	100%
UKRAINE	1	0	0%
UNKNOWN NATIONALITY	4	2	50%
VENEZUELA	2	1	50%
VIETNAM	2	0	0%
YEMEN	1	0	0%
Total	**5,266**	**1,647**	**31%**

FY 2013 IJ Decisions & In Absentia Orders for UAC by Nationality

Nationality	IJ Decisions	Initial Case Completions With An In Absentia Order	In Absentia Rate
ALBANIA	1	0	0%
ARMENIA	1	0	0%
BELIZE	4	1	25%
BERMUDA	2	0	0%
BRAZIL	14	1	7%
BURMA (MYANMAR)	1	0	0%
CAYMAN ISLANDS	1	0	0%

CHINA	43	2	5%
COLOMBIA	6	1	17%
CUBA	3	1	33%
CZECH REPUBLIC	1	1	100%
DOMINICAN REPUBLIC	7	2	29%
EAST GERMANY	1	0	0%
ECUADOR	135	47	35%
EL SALVADOR	1,509	587	39%
ERITREA	2	0	0%
FRANCE	1	0	0%
GABON	1	0	0%
GAMBIA	1	0	0%
GHANA	5	0	0%
GUADELOUPE	4	2	50%
GUATEMALA	2,586	1,196	46%
GUINEA	2	1	50%
GUYANA	1	0	0%
HAITI	6	0	0%
HOLLAND	3	1	33%
HONDURAS	1,746	770	44%
INDIA	58	5	9%
INDONESIA	1	0	0%
ISRAEL	1	0	0%
JAMAICA	3	0	0%
KENYA	1	0	0%
LIBERIA	1	0	0%
LITHUANIA	1	0	0%
MEXICO	669	154	23%
NAMIBIA	1	1	100%
NICARAGUA	33	22	67%
NIGERIA	3	0	0%
PANAMA	1	1	100%
PERU	25	7	28%
ROMANIA	5	2	40%
RWANDA	2	0	0%
SOMALIA	3	0	0%
SOUTH AFRICA	1	1	100%
SPAIN	3	0	0%
SRI LANKA	3	3	100%
ST. LUCIA	2	1	50%
TRINIDAD AND TOBAGO	1	0	0%

UNKNOWN NATIONALITY	4	1	25%
VENEZUELA	1	0	0%
Total	**6,910**	**2,811**	**41%**

E. Thus, in order to actually be removed, isn't it true that UACs are basically on the "*honor system*" to keep in touch with ICE and the immigration court during what is often a very lengthy deportation proceeding that could last for years?

Response:

Respondents in immigration proceedings have the responsibility of maintaining their updated addresses with the immigration court for proper and timely receipt of hearing notices and other communications related to their proceedings. If any respondent fails to appear for a required hearing, the immigration judge will order that person removed *in absentia* if the person was provided notice of the hearing at the address of record and if ICE offers clear, unequivocal, and convincing evidence that the person is removable. As referenced above, should an alien not appear for a hearing before the immigration court and, as a consequence, is ordered removed in his or her absence, ICE is responsible for enforcing the removal order.

Questions Related to Length of Deportation Proceedings:

3. What is the average length of time of the legal process for a child that receives a Notice to Appear, including from the date of the apprehension to the issuance of an NTA, and from the issuance of an NTA to the date of a court hearing?

Response:

In FY 2013, for a juvenile (as defined by having a juvenile code in EOIR's database), the average length of time from when DHS filed a Notice to Appear with the court to the time of an initial case completion was 596 days. For FY 2014, the average length is 443 days. In the first quarter of FY 2015, the average length is 323 days. EOIR does not have statistics regarding the length of time between apprehension and the filing of Notices to Appear.

It is important to note that EOIR has taken a series of steps to help address the influx of migrants crossing the southern border of the United States. These steps include making docket adjustments, re-prioritizing certain case types, and refocusing EOIR's immigration court resources. EOIR is setting as its top priority the adjudication of cases of recent border crossers that fall into the following four groups: unaccompanied children; adults with children in detention; adults with children released on "alternatives to detention"; and all other individuals in detention.

A. What factors may contribute to extending the average length of time a child may spend in the immigration court proceeding?

Response:

Average processing times do not represent the unique factors of each case. As an average, they do not provide information about the group of cases that take a relatively short time to complete, nor do they provide information about those that take longer to complete. For instance, a detained case that does not have any application for relief or protection generally will be completed in a much shorter time than the average, and a non-detained case with an application for relief or protection generally will take much longer. In addition, the average also may include cases that were delayed for a variety of factors, including adjournments for a respondent to find an attorney, for DHS to adjudicate an application for relief or protection, or for a respondent to obtain evidence pertaining to his or her case.

With respect to juvenile cases, overall processing times may be longer because immigration judges do not have jurisdiction over some forms of relief available to children. Therefore, many cases must be continued multiple times to allow DHS to consider a child's eligibility for relief. In those instances, the immigration judge has no control over the DHS proceedings. The effect is that the case could remain pending on the immigration court's docket even though the actual processing of the application for relief is being done at DHS.

B. In what percentage of cases are these factors present, resulting in a more lengthy proceeding?

Response:

EOIR does not aggregate data to capture multiple reasons for a lengthier case that would be responsive to this question.

C. For how long are the proceedings usually extended if these factors exist?

Response:

Every case is unique, and the amount of time it takes to conclude each case depends on the individual factors of each proceeding.

D. As the proceeding drags on, do you see any trends with the numbers of UAC who eventually abscond from the hearing?

Response:

EOIR does not have information responsive to this question.

Questions Related to Deportation of UACs:

4. **While the Administration has stated UACs are a priority to be put in deportation *proceedings*, isn't it true many of them will be allowed to stay in the country once those proceedings end?**

Response:

Those who obtain relief or protection from removal will be permitted to stay in the United States. As for those who do not receive such relief or protection, once immigration court proceedings have concluded and the case is complete, ICE is responsible for ensuring that individuals who are subject to a final order of removal or voluntary departure leave the country. Accordingly, we defer to ICE regarding this matter.

A. **A recent report from the Office of the UN High Commissioner for Refugees stated approximately 60 percent of these children may be eligible for humanitarian protection and a 2012 Vera Institute of Justice report found 40 percent of immigrant children are likely eligible for legal protection under U.S. law. In theory, this could account for almost all of the children crossing the border. Based on your office's statistics, this year, what percentage of Central American children will end up being allowed to remain in the U.S. under humanitarian or other U.S. law? Please break this down by reason for relief and country of origin of the UAC.**

Response:

An alien may apply for, and receive, multiple forms of relief. These cases will be counted more than once. Additionally, it is important to note that EOIR does not have jurisdiction over all forms of relief. Further, under federal statute, the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) has initial jurisdiction over asylum claims filed by UAC. Where USCIS does not grant such a claim, it returns the case to EOIR proceedings. Grants of asylum to UAC by USCIS are not included here. The below chart reflects data only from applications adjudicated in EOIR proceedings, as EOIR is unable to provide a percentage based on the number of applications received due to the fact that many respondents apply for more than one type of relief and receive a denial for one, but a grant for another.

For Individuals from Central American Countries and Designated as UAC by HHS, Grants of Relief for FY 2014

Application for Relief	EL SALVADOR	GUATEMALA	HONDURAS
245 - ADJUSTMENT OF STATUS	36	86	53
ASYLUM	17	18	25
ASYLUM WITHHOLDING	4	5	5
EOIR42A	1	0	0
REQUEST FOR A MEDICAL WAIVER	0	1	0

SUSPENSION/CANCELLATION UNDER NACARA	1	0	0
UNKNOWN	0	1	0
WITHDRAWAL OF REQUEST FOR ADMISSION	0	0	1
WITHHOLDING-CONVENTION AGAINST TORTURE	1	2	3
Total	**60**	**113**	**87**

For Individuals from Central American Countries and Designated as UAC by HHS, Grants of Relief for the first Quarter of FY 2015

Application for Relief	EL SALVADOR	GUATEMALA	HONDURAS
245 - ADJUSTMENT OF STATUS	1	7	1
ASYLUM	1	3	2
ASYLUM WITHHOLDING	0	1	2
EOIR42A	0	0	0
REQUEST FOR A MEDICAL WAIVER	0	0	0
SUSPENSION/CANCELLATION UNDER NACARA	0	0	0
UNKNOWN	0	0	0
WITHDRAWAL OF REQUEST FOR ADMISSION	0	0	0
WITHHOLDING-CONVENTION AGAINST TORTURE	0	1	0
Total	**2**	**12**	**5**

B. What are the primary reasons illegal alien children are generally allowed to stay in the U.S.?

Response:

Within EOIR jurisdiction, a child in removal proceedings may be eligible for relief or protection from removal if he or she meets specific eligibility criteria. In many removal proceedings, individuals admit that they are removable based on the charge contained in the Notice to Appear (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. Additionally, if a child in removal proceedings has been granted Special Immigrant Juvenile status by USCIS, the child may be eligible to apply for relief in the form of adjustment of status before the immigration court. These cases are handled on a case-by-case basis in accordance with the appropriate statutes and regulations.

Questions Related to Legal Services to Illegal Alien Children:

5. Does EOIR provide legal services directly to UAC or does it refer UACs to such services?

Response:

Section 292 of the Immigration and Nationality Act 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 to enhance the effectiveness and efficiency of immigration proceedings involving qualifying unaccompanied alien children. There are several government initiatives that encourage legal access and work toward improving the effective and efficient adjudication of immigration proceedings.

A. How will EOIR work with the new program announced by the Department of Justice, which allocates $2 million (plus the $15 million in the supplemental request) for DOJ to provide lawyers for the UACs?

Response:

DOJ recently launched justice AmeriCorps, a grant program that will enroll approximately 100 lawyers and paralegals as AmeriCorps members to provide legal services to unaccompanied alien children. This program, a partnership with the Corporation for National and Community Service, responds to Congress's 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." The AmeriCorps members will be placed at nongovernmental organizations and are expected to represent unrepresented children under the age of 16.

B. Based on your understanding of current immigration law regarding the provision of legal representation to illegal aliens (8 U.S.C. §1229a(b)(4)(A)), which states aliens have the "privilege of being represented, *at no expense to the government*, by counsel of the alien's choosing," wouldn't this program violate the law since it uses federal government funds to provide legal services to illegal aliens?

Response:

Section 292 of the Immigration and Nationality Act 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 to enhance the effectiveness and efficiency of immigration proceedings involving qualifying unaccompanied alien children.

Questions Related to Asylum Claims by UACs:

6. **In June 2014, the Congressional Research Service reported the number of asylum claims in FY 2013 reached 36,026, more than doubling from 13,931 in FY 2012, and that a handful of countries led to that increase, primarily El Salvador, Guatemala and Honduras.**

   A. **Do your statistics show the same trends in increased asylum claims made by UACs from El Salvador, Guatemala and Honduras who are crossing the border? Please provide those to the committee.**

Response:

Below, please find a chart with asylum receipts for cases identified by HHS/ORR as UAC for Central American Countries dating back to FY 2010.

Please note, EOIR's asylum statistics by nationality may include cases where an individual initially filed for asylum affirmatively before USCIS. If USCIS does not grant the asylum application, DHS places the individual in removal proceedings. Please note that EOIR does not track statistics regarding persons who are granted asylum affirmatively through USCIS.

Asylum Receipts for UAC for FY 2010 - FY 2015
(through December 31, 2014)

Nationality	2010	2011	2012	2013	2014	Q1 2015
EL SALVADOR	329	597	643	851	802	528
GUATEMALA	187	252	354	606	807	377
HONDURAS	123	171	205	381	545	359

   B. **Do these countries have a history of making such claims? For how many years has this been the case?**

Response:

Please see the chart above for historical data regarding asylum applications.

   C. **Have you seen any evidence that UACs have been coached in how to make such a claim successfully?**

Response:

EOIR adjudicates each case on its merits. Immigration judges examine asylum claims for credibility and to determine whether the claim meets the appropriate legal standards.

Questions Posed by Senator Johnson

7. What is the timeline from apprehension to deportation? Please provide a breakdown for Mexican UACs and OTM UACs.

Response:

Every immigration case is unique and the timeline for each case varies, depending on a number of factors. EOIR can only speak to processing times during the immigration court process, and cannot address the timeline between apprehension and the filing of an NTA with the immigration court, or the timeline after the conclusion of a case and before removal. For information on those aspects of case timeline, we defer to DHS. The average processing time for initial case completions for Mexican Unaccompanied Alien Children (as identified by HHS/ORR) placed into removal proceedings before an immigration judge was 537 days in FY 2014. In the first quarter of FY 2015, the average processing time for initial case completions for Mexican Unaccompanied Alien Children (as identified by HHS/ORR) placed into removal proceedings before an immigration judge was 416 days. For children HHS/ORR identified as non-Mexican Unaccompanied Alien Children, the average processing time was 438 days in FY 2014. For children HHS/ORR identified as non-Mexican Unaccompanied Alien Children, the average processing time was 320 days in the first quarter of FY 2015.

Please note that average processing times do not represent the unique factors of each case. As an average, they do not provide information about the group of cases that take a relatively short time to complete, nor do they provide information about those that take a longer time to complete. For instance, as explained above, a detained case that does not have any application for relief or protection generally will be completed in a much shorter time than the average, and a non-detained case with an application for relief or protection generally will take much longer. In addition, the average also may include cases that were delayed for a variety of factors, including adjournments for a respondent to find an attorney, for DHS to adjudicate an application for relief or protection, or for a respondent to obtain evidence pertaining to his or her case.

8. What percentage of unaccompanied minors show up for their *Notice to Appear* hearing?

Response:

EOIR does not track whether an individual appears for every hearing. The agency tracks only whether an individual was ordered removed *in absentia*.

9. **At the hearing, it was indicated that, since the crisis, 1,400 unaccompanied children have been deported. It was also stated that of the 57,000 unaccompanied children that have illegally entered the country, 80 percent were from non-contiguous countries while 20 percent were from Mexico. Based on the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, unaccompanied children from contiguous countries can be deported expeditiously. Why have only around 1,400 unaccompanied children been deported when up to 20% (11,400) of these cases could potentially be expedited?"**

Response:

DHS initiates removal proceedings before EOIR when it serves the individual with a charging document, called a Notice to Appear (NTA), and files that NTA with one of EOIR's immigration courts.

Expedited removal allows DHS to remove certain individuals from the United States without their having to appear before an immigration judge. For information regarding DHS decisions to place individuals into removal proceedings or information regarding expedited removal data, we defer to DHS.

Regarding the processing of cases once an individual is in removal proceedings, in response to the Presidential directive, EOIR has taken a series of steps to help address the influx of people crossing the southern border of the United States. These steps include making docket adjustments, reprioritizing certain case types, and refocusing EOIR's immigration court resources.

Beginning July 18, 2014, EOIR realigned its immigration court dockets so that each unaccompanied child whom DHS identifies receives a first master calendar hearing within 21 days, and each adult with a child or children whom DHS identifies as released into the Alternatives to Detention Program receives a master calendar hearing within 28 days. We are providing prompt and fair adjudication of the cases before the agency, and providing shorter wait times for a hearing before an immigration judge for those in the defined priority groups.

Questions Posed by Senator McCaskill

10. **In 2010, the U.S. government established the Central America Regional Security Initiative (CARSI) to support anti-corruption, judicial reform, anti-gang, community policing, and corrections efforts, as well as crime prevention, law enforcement, and counternarcotics programs in Central America. I understand that, under CARSI, the Department of Justice (DOJ) is engaged in a variety of institution-building programs in Central America.**

    A. **Please provide a list of programs run or funded by the DOJ under the CARSI umbrella, including but not limited to security and counternarcotics programs, and related non-CARSI activities, including but not limited to institution-building programs in Guatemala, Honduras and El Salvador since 2010, and the funding allocated to each. Please include a list of any partner agencies for each program and the amount of funding each agency contributes.**

Response:

In 2011, the Department of State's Bureau for International Narcotics and Law Enforcement Affairs (INL) provided funding from the President's Partnership for Growth Initiative (PFG) to DOJ to help the Government of El Salvador develop two law enforcement task forces in San Salvador: one to combat crimes involving public transit, and one to combat extortion and other crimes against businesses. DOJ's Office of Overseas Prosecutorial Development, Assistance, and Training (OPDAT), in partnership with DOJ's International Criminal Investigative Training Assistance Program (ICITAP), worked with host country agencies to establish and implement these taskforces. OPDAT Resident Legal Advisors (RLAs) and ICITAP Senior Law Enforcement Advisors (SLEAs) have successfully implemented these task forces, which are now undertaking large scale investigations using advanced resources and tools.

INL also funds, though PFG, an OPDAT Resident Legal Advisor in Honduras. The RLA arrived in February 2014 and is charged with improving the prosecutorial capacity through training and case based mentoring. The RLA is also developing a law enforcement task force in Tegucigalpa to disrupt criminal organizations, especially organizations involved in human trafficking, human smuggling, drug trafficking, and money laundering.

The El Salvador programs were funded by INL through two inter-agency agreements (IAA). The first IAA, in 2011, totaled $2.1M; the second, in 2013, added another $4.75M. The funding is set to expire in December 2015. The Honduras program is funded by a 2012 IAA totaling $1.5M.

    B. **Please provide a list of contracts, the scope of the contracts, the names of the contractors and the FY2013 obligations for each contract as well as the nature of the oversight being conducted on each contract – including the number of in-country contracting officers representatives (I-CORs) – that is**

managed, co-managed funded, in whole or in part, by DOJ in Guatemala, Honduras and El Salvador. Please indicate whether any of the contractors are responsible in any way for the oversight of any contracts other than their own.

Response:

DOJ does not fund any purely capacity building programs in the region (or elsewhere), as it does not receive direct funding for that purpose. Rather, OPDAT and ICITAP implement programming with funding generally provided by the Department of State through INL; and less frequently, the U.S. Agency for International Development and the Department of Defense. OPDAT implements its worldwide programs through the deployment of experienced prosecutors as Resident Legal Advisors. It draws resources from the Department of Justice as a whole, including Assistant U.S. Attorneys and Criminal Division prosecutors from throughout the nation. ICITAP enlists the professional assistance of numerous federal partners, including the Federal Bureau of Investigation; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Marshals Service; the Internal Revenue Service; the Department of Homeland Security; and the Bureau of Prisons.

In El Salvador, OPDAT implements programming through two RLAs and one Locally Employed Staff. It also executed a contract for logistical support with the Louis Berger Group, for a total of $41,128 in FY2013. ICITAP's program concluded in December 2014, but until then, it was implemented by an ICITAP Program Manager, and supplemented by a contract with Engility to provide personnel (including two SLEAs,) and other administrative and logistical support, for a total of $601,951.

11. In 2012, GAO found that U.S. agencies have reported some results from CARSI funds, but have not attempted to assess their performance using the metrics they themselves outlined in a 2012 interagency strategy for Central America that were designed to measure the results of CARSI and related non-CARSI activities.

A. Please provide the metrics outlined in the interagency strategy for Central America and describe any efforts undertaken since 2012 to implement these metrics.

Response:

OPDAT and ICITAP report progress and results on all their programs to INL on a quarterly basis pursuant to the metrics set forth in the IAA between DOJ and the partner agency funding any given program.

In Honduras, the metrics include:

- regular use of recommended procedures for the prosecution of cases by at least 25% of trainees;
- use of the Common Crimes Handbook in at least 25% of cases, by police and prosecutors who received the training;

- incorporation of the curriculum used by the mentoring team into the training regime of the Public Ministry;
- expansion of training and case-based mentoring beyond Tegucigalpa; and
- initiation of a pilot project for judicial training.

The metrics in El Salvador include:

- formation of a functioning and fully vetted business crimes task force made up of police, prosecutors, and others (analysts, etc.);
- measurable increase in the ability of the Government of El Salvador to reduce the impact of organized crime on small and medium businesses by forming and supporting a task force made up of prosecutors, police officers, and others (analysts, etc.);
- formation of a special vetted court for crimes against businesses.
- formation of a functioning special vetted court for transit crimes;
- measurable increase in the ability of the Government of El Salvador to fairly, effectively, and efficiently adjudicate cases involving transit-related crimes;
- creation of a Standard Operating Procedures (SOP) manual to facilitate sustaining the task forces and replicating it elsewhere in El Salvador and in other countries in Central America;
- completed review of operational data and initial results of investigations and prosecutions resulting from the task forces to measure effectiveness and to determine what adjustments should be made;
- draft of a "play book" to sustaining the task forces;
- completion of least three training sessions for the business crimes task force;
- drafting of proposed legislation (for example, deterrent sentences) drafted that will help attain the goals of the business crimes task force and the special court;
- improvement in judicial/courtroom security for the two special courts and security for the personnel and facilities of the two task forces;
- reduction in the impact of security threats to the effectiveness of the two task forces and the two special courts;
- completion of in-house, on-site training on security issues relating to judicial/courtroom security, security for the task force facilities, and security for task force personnel.

12. Your testimony discusses your efforts to reduce the backlog of pending cases before an Immigration Court. In the last 10 years the number of pending cases has increased from 167,543 in 2004 to a current backlog of 366,758 according to Transactional Records Access Clearinghouse. At the same time, the average time it takes to resolve cases has increased from 415 days in 2004 to 578 days in 2014.

A. What metrics have you established to measure progress on reducing the backlog?

Response:

EOIR has metrics under the Government Performance and Results Act (GPRA) that measure the pending caseload each quarter, as well as the number of cases received and completed.

B. What are DOJ's specific goals with respect to the number of pending cases and the average time to resolve cases?

Response:

EOIR has GPRA goals related to the completion of detained immigration court cases (complete 80% in 60 days), Institutional Hearing Program (IHP) cases (complete 85% prior to release), and detained appeals (complete 90% within 150 days). The IHP allows aliens serving criminal sentences to have an immigration hearing prior to their release from prison.

13. The Subcommittee on Financial and Contracting Oversight, which I chair, conducts oversight and investigations of federal spending through contracts and grants. At many agencies, federal contractors sit side by side with federal employees performing similar work. Given the magnitude of spending and the importance of the work performed by federal contractors and grantees, I was surprised to learn that many federal agencies refuse to permit agency witnesses to appear before Congress on the same panel of witnesses as a contractor or grantee. Although there may be legitimate reasons not to do so in certain circumstances, the blanket refusal to allow a federal official and an individual who is being paid by the federal agency the official represents to sit together at a hearing makes it more difficult to conduct efficient and effective oversight. In addition, I believe that this policy no longer accurately reflects the way the federal government does business.

A. Absent extenuating circumstances, would you agree to testify on the same panel as individuals who receive federal contracts or grants at hearings on the management and oversight of federal spending? If not, please explain why not.

Response:

We appreciate the Subcommittee on Financial and Contracting Oversight's need to conduct efficient and effective oversight hearings on federal spending; however, it is the long standing policy of the DOJ that our witnesses testify before Congress on separate hearing panels consisting only of other U.S. government witnesses. The Department is willing to consider and work with the subcommittee on a request for a DOJ official to appear at a future subcommittee hearing.

Questions Posed by Senator Portman

14. How has your department been allocating, planning, or repurposing existing funds to address the issues involving unaccompanied minors?

Response:

EOIR constantly monitors its caseload nationwide and shifts resources to meet needs in the most efficient possible manner. In July 2014, EOIR refocused its resources to prioritize cases involving migrants who crossed the southwest border and are placed in removal proceedings by DHS. The four top priorities consist of unaccompanied children, adults with children in detention, adults with children released through alternatives to detention, and detained individuals.

Hiring of additional immigration judges remains a priority. As of September 2014, EOIR has selected 30 immigration judges to fill vacant positions and has advertised for 48 more permanent judges. EOIR is also working to finalize processes related to its Temporary Immigration Judge program, including hiring and training of those judges to supplement the permanent Immigration Judge corps.

Additionally, the Department has allocated $2 million for the Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC). In addition to funding LOPC, the Department has entered into a strategic partnership with CNCS to provide legal services for unaccompanied alien children through a grant program. The Department has dedicated $2 million to support this program.

Lastly, EOIR has allocated $7,770,000 to address the recent border crisis. The allocation includes $200,000 to provide direct legal representation, $870,000 to add Legal Orientation Programs to four family detention centers operated by DHS/ICE, and $6,700,000 to refresh our video-teleconference and portable digital audio recording units.

15. What is the cost per child when you take into account the resources to detain, transport, house, and adjudicate the unaccompanied minor?

Response:

We defer to DHS and HHS for information regarding detention, transport, and housing. The EOIR budget is not managed in such a way as to provide direct cost-per-case analysis. However, based on a $312 million appropriation in FY 2014 with approximately 200,000 initial NTA completions, EOIR estimates the cost per immigration case adjudication comes to about $1,500 per case. This estimate accounts for all aspects of a case from filing to completion including any appeals process, space, technology, equipment, travel, and personnel cost.

16. **More than 52,000 unaccompanied children, have arrived at the U.S.-Mexico border this year through June 15, 2014. This is more than double the number in a similar period in 2013. CBP issued several advisories in June and I would like to get clarification on some of the numbers being reported. As of June 18th, there were 3,103 unaccompanied children in the U.S. Customs and Border Protection custody along the Southwest border. As of June 25th, there were 2,700 children in CBP custody. During this period, how many minors were handed over to HHS? How many were not permitted to enter the United States and were returned to their country of origin? How many minors were apprehended during this period?**

Response:

EOIR does not have the information necessary to respond to this question. We defer to DHS and HHS regarding this matter.

17. **What is the length of time it takes for an immigration proceeding to commence after an unaccompanied minor is given a notice of appearance by DHS?**

Response:

Beginning July 18, 2014, EOIR realigned its dockets to ensure that each unaccompanied child identified by DHS receives a first master calendar hearing within 21 days of DHS filing the Notice to Appear with EOIR.

18. **At what point is there an opportunity to apply for asylum in the United States?**

Response:

The affirmative asylum process applies to aliens who initially file an asylum application with USCIS. USCIS asylum officers conduct non-adversarial interviews of asylum applicants and determine whether to grant asylum. If an applicant in lawful status (e.g., possesses a valid unexpired visitor visa) is in the United States and an asylum officer is unable to approve the asylum, the asylum officer denies the asylum claim. If an applicant is in the United States without lawful status and an asylum officer finds the applicant ineligible for asylum, USCIS places that applicant in removal proceedings and refers the case to an EOIR immigration court for a hearing. An immigration judge then evaluates the asylum claim anew (de novo review).

The defensive asylum process applies to aliens who are in removal proceedings and request asylum (and other forms of relief) from an immigration judge. The process is called "defensive" because it can provide relief from being removed from the United States. An immigration judge hears an applicant's claim and also hears any concerns about the validity of the claim that are raised by the ICE attorney, who represents DHS in immigration court. The immigration judge adjudicates each case individually, on the evidence provided and in accordance with immigration law, to determine whether the applicant is eligible for asylum and merits a grant of asylum.

If an applicant is ineligible for asylum, an immigration judge determines whether the applicant is eligible for any other form of relief or protection from removal. If an applicant is ineligible for any relief or protection from removal, an immigration judge will deny the application and order the applicant removed from the United States.

A. Within the immigration court process backlog, what cases are prioritized at this time?

Response:

In accord with President Obama's directive to prioritize cases of recent border entrants, in July 2014 EOIR added new priorities to our pre-existing priority for detained cases. These new priorities include cases of recent entrants involving unaccompanied alien children, adults with children in detention, and adults with children released through alternatives to detention.

B. What is the number of ongoing proceedings involving unaccompanied minors? How many have been resolved to date? Of these cases, how many resulted in deportation or another outcome?

Response:

Of the 434,087 cases pending on December 31, 2014, 61,089 are cases of individuals identified by HHS/ORR as UAC.

In FY 2014, there were 15,298 initial case completions of individuals HHS/ORR identified as UAC and in the first quarter of FY 2015, there were 10, 544 initial case completions of individuals HHS/ORR identified as UAC. These cases may have come into EOIR's jurisdiction earlier than FY 2014. The table below lists the dispositions of the 15,298 initial case completions for UAC in FY 2014, and the 10,554 initial case completions for UAC in the first quarter of FY 2015.

Initial Case Completions for UAC by disposition

Disposition	FY 2014	Q1 FY 2015
Abandonment	1	0
Administrative Closing - Other	3,407	2,644
Affirmed - DHS Decision and no Credible Fear	54	8
Deny	37	17
DHS Decision and No Reasonable Fear	18	11
DHS Decision and Reasonable Fear	4	3
Failure to Prosecute (DHS cases only)	1	0
Grant	6	3
Other	18	8

Other Administrative Completion	14	45
PD Administrative Closure	1,025	190
PD Termination	60	29
Relief Granted	290	56
Remove	7,056	5,453
Temporary Protected Status	3	0
Terminated	2,518	1,701
Vacate - DHS Decision and Credible Fear	12	1
Voluntary Departure	763	383
Withdraw	11	2
Total	**15,298**	**10,554**

19. The administration has asked for additional judges to be appointed to expedite processing. At this time, are there judges who are solely designated to immigration proceedings involving minors?

Response:

EOIR constantly monitors its caseload nationwide and shifts resources to meet needs in the most efficient possible manner and will continue to do so with existing resources, including detailing immigration judges to different immigration courts and making scheduling changes to regular dockets as necessary. Regarding recent border entrants, EOIR is providing shorter wait times for a first master calendar hearing for those aliens who fall within our newly defined priority groups, which includes unaccompanied children, in order to ensure prompt and fair adjudication of the cases before the agency. Each court that has pending juvenile cases has a designated juvenile docket to handle these cases. All immigration judges are trained and qualified to hear proceedings involving minors; the docket assignments are determined by the individual court locations and the needs and circumstances of the courts.

20. President Obama has stated that the unaccompanied children - who are mostly from Central America - are not eligible for expedited removal, a procedure that the Homeland Security Department uses to deport children from Mexico and Canada. What protocols need to be changed in policy to allow that removal authority to extend for children from El Salvador, Honduras and Guatemala who illegally enter the United States?

Response:

The Department defers to DHS for information regarding expedited removal.

21. Under the 2008 reauthorization of the Trafficking Victims Protections Act, Customs and Border Protection agents who detain unaccompanied children are required to

turn children over to HHS Office of Refugee Resettlement within 72 hour of their arrest. What is the length of time for this process today? What screening measures are in place by CPB to determine if a minor is a victim of human trafficking at the time they are apprehended? How would an expedited removal process impact the opportunity for an unaccompanied child to make the case that they are facing danger at home and deserve protection in the United States?

Response:

The Department defers to DHS regarding on this matter.

22. What are the systems in place for information sharing between CPB, HHS, and DOJ regarding efforts to combat human trafficking and smuggling?

Response:

The Department coordinates its efforts to combat human trafficking and provide services to victims through several interagency task forces and working groups. The cabinet-level President's Interagency Task Force to Monitor and Combat Human Trafficking and the working-level Senior Policy Operating Group (SPOG) meet regularly to develop and focus programs and exchange information. The Department participates in several SPOG committees, including the Grantmaking, Public Awareness, and Procurement and Supply Chain committees. The Department co-chairs the Victim Services and Research and Data committees.

In addition, each of the 94 U.S. Attorney's Offices participates in a human trafficking task force that is designed to address local human trafficking concerns, such as sharing law enforcement intelligence among federal, state, local, and tribal partners, coordinating victim services, and engaging community and faith-based organizations.

Over the last few years, the Department has collaborated with the Departments of Homeland Security and Labor in developing high-impact human trafficking investigations through six pilot Anti-Trafficking Coordination Teams (ACTeams), developed regional strategic plans, implemented coordinated strategies, and disseminated ACTeams Operations Guides.

In addition, HHS, DHS, and DOJ have an established inter-agency notification and consultation process in place upon identification of a minor who is eligible for interim assistance as a potential victim of human trafficking.

23. After HHS becomes aware of an adult point of contact in the United States, what types of background checks, employment or housing verification is completed?

Response:

The Department defers to HHS regarding on this matter.

24. If a child is released into the custody of an adult outside of detention, which agency is in charge of assuring that the minor continues to reside with this individual? Which federal agency is responsible for keeping track of these minors so that they are not disappearing, falling prey to trafficker or those who would seek to harm them?

Response:

EOIR provides notices of hearing to the alien at the addresses they provide, and to counsel, if the alien has one. At a hearing, immigration judges clearly explain the consequences of failing to appear in immigration court. Should an alien not appear in immigration court and be ordered removed in his or her absence, it is ICE's responsibility to enforce the removal order.

Questions Posed by Senator Pryor

25. **The most comprehensive 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 children who are currently with their relatives awaiting judicial proceedings actually show up to their hearings?**

Response:

The requested funding of $15 million would be used to pay for legal representation services for between 4,000-10,000 unaccompanied children. Representation by counsel helps to ensure that children are aware of their rights and responsibilities under the immigration laws and results in more efficient court proceedings. The requested funding of $2.5 million for the Legal Orientation Program would be used to increase the number of custodians served by the Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC). One of the goals of the LOPC is to increase the appearance rate of unaccompanied children at their hearings. It also aims to help protect the children against mistreatment, exploitation, and trafficking.

CHALLENGES AT THE BORDER: EXAMINING AND ADDRESSING THE ROOT CAUSES BEHIND THE RISE IN APPREHENSIONS AT THE SOUTHERN BORDER

WEDNESDAY, JULY 16, 2014

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Thomas R. Carper, Chairman of the Committee, presiding.

Present: Senators Carper, Pryor, Landrieu, Baldwin, Coburn, McCain, Johnson, and Ayotte.

OPENING STATEMENT OF CHAIRMAN CARPER

Chairman CARPER. The hearing will come to order.

I want to begin today by thanking our witnesses for joining us.

At last week's hearing, we examined the Administration's response to the current humanitarian challenge at our Southern Border with Mexico, where unprecedented numbers of undocumented Central American children and families are seeking to enter the United States. Today, we are here to discuss the root causes of this surge in migration from Central America, and it is my hope that all the witnesses will also talk about some things that they are working on and that they would think that we should do more of in order to address these root causes. We are really interested in what is working. Let us figure out what is working and do more of that. The converse of that would be true, as well.

This is a humanitarian crisis, one that the Administration and Secretary Johnson are taking extremely seriously. Many of the Central American children and families arriving at our borders have heartbreaking stories to tell. We will hear about some of those stories shortly, but I believe they require a humane response and one that honors our obligations under United States and international law and is consistent with the admonition that we should love our neighbors as ourselves.

It is not, in my opinion, a border security crisis. These Central American children and families are not somehow slipping past the massive amount of security technology and manpower we have deployed along the Southern Border of our country in recent years. They are being apprehended shortly after stepping on U.S. soil,

often searching out Border Patrol agents instead of running away from them.

But, it is obviously not an acceptable situation to have hundreds of unaccompanied children arriving at our Southwest Border each day. It is not acceptable to us as a country of laws, including immigration laws. And, it is not acceptable as a humanitarian matter, given the extreme risks that these people face trying to come to our country illegally.

One of the factors that is pulling people to come to the United States is the perception in the region that they will be able to stay—even if it is just for a year or two—while their immigration cases are processed. In truth, that often has been the case for many children and families. People from Central America, unlike Mexicans, cannot be turned around at the border. They must be flown back to their countries. And, this process is even more complicated for unaccompanied children and families because our laws, appropriately, require different treatment for these groups. In practice, this has meant that repatriating children and families can take not days, not weeks, not months, but in some cases, years.

In order to combat the perception that it is somehow possible to get a free pass to come and live in the United States, the Administration is taking extraordinary measures to speed up these cases. For example, it has surged immigration judges down to the border to expedite processing of cases, including cases involving families and children. It has greatly expanded its ability to detain families while their cases are heard.

It has worked with the governments of El Salvador, Guatemala, and Honduras to expedite the issuing of travel documents for their citizens which are needed before someone can be repatriated. This process used to take more than 30 days. Now, it takes as little as 4 days.

And, senior Administration officials, including Vice President Biden, Secretary Johnson, and Secretary Kerry have traveled to the region in recent weeks to make clear that there is no shortcut that someone, even a child, can take to get permission to live here. In other words, those who are apprehended at the border will, in most cases, be returned to their home countries as promptly as possible.

So, the Administration has clearly been fully engaged on this issue. Now, Congress needs to do its job and work in the near term to help stop this surge. Just last week, as we know, President Obama asked us for $3.7 billion in emergency funding to address this challenge at the border. Without this money, we have been told that the Border Patrol and Immigration and Customs Enforcement (ICE) could run out of money sometime this summer. It goes without saying that we cannot allow that to happen.

As necessary as this money is, though, it is only one piece of a complex puzzle, and there are strong and entrenched problems in Central America that are driving so many to make the risky journey north. Unless we take a hard look at those underlying problems, we will keep spending money to repeat the heartbreaking symptoms at our borders. In fact, since 2003, I am told we spent almost a quarter-of-a-trillion dollars enforcing our immigration and customs laws and strengthening our borders along Mexico.

Seeking a better life in the United States is nothing new. For some of these Central Americans, especially the children and the parents who often send them on their journey, the decision can be a desperate one. Everyday life in parts of Guatemala, El Salvador, and Honduras is more than just difficult today. It can be deadly, and some of our witnesses will speak to that today.

Violence has been steadily increasing in the region, with homicide rates in all three countries among the highest in the entire world. Kidnapping and extortion are endemic. Meanwhile, these countries have stagnant economies that create too few jobs and opportunities for their citizens. Faced with this violence and lack of hope at home, it is no wonder that so many people are willing to risk their lives or the lives of their children on a nearly 1,500-mile journey to the United States.

We need to help these countries help themselves, but we cannot do it alone and we should not do it alone. This must be a shared responsibility, first and foremost with the Central American governments, but also with the broad community with vested interests in the region. That includes Mexico, Colombia, the multilateral banks, the private sector, and institutions of faith.

The steps we need to take are not easy; they are difficult. But, I believe that the road map is clear. We need to work with our partners to create a more secure and more nurturing environment for job creation in Central America, and I look forward to hearing from our witnesses today about what some of those steps might be.

Based on my recent conversations and trips to the region, I believe that one of the critical needs there is to foster economic growth. How do we do that? Well, a number of ways, but by helping to restore the rule of law, to help lower energy costs, improve educational outcomes, to improve workforce skills, and improve access to capital.

Now, I am not suggesting any of this is going to be quick or easy to do. It is going to require sustained investment and focus on the region by the United States and others. But, it can be done. In fact, we have already done it with two of our most important allies in the regions to our south.

Twenty years ago, you will recall, Colombia was close to being a failed State. I remember when a bunch of gunmen rounded up the Supreme Court of Colombia, took them into a room, and shot them to death not all that long ago. And then there was the economic situation in Mexico was so bad that more than a million Mexicans were apprehended trying to cross our borders every year.

Today, we are seeing record low numbers of Mexicans being apprehended at the border, with some researchers suggesting that more Mexicans may actually be leaving the United States each year than are coming here illegally today. And, Colombia has become a vibrant economy and a trusted democratic partner in the region.

Of course, these two countries still face challenges. We all do. But, I believe we can all agree that there has been a dramatic turnaround in both countries.

One of my guiding principles, as I said earlier, is to find out what works and do more of that. We need to figure out what worked in Mexico, or what is working in Mexico, what worked and what is

working in Colombia, and do more of that. I look forward to hearing about that during our hearing today.

One of the keys in both countries, I believe, has been economic growth the ability for people to have a job, find a path to a better life. In Mexico, the North American Free Trade Agreement (NAFTA), helped make it possible, its emergence as a middle-income nation. And in Colombia, one of the keys has been a sustained investment in improving security for their citizens through Plan Colombia.

We need a similar commitment to Central America, and in making that commitment, we will not only prove ourselves good neighbors, we will ensure that we will not continue to face an expensive humanitarian crisis at our borders a decade from now. I am encouraged that the Administration has included $300 million in its emergency supplemental request for the State Department, some of which will be used to deal with the root causes of the Central American migration. But, these funds should be seen as a downpayment. This cannot be "one and done." If we are serious about improving conditions in the region, and I think we must be, we will need to do more, and, frankly, so will others.

That said, I would normally turn to Dr. Coburn. He is in a meeting right now with one of our other colleagues, Senator Feinstein, on matters relating, I think, to their work on the Intelligence Committee. He will be joining us probably after this first vote, which is going to be underway just very shortly.

Normally, after Dr. Coburn and I have made opening statements, we go right to the witnesses. In this case, I am going to ask if any of our Members would like to just make a brief statement for just, like, maybe a minute or two before—anyone? All right. Fine. Fair enough.

Let me, then, turn to our panel and make some introductions. To each of you, including Mr. Farnsworth, we are glad you made it. Nice to see you. I want to welcome all of you.

Our first witness is Michael Shifter. Mr. Shifter is the President of the Inter-American Dialogue. In this position, Mr. Shifter advances the Dialogue's mission of bringing together public and private leaders from across the Western Hemisphere in order to advance a regional agenda of democratic governance, social equity, and economic growth. Prior to joining the Dialogue, Mr. Shifter directed the Latin American-Caribbean Programs at the National Endowment for Democracy. Good morning and welcome.

Our second witness is Eric Olson. Mr. Olson is the Associate Director of the Latin American Program at the Woodrow Wilson International Center for Scholars. His research and writing have focused on the impacts of crime, organized crime, and violence on democracies along with ways to address these problems through judicial institutions and police reform. We really look forward to hearing what you have to say and asking questions of you. Prior to joining the Woodrow Wilson Center, he was a Senior Specialist in the Department for Promotion of Good Governance at the Organization of American States, from 2006 to 2007.

Our next witness is Eric Farnsworth. Mr. Farnsworth is Vice President of the Council of the Americas and the Americas Society. He is a recognized expert on hemispheric affairs and the Bureau's

Foreign and Trade Policy and has testified before Congress many times. In the past, Mr. Farnsworth oversaw policy and message development for the White House Office of Special Envoy for the Americas. He also served at the U.S. Department of State beginning in 1990 and was awarded the Superior Honor Award three times and the Meritorious Award once.

Next, we have Richard Jones. Mr. Jones is Deputy Regional Director for Global Solidarity and Justice in Latin America and the Caribbean at Catholic Relief Services (CRS). In this capacity, Mr. Jones is primarily responsible for work in peace building, migration, and solidarity and justice. During the past 10 years with Catholic Relief Services, Mr. Jones has developed innovative approaches to combatting gang violence and immigration in Central America. Before joining Catholic Relief Services, he served in a parish in El Salvador, helping refugees resettle after that country's 12-year civil war. Welcome.

Our final witness today is Bryan Roberts. Mr. Roberts is a Senior Economist at Econometrica, Incorporated. Prior to this, Mr. Roberts was the Assistant Director for Border and Immigration Issues in the Office of Program Analysis and Evaluation at the Department of Homeland Security (DHS). He has also worked in the Department of Homeland Security's Office of Policy in the Science and Technology Directorate, where he has analyzed issues related to risk analysis, border security, immigration, and non-immigrant travel and trade, among other homeland security areas. He is also an adjunct lecturer at George Washington University's Trachtenberg School of Public Policy and Public Administration.

With that having been said, we are delighted you all are here. We look forward to having a fruitful conversation. This is a timely hearing and I am happy that my colleagues are here. We have votes starting right now and we will be going in and out, tag-teaming here, to make sure we continue to go forward with your testimony so we do not waste any time, and hopefully not your time. This is going to be a good hearing. Welcome.

Mr. Shifter, why do you not lead us off. Your entire statements, all of you, will be made part of the record, if you would like to summarize. Try to keep to about 5 minutes. If you go way beyond that, I will have to rein you in. Thank you. Mr. Shifter.

TESTIMONY OF MICHAEL SHIFTER,[1] PRESIDENT, INTER-AMERICAN DIALOGUE

Mr. SHIFTER. Thank you very much, Mr. Chairman, and thank you, Members of the Committee. I appreciate very much the opportunity to share my views about the root causes motivating Central Americans, especially unaccompanied children (UAC), to leave their countries and enter the United States. This strikes me as the right focus and will help advance United States interests over the long term.

President Obama's proposal of $3.7 billion in emergency funds will be debated in Congress and across the country. I believe it contains elements that are useful in responding to the urgent situation on this side of the border. But, the dire conditions in the three

[1] The prepared statement of Mr. Shifter appears in the Appendix on page 336.

main sending countries, Honduras, Guatemala, and El Salvador, are mostly driving the crisis and need to be addressed. If they are not, whatever we decide to do in the United States now will not prevent another wave of migrants from these nations down the road.

Today's crisis is complex and has no single cause or explanation. Each of these countries has its own particular features. Migrants are coming because they are facing a mix of extreme poverty, lack of opportunities, violence, criminality, and abuse. The data are well known. Today, more El Salvadorans are being killed than during the worst moments of that country's bloody civil war in the 1980s.

What these countries all share, however, is a crisis that derives from weak institutions and governance. The capacity of these governments to protect its citizens and deliver basic services is very limited. Corruption is rampant.

In thinking about the root causes, it is also important to consider the drug trade. Unfortunately, it continues to flourish and is a key dimension of the violence in these countries. Studies show that most migrants are coming from places where the homicides are committed, and many of these homicides are directly or indirectly linked to drugs.

The role of the so-called coyotes is critical, also, in explaining the recent surge of unaccompanied minors to the United States. This criminal group profits from human trafficking and smuggling across the border. The coyotes are also a main source of misinformation about U.S. immigration laws, which is another factor in this mix which is creating a perception among the migrants who are coming to the United States.

The U.S. Government has been concerned about these deteriorating conditions for many years. However, the response, as illustrated by the current crisis, has been inadequate. There have been good intentions, but scarce resources and little follow-through. A comprehensive approach is needed.

United States assistance should prioritize key institutions, such as the police forces and the courts. This is the best way to help advance the rule of law. This is one of the lessons, I think, we can take away from Plan Colombia, which did turn around the capacity of the police forces in that country. It is also, in the long term, the best way to tackle the drug challenge. Fragile institutions cannot do the job, no matter how much support we provide for interdiction activities.

Resources should also be assigned to community-based youth programs, which can keep children in their home countries. They should be targeted to those most likely to leave. Better-targeted programs should be undertaken to strengthen education and school retention, as well.

The United States should also encourage better use of the remittance flows to these countries. The focus on financial inclusion, which is a main program of the Inter-American Dialogue—we work a lot on financial inclusion in Central America and Mexico—should be given priority. This can be a powerful development tool to build assets for poor families over the long term.

Just as important as where we direct resources to these countries is what our approach is. True partnerships with national and local

governments, the private sector, and civil society groups are critical. Everyone needs to have a stake in this overall effort to turn around such a dire situation. That is the only way any approach can be sustainable.

The same is true in Washington. One lesson we should take away from the United State's successful engagement with Colombia for nearly 15 years is that bipartisan support is fundamental. In the same way today, broad agreement on a sustained effort to help assist our closest neighbors so profoundly connected to the United States is crucial. There is no quick fix. Any serious effort will take a long time. But, the ominous conditions today require a swift, constructive, and bold response.

Thank you very much.

Chairman CARPER. Thank you, sir.

Mr. Olson, please proceed.

TESTIMONY OF ERIC L. OLSON,[1] ASSOCIATE DIRECTOR, LATIN AMERICAN PROGRAM, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Mr. OLSON. Good morning, Chairman Carper and Senators. I am glad that you have invited me. Thank you for the opportunity, and I am pleased to appear before the Committee on behalf of the Woodrow Wilson Center.

I just returned from a 6-day trip through Central America's Northern Triangle—Guatemala, Honduras, and El Salvador—a couple weeks ago. It is the latest in a series of research missions we have carried out in that area to try to understand the context of violence and the desperation there and also get a better handle on what United States efforts have been to address these problems.

I think this Committee hearing is appropriate and I think it is well targeted to try to get at some of these underlying drivers and push factors that are contributing to this overall problem. The push factors are real and overwhelming, suggesting that for many, the long odds of coming north are better than the impossible odds of staying in their countries.

There are essentially three factors that we have identified and have already been mentioned. Obviously, the first is violence, and these three countries are now the most violent region in the world, Honduras having the highest murder rate of any country at 90 per 100,000. Salvador is in fourth place, and Guatemala is in fifth place, with just over 40 per 100,000 being killed. And, by way of comparison, I would just point out that Colombia is at 31 and Mexico at 20, so double the rate of murders you have in Honduras.

But, homicides tells only part of the story. It is not all about murder. The violence at the community level is overwhelming, and it is the result of the presence of criminal networks and gangs who extort, kidnap, threaten, and forcibly recruit young people into their networks. And, so, while murder is common, extortion and fear is constant, forcing people to go along with the criminals or to flee.

Two weeks ago, I was in Honduras and visited a community outside of Tegucigalpa that I have been visiting since the mid-1980s,

[1] The prepared statement of Mr. Olson appears in the Appendix on page 341.

when I lived there. I go back every time I am in Honduras to talk to the people in that community and try to understand what they are facing. They told me that there are roughly six criminal groups in their community extorting every kind of economic activity. They extort people on buses. They extort the taxi drivers. Anyone who tries to sell something from their house—tamales or tortillas—to make a little extra cash, has to pay the extortionists. So, this is the kind of violence at the local level that is really terrorizing people and driving some of this migration.

We have also touched on the issue of poverty, and I will just add a couple points on that. Roughly two million Central Americans, or 23 percent of the population, between the ages of 15 and 25 neither work nor have jobs. They are known as the "NiNis," people who have no involvement in the economic activity or in education. The dropout rate in Central America is roughly 50 percent after elementary school. And, Honduras has a poverty rate of nearly two-thirds, with that population living on $1.25 a day or less. In Guatemala, the poverty rate is around 54 percent, but chronic malnutrition is extremely high, about 50 percent for children under the age of five. So, all these factors together at the community level are playing a major role.

In my written statement, I suggest a series of "dos and don'ts" for U.S. policy. I am just going to skip over those in the interest of time to focus on a few recommendations as the Congress moves forward.

As my colleague, Michael Shifter, has said, we have been doing some of these things focused on building institutions in Central America for a long time, and they are essential and important. But, unfortunately, we really have not had much impact. In many cases, we have been funding these programs for up to 30 years. So, the question is, what do we want to do to turn that corner?

I think I would put at the first, the front of the list, the issue of fighting corruption. Fight corruption by holding people accountable and strengthening the mechanisms of transparency and accountability in government. We do not always do that. We spend a lot of time training people.

Second, I would put at the front of the line the issue of reducing violence, not focusing on drug trafficking. I think reducing violence at the community level, which is often not related to the transshipment of drugs, is a major priority.

Third, I would demand more from the Central American political and economic elite. You said it yourself, Mr. Chairman. This is a situation where we need shared responsibility. The United States has a role to play, but so do the Central Americans, and oftentimes, they have not come through on their end of the bargain.

And, let me just make two more points on what we should consider doing. Fourth, empower civil society. I think sometimes we do not have the partnerships in government that we need. Corruption has penetrated and taken over institutions of government. So, we need to focus more on the role of civil society in monitoring and holding governments accountable, and that includes nurturing independent investigative journalism.

And, fifth, and I will end with this, we need to make economic opportunity part of the security strategy. We need to integrate

these two in a way that are complementary. Too many times, we put security ahead of economic opportunity and the balance should really be between the two, working together to reinforce one another.

Thank you.

Chairman CARPER. Thank you. That was excellent testimony, very helpful. I am anxious to get back to your five points there and ask our panel to kind of react to those.

Senator Pryor has already voted. He has come back to allow me to go vote, and I think Senator Johnson, as well. So, the gavel is in your hands. I think Dr. Coburn may show up shortly, before I get back. I appreciate very much your doing this. Thank you. Senator Mark Pryor from Arkansas. Thank you.

Senator PRYOR [presiding]. Well, I want to thank all of you for being here and I will try not to do too much damage to the Committee while the Chairman is gone. [Laughter.]

Mr. Farnsworth, go ahead. Thank you.

TESTIMONY OF ERIC FARNSWORTH,[1] VICE PRESIDENT, AMERICAS SOCIETY/COUNCIL OF THE AMERICAS

Mr. FARNSWORTH. Thank you, Senator Pryor and other Members of the Committee, for the opportunity to be here. It is a timely hearing and I appreciate very much the opportunity to participate.

As has already been said, we are witnessing a heart-rending, immensely difficult humanitarian drama on the Southwestern Border. Almost 60,000 unaccompanied minor children have been picked up there since last October, according to reports, and many of these migrant children are, in some cases, less than 10 years old, entrusted by their families to profiteers trading on tragedy to get them from Central America through Mexico into the United States.

And, so, the question has to be asked why families believe their circumstances to be so hopeless or desperate as to consider that a better option for their children lies in sending them on a potentially treacherous journey to the U.S. border to an unknown future.

The issues within Central America, and here, we are talking about primarily the Northern Triangle countries of El Salvador, Guatemala, and Honduras, have been building for some time, as has already been discussed.

The root of Central America's problem, in my view, is the geographic reality that it exists between the world's largest consumer of illegal drugs, the United States, and the world's largest producer, South America. Under normal circumstances, this would be bad enough, but with the cessation of the brutal Central American wars of the late 1980s and early 1990s, insufficient attention was paid, I believe, to reintegrating former combatants, building professional apolitical police forces, reforming judiciaries, rooting out corruption, and creating economic opportunity with an intensive focus on broad-based education and training.

At the same time, natural disasters, including Hurricanes Mitch in 1998 and Stan in 2005 and others, caused immense human and physical destruction and wiped out significant economic production, and manmade disasters, including the Honduran political crisis in

[1] The prepared statement of Mr. Farnsworth appears in the Appendix on page 347.

2009, led to a vacuum in already weak governance that has been exploited by drug traffickers and other illegal actors.

The United States has arguably contributed at some level to the problem by deporting hardened criminals back to the region without full coordination with receiving nation officials. Many of these folks have already been indoctrinated into the gang culture in the United States in its prisons, and at the same time, the export of weapons from the United States often falls into criminal hands.

It is a potent mix, and regional governments have largely proven incapable of responding effectively, particularly at the community level, as has been discussed.

One critical component of a solution, I believe, is the creation of realistic prospects for economic gain within migrant-sending nations, in other words, good, legal, sustainable jobs offering the prospect for a better life and stability at the local and community level that is currently lacking. For years, without such opportunities, the young and unemployed have generally pursued one of two options. They either attempt the dangerous journey to the United States or they throw in their lot with the criminal gangs who have proliferated and transformed the region into one of the most, if not the most, dangerous worldwide. And, it is these gangs and the mayhem they are creating in El Salvador and the drug gangs and gangs in Guatemala and Honduras that are creating the conditions of deep personal insecurity that are now pushing a new population of migrants to flee.

Regional job creation is not a panacea, but it would provide options and possibilities that do not otherwise exist. The Central American Free Trade Agreement (CAFTA–DR) was a beginning, and statistics show that the region has benefited from this trade agreement that has been in effect for a decade, as has the United States. But, the agreement is a beginning point, not an endgame, establishing permanent market access to the United States and transparent rules of the game for private sector engagement. It is now incumbent on the other parties to the agreement, in addition to the United States, to take steps domestically and regionally in order to gain the full benefit of the agreement.

Without an attractive business climate, including enhanced personal security, an educated workforce, improved infrastructure, and, critically, regulatory transparency and the rule of law, investors both foreign and domestic will concentrate elsewhere. A lack of investment means forgone job creation as well as tax receipts, technology transfer, and access to global supply chains, reinforcing an already difficult economic scenario.

In the meantime, I believe we can do more to assist the nations in question to improve the business climate, and we must also be mindful of the potential unintended consequences in Central America of trade expansion efforts elsewhere, including the Trans-Pacific Partnership, taking steps to hold the Central American region harmless from potential impacts on regional competitiveness brought about through the impact of trade diversion.

At the same time, we can work to improve regional competitiveness in other ways by encouraging the creation of a true regional Central American marketplace, increasing internal market size, and improving efficiencies and economies of scale. For example, we

should higher prioritize, in my view, the cleaner energy agenda for the region, increasing energy security while lowering energy costs, improving environmental conditions, and reducing regional reliance on Venezuela's strategic energy initiative, Petrocaribe.

We should promote regulatory convergence and infrastructure development, among other things, to build market size, and we should continue to work on a regional basis, not just necessarily on a bilateral basis only, on the security agenda, seeking multilateral cooperation with us and having the countries cooperate with each other. This must include the employment of all available and appropriate resources, including security forces, to recapture State control of lawless areas and restore order where it is lacking.

Of course, the primary driver of investment and job creation must be the local business community, including entrepreneurs, and they should also be seen as a partner in the broader agenda. As our sister institution, the Americas Society, has found previously in collaboration with the World Bank and others, violence reduction also reduces security-related costs and improves worker productivity while the private sector can provide training and labor market access for at-risk youth. A number of programs are ongoing and showing promise, although the issue of scalability does remain.

The flow of unaccompanied migrants at the Southwestern Border of the United States is a symptom, I believe, tragic as it certainly is, of a broader crisis in personal security in the Northern Triangle, and that has already been discussed. In order to treat the symptoms effectively, we have to address the cause. That will require sustained high-level attention, resources, and a commitment to addressing some very difficult concerns, and in this regard, I really appreciated the Chairman's opening Statement where he talked about a longer-term commitment and not a one-and-done approach. I thought that was quite appropriate.

The United States has an immense stake in Central America's success, given our own history and engagement there, and perhaps it might be time now to consider a second Kissinger-style commission to develop urgency and consensus for a comprehensive approach to Central American security and development, much as was done in 1983, including a focus on job creation and economic opportunity.

So, I want to thank you again, Mr. Chairman, for the opportunity to testify and I look forward to any questions you may have.

Senator PRYOR. Thank you. Mr. Jones.

TESTIMONY OF RICHARD JONES,[1] DEPUTY REGIONAL DIRECTOR FOR GLOBAL SOLIDARITY AND JUSTICE IN LATIN AMERICA AND THE CARIBBEAN, CATHOLIC RELIEF SERVICES

Mr. JONES. Thank you, Senator Pryor. I would also like to thank Chairman Carper and Ranking Member Coburn for the opportunity to call these hearings to look more deeply at the underlying causes of why so many children and families are fleeing to the United States.

[1] The prepared statement of Mr. Jones appears in the Appendix on page 396.

My name is Richard Jones. I work for Catholic Relief Services as the Deputy Regional Director for Latin America and the Caribbean. I have been living in El Salvador for the past 24 years.

What we are witnessing is a refugee crisis due to violence. El Salvador, Honduras, and Guatemala rank among the top five most violent countries in the world. The homicide rates in Honduras are eclipsed only by Syria and maybe South Sudan.

Last month in San Pedro Sula in Honduras, four young boys were assassinated and dismembered. They had refused to be couriers for the local gang to carry drugs throughout their community. The gangs and the drug cartels are recruiting forcibly young children as early as 8, 9, and 10 years old to be lookouts, drug couriers, and foot soldiers.

Two weeks ago in El Salvador, I met with a woman and her two daughters who had recently been deported from Mexico. They had left El Salvador because one day the 18th Street Gang members knocked on her door and said, "Your two daughters are now going to become the queens of our gang." She left that night. She was picked up in Mexico and returned and now has no safe place to go.

An estimated 130,000 people in El Salvador have been internally displaced by this violence. My own son's soccer teammate last October was stabbed on the bus on the way home from practice. The gangs are enforcing a "join or die" rule. The following month, he left with his father for the United States. He was one month away from graduating from high school.

These children and their families feel that they are trapped in a blind alley with only a fire escape, a rickety fire escape, to safety. They know that the risks of traveling north are high, but they feel that they have no other choice.

What we know is that while this is a complex problem and requires multi-faceted solutions, there are solutions and they are scalable.

First of all, we need to focus on primary prevention, that is, targeting the communities who are most violent with services that include day care, community centers for after-school programs, like the Alcance Center supported by USAID in all three countries of the Northern Triangle, and school programs. Through the McGovern-Dole Food for Education Program, CRS in Honduras is working with 54,000 students in over 1,000 schools of heavy out-migration, and we are having rates of attendance over 90 percent, which is well above the national average. In addition to that, in Mexico, we have started programs for listening centers and treatment of victims of violence, because what we have learned from Colombia and Mexico is that the quickest path to become a perpetrator of violence is to have been a victim. We need those kinds of services for primary attention.

Secondary attention needs to be provided to adolescents 8 to 15 years old who are at risk of joining gangs, and their families. We have started Strong Family programs to strengthen families' ability to deal with dysfunction, to improve their household communications, and these are showing a great deal of promise. Young people ages 16 to 24 need opportunities. Between 2010 and 2014, CRS in El Salvador implemented a workforce development program with out-of-school and unemployed youth. We were able to reach 6,000

youth over 4 years, and 80 percent of them at the end of the program were able to get jobs, go back to school, or start their own business. These are very successful programs that are scalable and are being planned and the governments are very excited about it.

Tertiary prevention schemes also need to be implemented. Working with kids in school or in prisons and those who are gang-involved to interrupt the violence is an absolute necessity. The gang members need to be part of the solution.

Finally, in order to address the immediate crisis, the State Department should consider the implementation of an orderly departure program for children and their families who meet the requirements of refugee protection. We need to screen all the young people who are arriving at the border in order to find out, do they have a legitimate claim for protection and asylum. Those who do not and need to be deported, we need to support robust, safe, and secure repatriation programs like the ones that are run by the First Lady in Guatemala and the Government of El Salvador is planning one now to expand those programs. We need to be able to support those.

We at CRS believe that youth, even in the most violent and poorest neighborhoods, have the power to change their lives and their neighborhoods. We need to support them to unleash that power.

Thank you very much.

Senator PRYOR. Thank you. Dr. Roberts.

TESTIMONY OF BRYAN ROBERTS,[1] SENIOR ECONOMIST, ECONOMETRICA, INC.

Mr. ROBERTS. Thank you, Senator Pryor, and I would like to thank Chairman Carper, Ranking Member Coburn, and the distinguished Members of the Committee for inviting me to testify today on this very important topic.

The testimony that follows draws in part from research that I have been conducting over the past several years with two distinguished colleagues. Edward Alden, John Whitley, and I published a Council on Foreign Relations study last year entitled, "*Managing Illegal Immigration to the United States: How Effective is Enforcement*?" This study evaluates the impact of immigration enforcement and also longer-run trends in economic and demographic factors that are influencing illegal immigration to the United States.

I would like to make three primary points today. First, good data and analysis are an essential element of any strategy to improve immigration policy and border management. They improve our understanding of key outcomes related to illegal immigration, decisions on resource allocation and policy design, and the quality of public debate. It will be difficult to make progress on reform of immigration policies if there continues to be deep disagreement over the most basic facts and questions related to illegal immigration and border security. Both the U.S. Government and the research community, as well as colleagues who are working in the region, have essential roles to play in achieving that progress.

My second primary point is that available data and analysis already provide useful insights into important questions on immigra-

[1] The prepared statement of Mr. Roberts appears in the Appendix on page 408.

tion and border issues. Some examples include, has U.S. border enforcement become more effective over time, and has it deterred people from migrating illegally to the United States? Is the fall in illegal migration from Mexico to the United States due to economic developments or to the border enforcement buildup after 2007? What are the key longer-run factors influencing illegal migration to the United States and how will they develop in the future?

My third primary point is that it is essential that the Department of Homeland Security make data related to immigration enforcement available to researchers and permit them to publish their studies. This is a necessary step for achieving the progress that is possible with making use of data and analysis to inform decisionmaking. DHS should be commended for the remarkable progress that has been made with respect to the sharing of information on legal flows of people through ports of entry and immigration benefits processing. Similar progress could quickly be made on analysis of immigration enforcement issues if DHS adopted a similar approach with respect to enforcement data.

I would now like to conclude my opening statement with a discussion of the surge in unaccompanied children to the United States. The number of unaccompanied children arriving at the U.S. Southwestern Border began growing rapidly in fiscal year (FY) 2012. My written testimony reviews the available evidence on these surges and identifies four key characteristics.

First, the surges from El Salvador, Guatemala, and Honduras all began in fiscal year 2012.

Second, there has been no sustained surge from Mexico.

Third, the surge from Honduras has been much larger in percentage terms than those from El Salvador or Guatemala.

And, finally, the surge in unaccompanied children has also been accompanied by a surge in apprehensions of other non-Mexican nationals.

Two hypotheses to explain the surges have received much public discussion in recent weeks. The crime-push argument is that underlying conditions in these countries, and in particular high levels of crime and violence, caused the surges to happen. The policy-pull argument is that U.S. policies have caused them.

After reviewing the data and conducting some statistical analysis, I offer the following tentative conclusions, and I would stress that they are tentative. Underlying conditions in Central American countries and U.S. policies have both played a role in creating the potential for the surges. Underlying conditions, including crime and violence and lack of economic opportunity, create incentives to migrate, and U.S. policies encourage using the unaccompanied child channel if that is possible.

When one considers the evidence across the three countries, changes in crime rates and other underlying conditions are not compelling as an explanation for why all surges began in fiscal year 2012. There are no changes in murder rates in 2012 that suggest an upsurge in violence in that year that would have triggered the surges. In El Salvador, the murder rate fell significantly in 2012 as the result of a truce between the two largest gangs, which held into 2013. Our colleague from El Salvador could speak more

deeply to that. In Guatemala, the murder rate fell slightly in 2010 and has been very stable since then.

In Honduras, there was a dramatic rise in the murder rate in 2009, followed by smaller increases in 2010 and 2011, with stabilization in 2012 at the highest murder rate recorded in the world. Given that the dramatic rise in Honduras' murder rate and other reported crime began in 2009, it is surprising that its surge did not start before 2012.

I, thus, conclude that high levels of crime, violence, and lack of personal security thus likely play an important role for setting the stage for the surges, but they do not explain the triggering or timing of the surges in fiscal year 2012. I would also observe that there is no obvious economic development in 2012 that could have served as a trigger.

The argument that the Deferred Action for Child Arrivals (DACA), administrative action that was implemented in June 2012, played a role in initiating the surges cannot yet be evaluated due to lack of needed data, in particular, monthly data on the number of unaccompanied children for the period 2008 to 2014. Subsequent research should also try to identify and evaluate other possible explanations in addition to those discussed here.

I conclude by noting that challenges with understanding the causes of these surges and the potential effectiveness of various policy responses to them are a direct illustration of my opening points. There is disagreement about the causes of the surges and this is one cause of the disagreements over the best policy responses to them. Better data and analysis would help establish a more broadly accepted basis of facts upon which to have the policy debates.

Thank you again for inviting me to participate in this hearing.

Chairman CARPER [presiding]. Good. Dr. Roberts, thanks so much.

I apologize for having to miss, Mr. Farnsworth, your testimony and that of Mr. Jones. I had a chance to look at it, so, hopefully, we will have a chance to draw you out in the question and answer.

I want to thank Senator Pryor for presiding while the rest of us went off to vote.

My last job before I came here to serve in the Senate was I was Governor of Delaware for 8 years, from 1993 to 2001. For 8 years, we focused on how do we strengthen the basic building block of our society, families. That was it. How do we strengthen the basic building block of our society, families? If we have problems with kids not doing well in school, high dropout rates, underachieving students in school, high rates of teen pregnancy, a lot of folks on welfare, all kinds of—we say, rather than just focus on the symptoms of those problems, why do we not figure out what is causing them. What are the underlying causes of those problems? And, that is what we focused on for 8 years, I thought to very, very good effect.

One of the things we did, we had a statewide campaign on teenage pregnancy. It was actually helped developed by kids from every high school, I think, in our State who participated in the summit that focused on that. One of the billboards we had in our campaign

was, "The best contraceptive is a future." That is what it said. "The best contraceptive is a future."

And I think that maybe the best antidote for what is going on in these three Central American countries—I have been down in El Salvador and Guatemala this year—we have been down to Colombia this year and Mexico, trying to understand how Colombia came back from the brink and how Mexico has gone on to surge economically. I understand they may graduate as many as 300,000 engineers this year. It is about as many as we will. And, that the net migration, as I said in my opening statement, of Mexicans heading back into Mexico may actually exceed the number of their folks that are trying to come here illegally.

So, trying to understand what went right in Colombia, what has gone right in Mexico, what can we learn from them, and how can they help. They can help. They have a dog in this fight. They have an obligation, having been helped by us and others, they have an obligation to help these three Central American countries.

I want to go back. A long time ago, I was a Congressman, and I remember going down to a summit—hosted by the former President of Costa Rica, a summit of all the Central American presidents. I remember meeting, I think it was the President of Honduras—I told this to the Honduran ambassador to the United States yesterday—I said, your President told me at a summit hosted by the President of Costa Rica, gosh, 25 years ago, that in our country, every 4 years we elect a President. We expect that person to serve for at least 4 years, maybe 8 years. Then, there is another election and somebody else becomes President and we turn over the chain of command and that is the way it works. He said, "That has never happened in our country."

There were some hellacious days back then. You all know about them, especially in the 1980s. And, yet, we never saw during those years—we saw some people come to our country to try to get in, but not anything like we are seeing now with unaccompanied minors coming, trafficked by and moved by these coyotes. Why did we not see the kind of surge in the 1980s when there was such violence in some of these countries as we are seeing now? Why did they not—just, anybody. You guys decide who wants to answer. Several of you can. Mr. Farnsworth, why did we not see the kind of violence then?

Mr. FARNSWORTH. Well, thank you, sir. Both were multifaceted, but, I think, basically, the type of violence in the 1980s was political violence and the targets were political actors, whereas now the violence is widespread. It is extortive, or extortion. And, it is at the local and community level and everybody is subject to it. So, in the past, perhaps, if you had weapons, you might be subject to violence, but if you were just in the community, you may be able to escape it. Now, I know I am over-generalizing, but now, the sense is, at least from a lot of communities, that you are subject to it no matter what and there is nothing you can do to prevent that.

Chairman CARPER. All right. Fine.

Another question. I mentioned I wanted to get to this before. Let us go back to Colombia, nearly a failed nation 20 years or so ago, not so today. I was there a couple of months ago. I was very impressed. And, Mexico, a similar kind of turnaround. Even though

the fact that you still have a lot of drug, narcotics, gang activity there, they are overcoming that with our help. What do we learn from Plan Colombia, if you will? What do we learn from our experience in Mexico? And, we will just take it from the top. Mr. Shifter, please.

Mr. SHIFTER. Yes, thank you. Well, I think, Colombia, clearly, we had a very constructive partner in the Colombians. They said, the lights are going to turn out. The country is no longer viable because the violence——

Chairman CARPER. Yes. They were about to lose their country.

Mr. SHIFTER. Absolutely.

Chairman CARPER. They were about to lose it.

Mr. SHIFTER. And, so, that came together. They came together at the same time that the United States was—remember, the Plan Colombia happened just a year before 9/11, so we were in a much better situation. We did not have the commitments to Afghanistan, Iraq, and elsewhere. That did not exist. It was July 2000 when——

Chairman CARPER. Camelot. It was Camelot.

Mr. SHIFTER. Right. So, it was a——

Chairman CARPER. It was good days.

Mr. SHIFTER. It was a different moment. And, so, the Colombians came together. The United States was willing to support—there was political will in the United States. It was bipartisan support to work with the Colombians together. And, they had a plan to how to tackle this problem, and we worked on strengthening the capacity of the State to assert the authority of the government.

The police turned around. The security forces, the army, the military, were able to protect people. There were no police presence in Colombia at the end of the 1990s. There are 1,300 municipalities in Colombia and there was police presence just in 100 or two by the time of the United States support. Now, there were police presence in these communities.

So, the violence has not disappeared, but, clearly, it is under control. The State has been key, and the key was the sustained support from the United States with a willing partner.

Chairman CARPER. When we were in Guatemala and El Salvador a couple of months ago, one of the folks we met with said to us, what is the problem here? What is the problem in terms of lack of economic activity? And, he said, "People are afraid to be successful in business, because if you are, you will get extorted, and if you do not come across with the money, you will get killed." And, he said—I will never forget this guy said, "We have policemen who do not police. We have too many policemen who do not police, too many prosecutors who do not prosecute, too many judges who do not sentence, too many prisons and they do not really provide punishment, if you will, or rehabilitation."

And we literally heard one story, I think it was in Guatemala, we were told that there was a prison where the inmates get cell phones from the guards and they conduct their nefarious business or criminal activity from inside the prison. I met with the Guatemalan President and I said, do you know this is going on in your prisons? And, I said, there is technology where you can actually shut off, put, like, a blanket over the prison so that calls cannot

get in, cannot go out, and you have that capability and you do not use it. I mean, it is just very disturbing. Mr. Olson.

Mr. OLSON. Well, no. I was going to agree with you on several points. One is that on this issue of prisons, El Salvador has an over-populated prison rate of over 130 percent. And, the prisons are not only inhumane, which is bad enough, people in prison that the government does not even know who is there, but they have become a part of the criminal enterprise. As you suggest, people are actually in prison running their criminal enterprise from prison. So, it is a moral issue, it is a humanitarian issue, but it is also a crime fighting issue. We need to get at the bottom of that particular issue.

The second issue you touched on has to do with a sense that even when I invest in an enterprise, even when I invest in a small business, I am going to face the kinds of extortion and threats that make it a disincentive. And, so, that is why I am saying that we need to focus not just on homicides and transnational drug trafficking—which are important, I am not saying they are not—but really at the community level, which is driving the kind of migration we see now. It is that extortion, that sense of you cannot do anything, you cannot even sell tortillas without people coming to extort you, and people give up, or they join, and that is the desperate choice they are trying to make.

Chairman CARPER. Good. I am going to hold it right there. My time has expired.

Senator Baldwin is next, then Senator McCain, Senator Johnson, Senator Pryor, and Senator Ayotte. And, Senator Baldwin, why do you not lead us off, please.

OPENING STATEMENT OF SENATOR BALDWIN

Senator BALDWIN. Thank you. I really appreciate this hearing and the one last week.

Chairman CARPER. Thank you for being a part of it.

Senator BALDWIN. And, thank you to our witnesses today.

I want to just touch on a couple of topics, if we have time during this Q and A, and the first is relating to the supplemental request that we will be considering over the days to come. As many of you discussed in the testimony that you provided, there are enormous problems of violence and instability and endemic poverty in Central America that are, in part, driving the dramatic increase in unaccompanied minors that we are seeing come to the United States, despite the fact that, overall, the number of undocumented individuals coming in is at an all-time low. But, of course, the unaccompanied minors are what we are here to talk about.

According to data from the Migration Policy Institute and further analysis by the staff of this Committee, the United States has spent about $223 billion on immigration and customs enforcement since 2003, but only about $2 billion on foreign assistance to the three countries, El Salvador, Guatemala, and Honduras. And, a majority of this aid has focused on drug interdiction.

Now, we are having a debate here about the funds that the Administration is requesting and some of my colleagues are indicating that the Administration is requesting too much funding and that

we should approve a slimmer package than the President has proposed.

Mr. Shifter and Mr. Jones, I would like to start with you. Given your direct experience with the troubling state of affairs in these three Central American countries and the conditions that you have testified are driving, in part, the migration to the United States, do you believe that the Administration's request adequately addresses the root causes that you have been discussing, and what impact would cutting the funding for direct engagement with Central American nations have on our ability to prevent future migrations to the United States? Why don't I kick it off there?

Mr. SHIFTER. Thank you, Senator, for the question. This, clearly is an emergency request, and it is focused principally on this side of the border. Three-hundred-million dollars is for the three countries that you mention. That is $100 million for each country, if you want to break it down that way. That is, given the magnitude of the problem that I think all of us are describing here, I think that falls short. I think it is inadequate.

There is a question of how these countries can absorb and use the money well, but that is something that we need to focus on, as well. It is not just giving the money and more money. It is also accompanying that with support and assistance so that money is used well, there is transparency, as my colleague said, and there are other standards that are met.

But, that means much more significant engagement than we have seen so far. We have good intentions. We have thrown some money at some programs. They have had some useful results. But, obviously, the problem is getting worse and there needs to be more assistance.

Senator BALDWIN. Mr. Jones.

Mr. JONES. Thank you for the questions, Senator. I think the supplemental is just the beginning in the sense that some of the numbers that we are seeing—$35 million for workforce development for young people—we were able to reach, as I said in my testimony, about 6,000 young people over 4 years with $4.5 million. It is estimated in El Salvador alone that they need jobs for 50,000 young people each year. That would be between $35 and $40 million a year. So, this is just the beginning if we do that.

I think if we do not do this, what we are going to see is continued numbers of young people arriving at our Southern Border, and the only people who are benefiting from this right now are criminal groups and smuggling organizations. It costs anywhere from $7,000 to $12,000 from El Salvador to get to the United States.

Senator BALDWIN. I want to stop you there, because that is a point I would love to hear further comment on. We have had some testimony regarding human traffickers, the folks engaged in this villainous activity. What would an all-hands-on-deck crackdown look like and how effective might that be an intervention in this crisis that is going on right now? Some do unspeakable things. We have had partnerships with other nations in terms of going after drug smugglers. We have engaged in law enforcement cooperation. What would be a short-range but expeditious thing that we could do to up our approach against the real villains in all of this? Again,

I direct this both to Mr. Shifter and Mr. Jones, but would welcome other thoughts on this topic.

Mr. OLSON. Thank you for the question, Senator. I would say two things to that. One, focusing on violent reduction at the community level is absolutely essential, as Rick has pointed out. I think that is really the key driver here of what much of this exodus from these community levels, and trafficking, quite frankly, starts there, at the community level, where people are recruited, promised jobs in the United States, promised passage, and then find themselves caught up. So, I would have very much of a community-focused approach to lowering violence. Primary prevention programs are essential to that, and we can do more.

But, I also am concerned that the United States has not engaged in direct intervention with gangs in those communities. We have been on the periphery of these issues, providing sports, providing community centers for those who would want to come in. But, we need to have a very targeted, focused effort with the criminal gangs themselves like we do in Los Angeles, like we do in Chicago, like we do in other big cities in this country, because they are the ones driving the violence and controlling the neighborhoods and causing this big problem.

One last thing that there could be a very focused law enforcement approach to this problem of human trafficking, forced labor, sex trafficking, that runs through Central America into Mexico and on to the United States. There, we are not doing enough, as well.

Mr. SHIFTER. If I could just add, Senator, I agree with what my colleague said, but I also think that whatever units that go after—that are engaged in this—have to be vetted very well. If they are not vetted, the chance of corruption is very high. And, even if they are arrested, if there are no judges or prosecutors, it is not doing the job.

So, I think, going back to my other point about strengthening the justice system, the rule of law, has to be complementary to any effort to try to crack down on these smugglers.

Mr. JONES. I would just add to that that we do know that repressive tactics alone do not work. They tried repressive tactics around 2004, 2005, in all three Central American countries around gang violence and the homicide rates rose in each country as a result. The gangs just got more clandestine, more sophisticated, and sending them all to prison was like sending them to graduate school.

I think in terms of human trafficking, we need to target especially girls in rural areas, and we know that educating girls in rural areas can stop them from deciding to leave. They need to work with prevention programs that work with their families and strengthening families in those areas so that they have the means to survive, because a lot of this is an economic opportunity decision for the family, why girls decide to go. And, they are trafficked within Central America.

So, I think we need to look at that, and there are experiences of the governments in Central America coordinating efforts between police, judicial systems, and social workers to try and address victims of human trafficking, because once a victim, it is likely that they are going to be a victim again, and so we need to interrupt that process.

Mr. ROBERTS. If I could just add——

Chairman CARPER. Mr. Roberts, I am going to ask you to be brief as we wrap up and then turn to the next Senator.

Mr. ROBERTS. U.S. assistance agencies have good capacities to run programs to strengthen court and justice systems. I have seen them in all countries where I have worked as an advisor. And, U.S. agencies, as well as international agencies, also have good capabilities in terms of working with police forces, and we have gained a lot of experience in that over the last 20 years.

Chairman CARPER. Senator Baldwin, very good questions.

Next is Senator McCain, when he returns. Senator Johnson is next, then followed by Senator Pryor, Senator Ayotte, and we welcome Senator Landrieu. Senator Johnson.

OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Thank you, Mr. Chairman.

I think we can all agree, this is a humanitarian crisis. America is a very compassionate society. We all want to treat these kids with true compassion. But, I want to ask each one of you, in just one sentence—if you cannot do it in a sentence, just say "pass"—to state, based on this problem, which we agree on, what should be the goal of U.S. policy? I will start with you, Mr. Shifter.

Mr. SHIFTER. The goal should be to strengthen the capacity of governments in these countries so that they can protect their citizens.

Senator JOHNSON. OK. Mr. Olson.

Mr. OLSON. Yes. I would say the same thing, that they are not wholly dependent on us, but that they can secure and provide safety for their own citizens.

Senator JOHNSON. Mr. Farnsworth.

Mr. FARNSWORTH. I would say economic and personal development in Central America.

Senator JOHNSON. Mr. Jones.

Mr. JONES. Strengthen the capacity of the governments to provide youth employment programs.

Senator JOHNSON. Mr. Roberts.

Mr. ROBERTS. I do not want to advocate for any particular policy.

Senator JOHNSON. No, I am not talking about policy. I am talking about what should be the goal of policy. I mean, so, basically, we have four people saying the goal should be to improve the economies, reduce the violence in those countries. What do you think the goal ought to be?

Mr. ROBERTS. To manage the surges and create orderly migration flows while also taking into account the impacts of doing that on the people going on those journeys.

Senator JOHNSON. OK. I will state I think the goal should be somewhat what Mr. Roberts said. We have to stop the flow. And, we have 57,000 human disasters on our border. We do not want more. And, with Secretary Johnson talking about the fact that by the end of this fiscal year—in other words, September 30—it could be 90,000. By 2015, 140,000. Should our goal not be to make sure that we do not have another 50,000, 60,000, to 100,000 additional unaccompanied minors here at our border? Should not that be the goal?

And, let me also make the point, we have not done a particularly good job at providing economic security in America. I really believe if we are going to improve the economies of Central America, the best way we can do that—because it has been proven, we are the engine of global economic growth—if we get our own economy in order. If we take a look at the fact that we have an uncompetitive tax rate, an onerous regulatory environment, that we are artificially trying to drive up the price of energy, harming our own economy, that is doing far greater harm.

So, I think, if we are really concerned about the economies of Central America, let us get our own economy moving forward. Let us actually engage in free but fair trade. Would that not make a whole lot more sense?

Anyway, let me go on to the root cause analysis here, because I think we have to stop the flow. We have to deter parents in those countries from making that terrible decision to put their kids on the beast, subject them to potential sexual assault, maybe murder. We have to deter those people. And, I cannot think of a better deterrence than, literally, in a very humane and safe fashion, start returning those kids home to their parents and to those countries.

We can spend millions of dollars on an ad campaign, pretty posters, but there is nothing going to be more effective than actually sending the kids home and having everybody realize, yes, I can spend $3,000, $4,000, $5,000, but in 2 weeks, you are going to be right back in your home country. I do not think there can be any stronger deterrence.

Mr. Roberts, you have a graph in your testimony, Figure 1,[1] showing a real spike in the year 2005 on apprehensions of other-than-Mexican nationals. Do you have a theory on that one? We have a lot as time has gone by now, do you know what caused that spike, or do you have a theory on what caused it, because I do.

Mr. ROBERTS. It was, in part, apparently driven by people realizing that they could come to the United States and be released into the interior, but——

Senator JOHNSON. What was happening during that time period? What were we discussing policy-wise in this country?

Mr. ROBERTS. Umm——

Senator JOHNSON. Immigration reform.

Mr. ROBERTS. I do not recall that being on the table that early.

Senator JOHNSON. OK. I think it might have been. But, that is the point I am trying to make is, how do you stop the flow? What is incentivizing people? I have always said that the way to secure the border is, yes, we need to probably beef up fencing, we maybe need to beef up personnel. But, the No. 1 thing we have to do is we have to reduce or eliminate, even better, all the incentives we have created for illegal crossings.

So, Deferred Action on Childhood Arrivals, was one of those incentives, right? The Senate immigration bill that was passed that included in it $262 billion of welfare benefits to non-U.S. citizens, that is an incentive, is it not? Whenever we talk about comprehensive immigration reform without first securing the border, that creates those incentives. I mean, you are an economist. Is that not

[1] The chart referenced by Senator Johnson appears in the Appendix on page 424.

what economics is all about, a study of what incentivizes certain human behavior?

Mr. ROBERTS. Yes. People respond to incentives, and in terms of DACA, it would really be a question, first, of the perceptions people had about DACA, because, of course, the children coming today do not qualify for DACA. But, again, I want to not make any real statements on that because we do not have the data necessary to understand when the surges started.

Senator JOHNSON. Some of these things are just common sense, though, are they not? I mean, what else would have caused that spike? I mean, you are talking about murder rates that actually declined in some of these countries or actually leveled off. What else is inducing people to take that risk? Would you send your kid on a train up to America if you did not think they had a pretty good chance of staying here?

Mr. ROBERTS. I hope I am never in the situation of having to make that decision, but I, personally, would assess my alternative opportunities and the costs and benefits that go with that.

But, if I could just say, if the surges began well before DACA, that suggests that there may have been something else going on. If they did start after June, that is more indicative that maybe DACA had something to do with it.

Senator JOHNSON. Well, but understand, we have been talking about comprehensive immigration reform, and again, that does create incentives for people to get into this country before a law is passed with relatively loose controls in terms of eligibility for some of these deferred actions, that type of thing.

And, by the way, we are hearing now, there was a published article that President Obama is talking behind closed doors about potentially deferred action on another six, seven, eight million immigrants in this country. Is that also going to produce an incentive or inducement for more people to get into this country?

Mr. ROBERTS. I do not know. Going back to 2012, it is certainly possible. One thing I would also note, however, is that the Presidential election had not taken place, so it was not clear who was actually going to be in charge of the immigration policy at that point in the current term. So, I just want to caution, we do not really have strong answers I would feel comfortable saying at this point.

Senator JOHNSON. Well, there may not be strong correlative data, because you have not run the numbers yet, and maybe enough time has not—but, I think you can just use common sense. I think most Americans look at that and go, yes, we are incentivizing people to come here. So, what we need to do is we need to beef up our legal immigration system, make it easier for people to come to this country legally, but enforce our laws, and we have to actually change our laws to stop those incentives.

Thank you, Mr. Chairman.

Chairman CARPER. Thank you, Senator Johnson.

Next is Senator Ayotte. Please proceed.

OPENING STATEMENT OF SENATOR AYOTTE

Senator AYOTTE. Thank you, Mr. Chairman. I want to thank all the witnesses for being here.

I have been looking at a chart that shows the number—the spike in unaccompanied minors coming from El Salvador, Guatemala, and Honduras. And then I was looking at it in relationship to the murder rate in those countries. And, as you look at the murder rate in correlation to the increase that we see in unaccompanied minors in 2012, where it seems to be the biggest spike that is going on an upward trajectory quite dramatically in 2013 and 2014, here is no correlation between an increase in murder rates in those countries and what we are seeing as a fairly dramatic increase in unaccompanied minors.

And, so, I guess what I am trying to understand is these countries have had economic and criminal difficulties for longer than we have seen this spike, is that not true? I mean, these are existing economic conditions that have not been good in these countries even before what we are seeing in this UAC, unaccompanied children, spike in 2012 coming to our country. Would you agree with that?

Mr. JONES. We published a report on unaccompanied minors in 2011. The numbers have doubled every year since then. So, this has been growing ever since 2011 and before that. So, the numbers of minors have been growing for a long—of unaccompanied children arriving at the Southern Border have been increasing over time. It is not just that it just happened in 2012——

Senator AYOTTE. Well, although, I will tell you, Mr. Jones, as I look at this chart, I have the numbers, as well, in front of me, and they did not double between 2008 and 2009. They did not double between 2009 and 2010. What we saw is really in 2011, if we had charted it out, it goes like this to like this.

And, so, I guess my question I am trying to understand of all of you is we have no question in these Central American countries, difficult economic and criminal situations. But, they also existed before this dramatic spike, would you agree, or has there been some precipitating event in these countries that we can point to and say, wow, all of a sudden—I do not see it in the murder rate, because there is no correlation between the murder rate and these numbers, but I would like to hear from all of you, because you are experts in this.

Mr. JONES. I would say that we have not seen any single event that is driving this number right now. What we have seen, even though my colleague, Dr. Roberts, mentioned that in 2012, El Salvador did have a decrease, the gang truce in that country has unraveled and those numbers have gone back up. The homicide rate is not the only factor that is influencing this.

As I mentioned in my testimony, the gangs are now driving young people and children and recruiting more and more children into the gangs to become drug couriers. As the repression takes place against the gangs, they are using more children to be able to be couriers, and that is a change that I think we have seen in the last couple of years.

Senator AYOTTE. Right. They are finding a way. The criminal enterprises are finding a way to make money off this situation, basically. They are finding new ways to make more money that is causing the problem.

I wanted to get your comments at the end of the table on my first proposition. Is there something we should understand that has happened in these countries that is dramatic enough to see this sudden spike, because we have to understand this problem from all sides.

Mr. SHIFTER. I would just say, Senator, that I think that there is not a precipitating event, but there is a deterioration overall, and it is not only reflected in homicide rates, it is reflect in just the level of the capacity of the government and the traffickers that have become much more sophisticated and extortion——

Senator AYOTTE. So, let me get to this question of the criminal enterprises that are trafficking these children up and down. It seems to me that they have figured out that in 2008, we changed our laws in terms of how we are going to treat minors from a contiguous country versus a non-contiguous country. And, almost like criminal lawyers, but without the law degree, they have figured out how to manipulate this situation with these children, knowing that if you come from a non-contiguous country, that there is a longer legal process and that that process can, I think the numbers show, benefit, because the minors are not showing back up for the legal proceedings.

So, I guess I wanted to get your thoughts on the impact of that law change, and if we were to change the law to treat children from those countries in the same way we would, for example, treat children from Mexico, what would your positions be on that? What are your thoughts on that? And, so, if you could let me know what you think about that, I would appreciate it.

Mr. OLSON. One of the main organizations involved in trafficking of children and women is the Zetas, a group in Mexico. And, I, frankly, do not think they care whether minors arriving in the United States are immediately deported or let into the country for——

Senator AYOTTE. No, but the parents are getting a different impression, if you are a parent in Mexico versus a parent in Central America.

Mr. OLSON. But, again, I think the Zetas and other groups—it is not just the Zetas—have determined that there is another business model here. There is another revenue stream. Not only are you bringing up children and charging for that service, but you are extorting them along the way. You are calling their family members in the United States——

Senator AYOTTE. Sure.

Mr. OLSON [continuing]. Or in Central America. "If you want to see Maria or Jose again, you are going to wire me $500." That is one.

Two, they force them to carry drugs, and I think somebody already mentioned that as an issue.

So, I think, from their criminal enterprise perspective, not a humanitarian perspective, they see this as a new opportunity to make more money, and that is what is driving it from their perspective.

Now, how the parents view it is quite different, and I want to point out one thing that, I think, that is lost here. Many of the parents sending their children on the way are actually in the United States already and they, themselves, have taken these trips. They

know full well what the risks are to their children. And that is why it is so deeply disturbing, because the situation on the ground has to be that much worse for a parent to run that kind of risk with their own child, and they know what they are getting into.

Senator AYOTTE. My time has expired, but I certainly would like to hear the panel's opinion on this legal issue, because this is going to be an issue, I think, that will come up for quite a bit of debate here.

Mr. JONES. I think most of the—one researcher, Elizabeth Kennedy, talked to over 300 children who were repatriated to El Salvador. Sixty percent of them cited violence as their primary reason for leaving. Only one out of those 322 mentioned anything relevant to a U.S. law and could actually recognize what that was. So, what we are seeing is while we have heard that the coyotes are encouraging people to leave, they are listening to that because they are desperate from the levels of violence.

I would also like to reinforce what Eric was saying in terms of the dates that you are citing, 2008, 2009, they coincide with when the Zetas come into Guatemala and Central America, around 2007, and we are definitely seeing changes in the drug patterns and in the forcible displacement starting in those dates.

Mr. ROBERTS. If I could offer some analysis on this, I do think that changing the law would produce some deterrence because it is going to change the incentives that the children and their families face, because it would reduce the chance of a successful entry. Instead of coming to the border and turning oneself into Border Patrol, you would take the chance of going through the processing and potentially being sent into voluntary return or voluntary departure, or you might qualify for humanitarian entry.

But, at the same time, there are going to be other impacts. There is going to be potential substitution to clandestine illegal entry channels, the more traditional channels that will still be open to the children, and there are going to be impacts on resource expenditures by the U.S. Government and the welfare of the children that, I think, should be taken into account in considering that policy. But, I do think that it would likely produce a smaller size in the flow.

Senator COBURN. Senator, I have a note that the Border Patrol in May interviewed 230 total migrants. Two-hundred-and-nineteen cited the primary reason for migrating to the United States was the perception of U.S. immigration laws granting free passes, or permisios, to UAC and adult females, other-than-Mexicans, traveling with minors. That is what we are finding at the border when they are encountered. So, we have all these other studies, but when you ask the people that are coming here when they are intercepted by the Border Patrol, it is 90 percent, they think there is a free pass.

Chairman CARPER. Senator Landrieu.

OPENING STATEMENT OF SENATOR LANDRIEU

Senator LANDRIEU. Mr. Chairman, I cannot tell you how important I think this hearing is, and this discussion back and forth just hit the nub at it. I think you and Senator Coburn, myself, and others on this Committee have a real obligation to try to really pin-

point, to the best that we can, what is actually causing this spike, and there are a lot of very strong feelings on both sides.

But, before we craft a solution, I think there needs to be a real clear-headed consensus of what that is, because if one side that says the law is creating all the problems and that side prevails, you will be creating not a one-way torture and exploitation trail, but a two-way, because it will be up and back. If those on the other side say it is not the law and it is other things, we also have to be careful how this money is allocated or we will just be putting good money after bad in some of these countries.

And, I really appreciate, particularly Mr. Jones, you are the first person that is before any Committee I serve on that has mentioned the word "families." So, my question to you is, try to help us understand the condition of many families in Honduras, Guatemala, and El Salvador. And, Americans of all stripes recognize the importance of family, that a strong family is the best protection against traffickers. It is hard to get a child out of the arms of two loving parents, really hard, by any trafficker. But, describe the situation with some of these families in Honduras, El Salvador, and Guatemala.

And then also comment just really quickly on, in your opinion, the aid that is sent there. And, I just want to remind this Committee, we send $30 million to El Salvador every year, $74 million to Guatemala, and $545 million to Honduras, and that does not count the military funding in addition.

So, one question, what is the general condition of families? No. 2, how, in your opinion, is the money that the United States is currently sending—is it being well used, well allocated, what would you suggest?

Mr. JONES. I think the general situation of the families right now, as one Honduran mother described to us, "Watching my son sit here and waiting to be killed, I need to find another solution." And, so, the families there—they are generally in El Salvador—we have about 40 percent of the families that are now headed by single parents. There are similar conditions in Honduras——

Senator LANDRIEU. And the reason is because many of the males have left to find work.

Mr. JONES. That is right. They have left to find work. They have left that family. They have started another one. Some of them have emigrated. And, so, strengthening those families as families, young families get started, that is a critical piece to this.

Senator LANDRIEU. And, how would you describe the strength of the juvenile courts, the family courts, social workers, and judges? Do they exist?

Mr. JONES. They exist and they are completely under-funded and under-served.

Senator LANDRIEU. And, so, a woman looking for divorce papers that would allow her to have title of property is virtually nonexistent for her because the courts do not operate——

Mr. JONES. There are some, but often, people are not legally married and so that is an issue in terms of actually getting custody and looking for what——

Senator LANDRIEU. So, custody of children, title to property, any kind of way to stabilize a family is virtually nonexistent in these countries.

Mr. JONES. Less than 3 percent of property is owned by women throughout these countries. And, so, encouraging and empowering women is another piece to this, both economically, and there is an excellent program started in El Salvador to actually do that called Women's City, where women can get one-stop shopping and they can get legal services, health services, assistance to start a job, to get job training, or to start a business, and what we are seeing is that that is being very effective. That is money well spent.

Senator LANDRIEU. And, Mr. Farnsworth, would you like to add anything to that, and then, Mr. Olson, I am going to ask you.

Mr. FARNSWORTH. Well, thank you, Senator, and I would agree with what has already been said and simply add that a focus on the head of household, which is oftentimes a woman, is very effective and money that is well spent. And, we saw, for example, in Colombia, which has been mentioned several times, that even in the conflictive zones, when programs and activities were targeted at women head of households, in terms of anti-violence, in terms of economic empowerment, in terms of opportunities for the children, that that strengthened the family unit to such a degree that there was a real reluctance, then, to allow the children, frankly, to either be taken into the guerrillas or enter into other illegal activities.

It did not always work. It is not perfect. But, what we are seeing in Central America in some ways is that breakdown that you speak of. So, I think that is a very critical point. And, frankly, it goes to what others on the panel have been saying in terms of the community-level engagement, which I personally think is so critical in these countries, and, frankly, throughout Central America.

Senator LANDRIEU. Mr. Olson, as an expert in the region, can you add anything to help us really understand what is precipitating the spike, particularly at this time, and what are the most effective ways that if we wanted to allocate some dollars to this, how would we do it?

Mr. OLSON. I wish there was some secret answer that would explain what has happened in the last couple years and explain this uptick. I agree with what my colleague, Michael Shifter, said. It is really a continued deterioration of the situation and people increasingly desperate, not any one particular event that, I think, has explained it.

The criminal organizations have gained control of whole parts of government, whole neighborhoods, whole parts of this country, especially in Honduras, and people are seeing less and less opportunities. And, I think, the way we try to reverse that is by focusing on building the capacity of those governments to provide services at the community level, and it has to be very tailored to the needs of people in the community level.

I would just add one other thing. We have good intentions, many times, with our money and our programs, and we have been doing some of these things for 20, 30 years. But, unless we get at the issue of corruption, lack of transparency, lack of accountability, I do not think we are going to get very far. We end up arresting people, throwing them in jail, and they are not held accountable. Government officials that are corrupt and taking advantage of our largess.

I think, at some fundamental level, we have to crack this problem and make that the primary focus of what we do to reduce violence——

Senator LANDRIEU. And, I would just add, my experience is that most of these governments are incapable of even the simplest processes when it comes to standing up courts, support of children, families, et cetera, that our money that we are considering allocating could better be spent going through reputable, strong nonprofit non-government organization (NGO's) that are responsible and accountable. Now, there are lots of NGO's. Some of them are, some of them are not. But, my experience with these countries and their ability to deliver anything are, I do not have a lot of confidence.

Mr. OLSON. If I might, just while the overall picture is bleak, is difficult, I do want to point out that there have been a couple of examples of success. I would point to the former Attorney General of Guatemala, Claudia Paz y Paz——

Senator LANDRIEU. Yes, who they just escorted out of office who was the shining light of the Guatemalan Government, and they just pushed her aside.

Mr. OLSON. Yes, I totally agree with you, but at least we have seen when we have a good partner that is committed to the same things, and we back her in this case, there are some tangible successes in the context of Guatemala.

I would just add one other shining star in Honduras which would be the Rector of the National University, Julieta Castellanos, who has transformed the National University, made it into a center of real thinking about crime and violence and the social needs of the country. I think those are the kind of partners we have to find and work with and hold up.

Senator LANDRIEU. Thank you, Mr. Olson.

If I could just have 30 more seconds to this Committee, because I am going to push this on Appropriations. My days of sending money to governments that cannot conduct the simplest measures of accountability are over. And, so, if I am going to support any dollars going to these countries, they have to be received by entities or individuals that have a proven record of transformation. Otherwise, our money is just wasted. And, the State Department does not seem to understand this, so I am going to help them understand it in the next couple of days.

Thank you.

Chairman CARPER. Before I yield to Dr. Coburn, let me just say, first of all, thank you for your insight and your understanding of these issues, and those were really important questions.

She mentioned a woman named Paz y Paz, which is Spanish for "peace and peace," who was nominated for, I think, a Nobel Peace Prize. She served as Attorney General for a term and was eligible for another term. She had to go through a vetting panel in order to be recommended to the president, and conveniently, she did not get through the vetting panel, if you can imagine all of that, and I talked to the President of the country himself about a week or two before this all took place and said, "You have somebody good here. I do not think you want to let her go." And, boy, 2 or 3 weeks later, she was gone. Dr. Coburn.

OPENING STATEMENT OF SENATOR COBURN

Senator COBURN. First of all, let me apologize for not being here during your testimony. I was meeting on a cyber bill with the FBI. And, I thank you for being willing to testify. This is, as everybody recognizes, not an easy problem.

Mr. Shifter, it has come to my attention that there supposedly is a Mexican-Guatemalan agreement on a type of visitor visa for Central Americans, including unaccompanied minors, to enter the United States. According to a newspaper article, both countries have agreed on July 7 in a Presidential-level meeting in Mexico to make it legal and safe for Central American immigrants, including unaccompanied minors, to cross Mexico's border with Guatemala and transit Mexico en route to the U.S. border at the Rio Grande. Are you aware of this agreement between the two governments to facilitate the travel?

Mr. SHIFTER. I am not aware of it, no.

Senator COBURN. All right. If there is such an agreement, does it do anything to stem the tide of illegal alien children flowing to the United States?

Mr. SHIFTER. I would just say that I think Mexico has an absolutely critical role to play in this, and there needs to be—and the Mexicans, I think, understand the seriousness of the crisis, and I think the Peña Nieto government is trying to respond and it is dealing a lot better with Central America than the previous government did. That is my sense.

Senator COBURN. Thank you.

Let me get you to each comment. One of the things I see happening in this process right now is the utilization of the older children in the cartels in this country. Have you heard of anything or read of anything or seen the investigations on anything to that regard, so that when they come here, they are now part of the cartel and saying, your family member in El Salvador will receive such if you are not doing this here? Is anybody aware of that?

[Witnesses nodding.]

So, what do we do about that? It is not just that they are here, it is now they are being forced through threat of violence at home to perform acts against our law, otherwise, family members are placed in jeopardy in their home country.

Mr. OLSON. There is evidence of it, particularly in the heroin trade, where people are forced to become distributors of heroin in the United States coming from Mexico. I would not say it is a vast majority of them. It is some, a segment of the population. But, it is a serious problem and I think it is absolutely something that our law enforcement and Mexican law enforcement have to be careful about. It is a reality.

Senator COBURN. In your testimony, you state the agenda going forward should be to reduce violence, build community resilience, fight corruption, demand more from Central America's political and economic elite, empower civil society, and make economic opportunity part of the security strategy. Can we implement that policy in these countries at a cost that is affordable to the American taxpayer?

Mr. OLSON. I actually think we can, Dr. Coburn. I do not believe that more money always makes sense. Obviously, some resources

are needed, probably more than are there now. But, with clear and decisive leadership, good partnerships, and a focused approach, not trying to do everything at once but focused on some of these key elements, I do think we can do a reasonably good job of beginning to change course and reverse what has been a pretty negative trend.

It is not going to be simple, as Senator Carper said. It is not going to be a short-term thing. It is a long-term thing. But, I do think there is—I am not pessimistic. I would like to be optimistic.

Senator COBURN. Do you happen to agree with what Senator Landrieu said, to make sure that if we are going to send money, it actually goes where it works instead of goes down the drain, like it has?

Mr. OLSON. Absolutely. I think there is no question and, in my written statement, I think I said clearly that more money is useful, but it has to be spent with a clear strategy in mind, with clear evaluation points.

Let me give you an example. We have agreed for a long time that we want to strengthen the police, but what does that mean in practice? Mostly, what we have done to strengthen police in Central America is train more people. We are not dealing with the issues of transparency and accountability and building a professional force. And, so, I am suggesting training is good, but it is one of five or six things you would need to do to create a professional police force.

So, I am saying, let us not just continue to do what we have been doing, which has not worked very well, and refocus our efforts on some of these more specific and underlying issues.

Senator COBURN. Well, I think that is great. You would not be opposed to very tight parameters on the money that we would send down there, if, in fact, we do?

Mr. OLSON. I mean, it obviously depends on the details——

Senator COBURN. Outlined in the way Senator Landrieu outlined it.

Mr. OLSON. Yes. I think one thing we have done well is this program Partnership for Growth in El Salvador that sets out a framework that both Salvador and the United States agree on, and there are very clear measures of progress on that—in that way. And, I would recommend a similar approach, not necessarily the same program, but a similar approach.

Mr. JONES. I would like to comment on that last.

Senator COBURN. Sure.

Mr. JONES. The U.S. Government provided, through the Millennium Challenge Corporation, provided over $400 million to El Salvador for road construction and economic growth, and that is contributing. That money was well spent. There is not evidence of corruption to a large extent and the money is contributing positively to business development in that country. So, I think there are examples of using the money well with governments as well as with other organizations.

Senator COBURN. Thank you.

Mr. FARNSWORTH. Dr. Coburn, might I also make a comment?

Senator COBURN. Sure. Please.

Mr. FARNSWORTH. The word "partnership" has been used several times, and I think that is a fundamental issue that needs to get more attention in terms of who are our partners in these three countries as well as the national level themselves. What we saw, and again, Colombia has come up, so let me refer to that example, and is Plan Colombia, for example, a good example for Central America? In some ways, yes, but in some ways, no.

In Colombia, we were dealing with one country. In Central America, by definition, there are seven, or if you define them differently, five, and the countries we are talking about are three. But, anyway, there are more than one, so just by definition, you are dealing with more than one government.

No. 2, in Colombia, at times there was a government that was not necessarily open and receptive to some of the things that the United States wanted to do. So, we found people within the government, for example, the head of the national police, who were receptive, who we could work with, and even if we could not work with the military in Colombia at a certain point, we did work with the police and this was a very effective approach until there was a much broader national agenda. So, we have to find the right partners in these countries, people who are committed, who are not corrupt, people who have the vision that, frankly, is good for their own people and also willing to work with us in a very transparent and open way.

But, I think the other thing—and we have not talked about it at all today, but I think it is a critical point—is the countries themselves really have to work better together, and this is—in some ways, this is a dream for drug traffickers or people traffickers or whatever, and it is simple arbitrage. If somebody is doing a good job preventing illegal activities in one country, the drug traffickers will go to another country. And if that country clamps down, they will go to a third country, and that is precisely what we have seen. So, that when the political conditions or the security conditions in Honduras have deteriorated, people go there. Or, if they have deteriorated in Guatemala, people go there and the Zetas come down from Mexico.

One of the countries we have not talked about at all, and there are some democratic issues and institutional issues, et cetera, but the country of Nicaragua is not faced in many ways with some of these issues because the government is very effective in terms of working at the community level and keeping the drug traffickers out of the country. And so the drug traffickers do not need that hassle and they go further north to where the government really does not exist in the northern part of Honduras. It is a very permissive environment.

And, until we get a more collaborative approach among the countries themselves working together, then I think a lot of this is you are going to be having hearings like this again later on and I think it is going to be a real frustration.

It is not to say, though, that this is easy. Traditionally, that is the hardest thing to do in Central America, is for these countries to work together. I talked a little bit about it in my testimony in the context of economic development and economic coordination. But, in the security front, it is exactly the same thing, and you

have countries like Costa Rica and Nicaragua which have border disputes and they do not want to talk to each other and they have problems working together. And, so, you have some real problems like that, but that, as a practical matter, impacts the ability to address some of these very serious issues that we are dealing with.

So, as we are talking about supplemental assistance, which I think is essential, it really matters, and I completely agree with you and other Senators who have raised the issue, how that is spent, but also with whom we are spending it. Who are our partners in this context, and can we encourage those partners by the way we disperse the funds, by the way we talk about the programs, by the way we structure the programs, for these countries to work together themselves.

And, the last point I would make, again, in the context of Plan Colombia, is Plan Colombia was not a program that was imposed or given to Colombia by the United States. It was a program that was developed by the Colombia Government and people itself, presented to the United States and Europe and other countries and said, "Here is our plan. Would you be willing to fund it?" And, the United States came alongside, the American taxpayers came alongside and were willing to fund a portion of it, and that contributed to the success.

We have not really done that to the same extent in Central America, where we have worked together with the countries and said, now, what is your plan and how can we come alongside that and support your priorities? There have been efforts along those lines. There have been attempts, but they have not really been effective, and I think that is a really good place where we can start at a national level and say, what are your priorities? How can we work together, so that they are invested in the success of their own program? I think that is key.

Senator COBURN. Yes. I quoted earlier from a recently released intelligence assessment from the El Paso Intelligence Center that was leaked. It is called, "Misperceptions of U.S. Policy Key Driver in Central American Migrant Surge," and I quoted in there the Border Patrol's interview. Regardless of all our testimony, regardless of all the theories, when you ask people why they are coming. They are telling you why they came.

So, the past is past. The fact is, how do we change those perceptions to slow down this very risky venture by thousands of people putting their lives and health at risk? Any solutions for that? Any recommendations for that? Regardless of what caused it, the perception by those coming across as interviewed by the Border Patrol would say, free ride, and I am not talking economically, I am talking about status. Any suggestions for us as legislators? Go ahead, Dr. Roberts.

Mr. ROBERTS. If I could just make some observations on that. It seems that, there are three approaches that have been discussed today: Policies with respect to processing of unaccompanied children and others coming to the border; and then programs to develop rule of law, better court systems, better police forces, so we could say that that is strengthening security; and then programs to foster economic development.

And, I think that policies related to processing could have impacts in the short-run. Now, there have been various policy proposals made along that line. One has been mentioned today, which is adjusting the Trafficking Victims Protection Act of 2008. There have been some other policy proposals, including faster adjudication of unaccompanied children after arrival in the United States, which could require DHS to hold the child until a final decision is reached. That is an alternative. Or, it could be done together. Another is measures to facilitate making asylum claims in the home country of the child. And, a third is measures to facilitate legal family reunification. But, I think those policies would have short-run impacts.

Senator COBURN. That goes back to the economic——

Mr. ROBERTS. And, in terms of building security, I am no expert in this, but my brief understanding is that it is more of a medium-run strategy. Plan Colombia, for example, as reflected in the murder rate, the murder rate fell from 65 to 35 from 2002 to 2007. So, if the program was really playing a role in that, it played out over several years.

Economic development is another issue, and I do have to say that the evidence on convergence between the Mexican economy and the U.S. economy and the economies of El Salvador, Guatemala, and Honduras and the United State is not encouraging. There really has been no sign of economic convergence since the data were first collected. And, so, although I think we really would like to see that happen, that is really a long-run strategy. We talk about that in our Council on Foreign Relations (CFR) study of last year in more depth.

Senator COBURN. I would quote an article which was published—I do not see where it was published—by Stephen Dinan. "Little evidence suggests that the illegal immigrant children currently arriving at the U.S. border are victims of trafficking." I think that is true, trafficking in the sense of what the 2008 law was meant to diminish. And, since few can be described as unaccompanied alien children under Federal law—most are not unaccompanied alien children, most are mothers with young children and the rest are older teenagers, the trafficking law has limited applicability to the current border surge because of what we are seeing in terms of the mix.

So, I take your point. There are three approaches. One is a short-term. The other two are long-term. And, we probably will have to do all three to address the ultimate problem. Otherwise, we are going to regardless of what we do in the short-term, we are going to be back here again, and I think that was what Mr. Olson implied.

I have no other questions.

Chairman CARPER. We had some just really wonderful testimony today, and I just want you to know you are not finished yet. I have some more questions, and we may have another colleague or two that will drift in and ask some questions, as well.

I want to talk a little bit about NAFTA and CAFTA. A lot of people look at NAFTA and they say, Mexico has done quite well, in part because of NAFTA. The United States, it is kind of a mixed

bag. Canada, it may be a little better. But, most observers say NAFTA really did help the situation down in Mexico.

I do not hear that kind of thing said about the Central American Free Trade Agreement and I would like to know if you agree with that and why that might be the case. I am interested in finding out what works, do more of that, and NAFTA seemed to work pretty well to lifting and stabilizing Mexico. CAFTA does not seem to have done the same thing for Central American countries. Does anybody have some ideas on that, please.

Mr. FARNSWORTH. Well, Mr. Chairman, if I could start, and thank you for raising the question because I think it is a really important one and, obviously, timely. And, I would agree with your assessment in terms of NAFTA. It has been a success for all three parties to the agreement. All three countries, I think, in the 20 years that NAFTA has been in existence, have used it to contribute to their own economic well-being.

Of course, it has not been the only aspect of economic well-being in any of the countries, and a country the size of Mexico compared to the size of the United States is much smaller. Therefore, the impact of NAFTA is actually larger in Mexico than it would be, for example, in the United States. But, I agree it is a very important aspect and provided a baseline, frankly, for cooperation and the ability for Mexico's own government and institutions to then use that as a link to the global economy and to take important reforms and steps that have now positioned Mexico, I think, very well for long-term success.

And, that is exactly what Central America, in some ways, has not done. Now, if you look at the trade statistics, CAFTA—along with the Dominican Republic, which is a party to it, too, so CAFTA–DR—has been a success based on increasing trade and investment, and that is what trade agreements are designed to do, increase trade and investment. And, so, based on that, in both directions, CAFTA has been a success.

But, where it has fallen down in my personal opinion is that it has not generated the type of economic growth within Central America itself, not because the agreement was poorly designed or because it was the wrong countries as parties to it necessarily, but because the countries in some way said, OK, now we have our agreement, so our future is bright, rather than doing what other countries in Latin America have done, to say, now that we have the agreement, that is—we are at the starting blocks. We are now able to compete if we now go forward and do many other things that will improve our economy.

And here, we see countries like Peru, Chile, and Colombia, which also have Free Trade Agreements with the United States, which, by the way, have not been in, at least with Peru and Colombia, have not been in place as long as the agreement with Central America. But, they explicitly and transparently said, we are using the trade agreement with the United States as a baseline to help us reform our own laws, transparency, improve the rule of law, give us access to global markets and global market chains, and using that to build out their own economies, and I think they have done that very effectively.

One of the ways that I think Central America can take better benefit of the CAFTA agreement with the United States is, frankly, they trade with the United States, yes, but they should do a better job in terms of integrating among themselves, and their own economies are relatively small, so that means that you are not going to get the same bump-up if you would have a Free Trade Agreement, for example, with the United States and China or Europe, Transatlantic Trade and Investment Partnership (TTIP), or what have you. These are mega-agreements. We are talking about relatively small economies in Central America.

But, it matters in terms of the relative size of the Gross Domestic Product (GDP), for example of Costa Rica, if they can do a better job, just to take one country, trading with their neighbors, and how can they do that? How can they be a bigger marketplace generally? How can they be a more effective marketplace? Well, they can start by doing things like harmonizing certain regulations that will allow the Central American region to be more of an economic unit that outsiders look at. Instead of seven relatively small countries, it is one relatively large unit that they can invest in.

Or, they can reduce the time and delay and deficient infrastructure at borders. I mean, if you take a truck and you go from Panama to Mexico, you have to cross a number of borders and each one has its own delays and its own, sometimes, corrupt activities and things that you have to do to get your truck across the border. I have seen studies which is to say the average speed, for example, is 30 miles per hour or whatever of a truck going from one end of the Central American isthmus to another. That is important, because in terms of a time to market type of scenario, anything that delays your product is going to be really problematic.

Now, obviously, we are talking about people moving here. We are talking about drug trafficking, too. So, you do not want to dismantle borders and the protections, perhaps, that they provide. But, you want to do a better job facilitating legal transit as well as keeping the bad stuff out, just like we need to do better at the U.S.-Mexico border.

There are other things we could do. I could go on, perhaps. But, I think the bottom line, I would say, is the opportunity is there. But, I think, what I would encourage the Central American countries to do who are parties to the agreement is, frankly, work together, unify their markets more, and create more of a broader economic space that, I think, would really pay positive dividends.

Chairman CARPER. Anyone disagree significantly with what Mr. Farnsworth has said?

[Witnesses shaking heads.]

Chairman CARPER. OK.

Mr. JONES. I would just like to add that I think we need to remember that initially under NAFTA there were losers, and a lot of those people who lost their farms ended up immigrating to the United States, and that the economies of Central America, we are only talking about 35 million people with poverty levels that are at rates of 50 and 60 percent of the population. So, their capacity to engage CAFTA is much more limited, and I think we need to think about and consider investments into education and business development that were not as necessary in Mexico.

Chairman CARPER. Let me just think out loud here for a moment, and someone who wants to react just very briefly. If we are interested in encouraging collaboration, should we condition, at least in part, some of the assistance that we provide to these nations on their willingness to collaborate in certain ways? That would seem to be common sense. Does anybody disagree with that?

[Witnesses shaking heads.]

All right. In my last job as Governor, one of the things I did a lot was visit schools, from little kids, elementary, K all the way up to 12 and post-secondary, as well. A lot of times, when I go to elementary schools and do these assemblies with the kids, we have a lot of fun. I still do them. But, some of the kids, those little kids would say, like, "What do you do?" And I would say, "I am a U.S. Senator." And they would say, "What do you do?" [Laughter.]

And, I say, "Well, a couple of things. I help make the rules for our country." And I ask them, "Do you have rules in your school?" "Yes." "Do you have rules at home?" "Yes." "Do you have rules on your school bus?" "Yes." "Well, we have rules for our country. We call them laws and I get to, along with 99 other Senators, 435 Representatives, the President and the Vice President, I get to help make the rules for the country." And they say, "Hmm." And, sometimes they will say, "Well, what else do you do?" [Laughter.]

And I say, "Well, my colleagues and I, we try to help people." And they say, "Well, how?" Well, I think the best way you can help somebody is make sure they have a job and make sure that they can support themselves and their family and have a future.

And, as Governor, we created a lot of jobs in the 8 years I was Governor, from 1993 to 2001, a lot of jobs. But, I did not create them. Governors do not create jobs. Mayors, county executives, Presidents, we do not create jobs. What we do, though, in partner with others, is to create a nurturing environment for job creation. That is what we do. And, first and foremost among those is the rule of law.

And, it is all well and good. We have vetted police units, as you know. We saw some of them down in Guatemala, I think, and El Salvador, too, where we actually try to make sure that the police that we are working with, that we are training and working with, are not corrupt. And, we do polygraph tests, multiple polygraph tests, all kinds of stuff to make sure that they are not corrupt and they are staying clean.

But, if you have really honest police and they are trying to enforce the law and turn them over to prosecutors who do not prosecute and judges who do not sentence and prisons that do not do their job, it becomes rather dispiriting for the police, as we know.

There has been a lot of conversation here today about the rule of law and what we can do to help foster a return to the rule of law. I think maybe when I was out of the room voting earlier, one of you, I do not know if it was Mr. Farnsworth or Mr. Jones, one of you may have talked about energy prices.

When I think about elements that are part of the nurturing environment, I think rule of law, safety. People want to start businesses, grow businesses, where they feel safe, they are not going to be kidnapped, not going to be extorted. People want to be in a place where the workforce is reasonably well trained and brings

something to the workforce. People want to make sure there is a reasonable tax burden, common sense regulation, access to capital, all of the above and more. They are also interested in affordable energy, and one of the reasons why we are seeing a rebirth of manufacturing in this country is because of the lowering of energy costs because of the abundance of natural gas.

One of the things we heard when we were down in Guatemala and Salvador earlier this year was a lot of their electricity is generated from petroleum, maybe some from hydro, but a lot from petroleum, and it is not cheap. Meanwhile, you have Mexico sitting on a lot of natural gas and they are not all that far away, and we explored some ideas of public-private partnerships where Mexico, maybe some of the Inter-Development Banks, nonprofits, us, could help partner and make sure that the energy costs in those three Central American countries, maybe others, could be reduced by as much as half.

Mr. Farnsworth, would you just comment briefly on that, please.

Mr. FARNSWORTH. Mr. Chairman, thank you very much for raising that topic, and might I just say, you have just given a tutorial on economic development in terms of job creation and the things that people look for in terms of creating jobs.

Absolutely, energy has to be part of that, and what we have seen from folks who are looking at Central America as an investment location is when they get to the energy question, two questions that they have to answer. One is the availability, the energy security question, for example, on electricity, No. 1. And, No. 2 is the cost. And, just as you have identified, both of those questions are sometimes not able to be answered in the affirmative.

And, so, to the extent that the United States could assist through the export of natural gas or working with Mexico or doing things within the region itself to develop hydro resources or alternative resources, I absolutely agree. It would also improve the regional clean energy profile, because as you have indicated, a lot of what they are burning is actually dirtier fuel. And, so, to the extent that we can help substitute for their power generation cleaner fuel, I think that would be to the good.

But, it is not just the manufacturing sector or the productive sector, if you want to put it that way, in terms of energy cost. Everybody, by definition, uses energy. And, so, to the extent that the availability of energy is available to everybody, including underserved populations, that, then, gives them access to a global marketplace in a way that many of them have not had before. But, that energy has to be provided in a cost-effective way or else people are, just by definition, priced out of the market.

And, so, if your daily, or your monthly income is in the matter of, maybe, $200, if the cost of your electricity goes down by some percentage of that, perhaps to some observers, that does not seem like a lot. But, that percentage gain in disposable income is actually quite high, and that provides the ability, then, to begin—obviously, it is not the only answer—but, to begin to engage more effectively in building the economy. And, I think, if you take that equation from individuals and build it out to the macro economy, it does begin to have a real and positive impact.

I know the U.S. Government, the Inter-American Development Bank (IDB), some of the countries in question, have been working on those issues, but, as I mentioned in my testimony, I would encourage that the prioritization of that be raised much higher. I think there is more that can be done, and it can be done probably with a little bit more urgency.

Chairman CARPER. All right. Thank you.

Mr. JONES. I would just like to comment on that, if I could.

Chairman CARPER. Please.

Mr. JONES. Just two comments. First there are barriers to entry in Central America. I had a friend who set up a company here in the United States. It took him 2 days and $20. It took him 6 months and $12,000 to get the same company set up——

Chairman CARPER. How long in the United States?

Mr. JONES. Two days.

Chairman CARPER. To start a business? To incorporate?

Mr. JONES. To start a business, to incorporate, and to be legally incorporated.

Chairman CARPER. Do you think they probably incorporated in Delaware? [Laughter.]

Mr. JONES. And in El Salvador, it took them over 6 months. We are providing young people——

Chairman CARPER. This is the paid political part of the hearing. [Laughter.]

Or unpaid.

Mr. JONES. We are providing services to young people to start up their own businesses as part of the programs that we run, and several of them have been able to start up small companies to install solar panels, to change municipal lighting to LED lights. And, so, we are encouraging young people to start businesses, because, like you said at the beginning as your job as Governor, one of the most important things is job creation. And, so, we need to continue to fund those kinds of programs so that young people have opportunities where they live.

Chairman CARPER. Thank you.

I mentioned earlier, and some of you have, as well, the responsibility for helping these countries straighten themselves out and go forward with a brighter future is a shared effort. It is almost a team effort, and there are many members of the team. We are one of them. I do not know that we are the quarterback on this team, but we are certainly a key player on the team.

But, there are others that need to play their role, including folks in these countries, including some of the elite, some of the folks that have a lot of money, and they are not paying much in the way of taxes and they have their own security forces, but they do not contribute much to make sure that we have a strengthened and well-qualified judiciary, a department of justice, police forces, and so forth.

But, in terms of putting together a strategy and the idea—I do not know if it was you, Mr. Farnsworth, but somebody said it is really important for us not to come in and say to these Central American countries, this is what is going to work for you. You have to ask your customer. What do you think is going to work for you? If they are not involved, forget it. They have to be involved from

the ground up. They have to have a big role in making sure this is going to be successful, whatever we do.

But, whose job is it to collaborate, to make sure that there is a collaboration here and a sense of cooperation? Whose job is that? Is it our job? Is it their individual jobs? Is it the jobs of, I do not know, development banks? Whose job is that? Mr. Shifter.

Mr. SHIFTER. Ideally, it would be a regional organization that could perform that function. Unfortunately, realistically, that does not exist, and, I think, realistically, it is the U.S.'s role to facilitate, to be a catalyst, to consult, to engage in this process, not to dictate, to impose. But, I do think, without an active, constructive consultative U.S. role, it is not going to happen, frankly. So, I think the United States has to play a central role.

Chairman CARPER. OK. Anyone else? Mr. Olson.

Mr. OLSON. I would just add to that something that Michael said earlier, which is in addition to the United States working with Central Americans in partnership, Mexico has to play a key role. They are really the ones that have historically, traditionally viewed their relationship primarily with the United States and north, for good reason. They have benefited from that. There have been some downsides for them.

But, they have not put the emphasis on Central America. Occasionally, there have been exceptions. During the Central American conflict years of the 1980s, they played more of a direct role in facilitating conversation and resolving conflicts. But, they need to do more of that. President Peña Nieto has said he will do more of that. He went there soon after his inauguration. But, it has to go beyond sort of good intentions and good words and they need to step up to the plate, as well, because they have an important role to play in that region.

Chairman CARPER. Anyone else? I have several more questions here. Anybody who is dying to say something, feel free.

Mr. JONES. I would just like to add that I think the private sector is going to be critical in this. We are looking at agricultural value chains, and with our youth work, for example, in Nicaragua, we were able to provide 7,000 people with jobs in production because they were tied into value chains, some of which included producing for Walmart. And we, right now in El Salvador, work with over 400 companies who hire the young people from our program. So, they need to be a part of this conversation.

Chairman CARPER. Good. You raise a good point, and that is if a nurturing environment is created in one or more of these countries, there will be economic enterprises around the world that will want to invest there. They will want to invest there. And, they can be a big part of the solution.

My wife is retired from the DuPont Company. She had a great career there in textiles, in the fibers business, and she now teaches at the University of Delaware in, of course, work that is related to that part of the business world. She was down in Guatemala about a year or so ago and told about being in a blue jean factory where, I forget how many blue jeans they made a day. I thought she said 30,000 a day. That is a lot of pairs of blue jeans. But, somebody found a way to make money there and avoid the extortion and the kidnapping.

One of the questions that came to mind is one of my colleagues, I think it was maybe Senator Ayotte was asking a question, talking about all the surge of folks from Honduras, Guatemala, El Salvador north, and that sort of begs the question, well, how about going south? Are any of them voting with their feet and going south? And, as it turns out, they are. In fact, in terms of, like, actual numbers compared to the number that are coming north, it is not as large. But, in terms of the increase, the dramatic rise in—I am told, it was a half-dozen years or so, we have seen an increase as much as 700 percent in the surge heading south. That suggests to me it is not just, like, the pull to come to the United States and find a better life, but there is an effort to get out of there, to get out of those places and to hopefully find a better life maybe closer to home.

Anybody, in terms of energy costs, just very briefly, we talked about the prospect of some partnerships with Mexico, maybe the United States, in terms of helping to lower the energy costs in these countries. To what extent do they use hydro? Do they use any solar, any wind? Does anybody know?

Mr. FARNSWORTH. They do use a combination. Their matrix is relatively clean in terms of utilization of hydro and wind. Utilization of geothermal actually is quite active in parts of Central America. I am not aware that there is a lot of solar utilization. There are imports of oil and natural gas, as well.

Chairman CARPER. OK. What role could a development bank, one of these Inter-American Development Banks, to what extent can they play a role in helping to fund something like that or help bring down the costs? Can they? Is that something that they are likely to be willing to do?

Mr. FARNSWORTH. Well, they are. They are working in conjunction with, again, with the U.S. Government as well as other entities to try to provide technical assistance to increase and develop the energy grid across Central America. Ultimately, hopefully, it will go from Mexico to Colombia.

But, here is a perfect example of where the countries themselves have to work together, because if you talk to anybody about energy in Central America, they say, well, we need to get the grid integrated and it needs to be done at low cost and there is real money there and there is private sector interest and there is public sector interest.

What has happened is, what we have found is in certain countries in the region, the vested interests who continue to make a lot of money in terms of the current regime, economic regime, are not necessarily willing to open up the energy grid to the type of free-flowing dispersal of energy that most people would like or would need for broader development.

So, again, going back to what I was saying in terms of the countries themselves, if they do not start working together as a more economic unit, as a more integrated economic unit, several of these basic building blocks of development and prosperity continue to go by the wayside, and energy is clearly one of them.

Chairman CARPER. OK. Thank you.

In one of our visits in Central America, we learned that a significant part of their GDP, it turns out to be remittances from this

country, where family members work and return money to their families in these Central American countries. I do not know that they turn money over to their government. I do not know that they send money down to charities. I do not know that they invest in microloan programs or bootstrap programs to help foster economic growth. I do not know. Maybe they do, maybe they do not. Maybe you could help us with that.

But, the question is, these remittances, is there some way to leverage that to help foster economic activity, and are there some examples where that is being done, what is working that maybe we can learn from and spread the word? Mr. Shifter.

Mr. SHIFTER. Absolutely. I mean, I think the whole question of financial inclusion and mobilization of assets is—there has not been enough work done on how to take advantage of these remittances. They are a very significant part of the GDPs of all these economies.

Fortunately, we are getting—there are a lot of reports now that a lot of these remittances are being used for—precisely for to pay extortion and all the criminal activities, so all of the remittances are very much linked to this. But, I think there have been programs in El Salvador and elsewhere to try to really leverage these resources for development purposes, to promote the community strengthening and other institutions. So, I think we could do more of that.

And, the other part that we could help do is try to lower the costs of remittances, as well, so there is not the extra cost that the immigrants have to bear. But, I do think there is a lot of potential in that.

Chairman CARPER. OK. Anybody else? Please.

Mr. JONES. Yes. Most of the remittances come to Central America, about $100 to $150 a month, which are basically used for household consumption and keeping the families above the poverty line. There have been few examples, honestly, about successful investment. Some of the best ways to get those remittances into the economy is through savings plans that then lower the cost of capital and reduce interest rates so that people can provide loans. Those are some of the most successful programs and the easiest to actually implement.

There is, however, an increase in—the Calvert Fund here in the United States is looking to reach out to diaspora communities here in the United States to find ways that they can do community investment with as low as $20, that they can pool those funds, and I think we need to support that kind of activity, where those funds can be pooled to then support businesses inside Central America.

Chairman CARPER. Anyone else? Please.

Mr. ROBERTS. If I could just add, there is a big debate in the economics profession about whether remittances promote economic growth and development in the countries receiving them in large volume or actually hurt it, because remittances have a variety of impacts. And, I have seen with my own eyes in countries where I have lived and worked that are big remittance receivers how it causes what economists would call a reduction in the labor supply.

So, the only other thing I would add is that in the early 2000s, there was considerable enthusiasm about an approach to

leveraging them called the Home Town Association, which, I think, was pioneered in Mexico, and I am not sure how that has worked out in Central America, but——

Mr. OLSON. Mexico probably has the most structured program to deal with this. It was called the Three For One Program, where the government—if you gave one dollar, the municipal government gave a dollar, the State government and the Federal Government, to leverage that for projects. The evaluation——

Chairman CARPER. Any idea what kind of projects we are talking about?

Mr. OLSON. Well, that was the thing, I mean, the evaluation of some of these projects and how much they contributed to economic development was mixed, and I have seen some of them myself. Some of them went back to helping people grow more tomatoes, process tomatoes, that kind of thing that you could assume would be helpful. But, in other cases, they went back to improving the local church and improving other kinds of things that might be valuable to the community, but not necessarily contributing to economic development.

So, that program has been, I would not say phased out, but has not been seen as a panacea in Mexico. The Hometown Associations that we are talking about continue to send money back in a more organized fashion instead of as individuals to communities, and the idea there is that that would then help a municipality, a town, to invest in a school or something.

Some of them are great humanitarian projects and a good thing. But, again, I think the jury is out as to whether it actually contributed to economic vibrancy in so many cases.

Chairman CARPER. OK. I like to say sometimes in trying to figure out how to solve a problem, there are no silver bullets, but there are a lot of silver BBs and some are bigger than others, and I think helping to establish the rule of law on the police beat, in the courts, in prisons and so forth, that is certainly a big BB.

But, another BB that is worth mentioning here, and there has been some mention of it in our hearing, but the actual passage and implementation of immigration reform legislation, a kind of a bill, law, that has passed the Senate but not the House. And, just talk to us how that might be helpful in dealing with these challenges. And, I am going to ask you to be fairly brief, if you would.

Mr. Shifter, do you want to go first.

Mr. SHIFTER. Sure. Well, I would say the first, the most fundamental way it would be helpful is that it would create much better good will among the Central American governments to the United States. And, if you want to talk about collaboration and partnership, the best way to do that is to get a comprehensive immigration bill. That would help the most, because that is what is lacking and that is what is creating some distrust, that you cannot count on the United States because the system is broken, and that would be the fundamental thing. There are other things, but I would stress that.

Chairman CARPER. Thank you.

Anyone else, just briefly? Mr. Olson.

Mr. OLSON. We have discussed this issue of why people are coming, and there are so many different complexities to it. Dr. Coburn

referred to a survey of some 200 people at the border. I have no basis to dispute that at all.

I do know that the U.N. High Commissioner for Refugees has also conducted interviews, and family and family reunification is one—is the biggest single reason given by a lot of the children coming up. This is in the CRS report that came out this week. My apologies. It is the Congressional Research Service report, not Catholic Relief Services.

But, nevertheless, I do think that one of the drivers—I am not saying the most important one, but one of the drivers here is the desire for family reunification. And, the fact that, there was no progress on comprehensive immigration reform became a factor for some of the parents here that had hoped their children might be able to resettle legally or be brought up legally, even if there was maybe no realistic basis for that. But, the failure of this process, I think, became another element, another nail in the coffin, if you will, that motivated people to take this desperate gamble with their children.

Chairman CARPER. OK. Anyone else, just very briefly.

Mr. JONES. I just think it would send a message that there is a legal, orderly way to get to the United States, and I think that is an important message to send. And, it would also send a message that it is taking away resources from organized criminal groups who are now filling that role.

Chairman CARPER. Good. Sometimes when we have—let me just say, this has been a great hearing. I am delighted with the participation of my colleagues, but really impressed by each of you and your thoughtfulness and, frankly, the way a lot of things you have done with your lives. I have read a little bit about your backgrounds, and there is much to commend you in what you have done with your lives.

Sometimes, I get to the end of the hearing and we do opening statements, and we ask you all to do an opening statement. You had very good ones. And, then, sometimes I ask people to give a closing statement to help us come together. Thank you, John Lennon. [Laughter.]

But, come together here at the end, and I will tell you why. This afternoon at 5:30, there will be a meeting of most of the Senators. We are meeting with folks from the Administration, including Jeh Johnson, our Secretary of Homeland Security, and Sylvia Mathews Burwell, the Secretary of Health and Human Services, several other folks, as well, and we are going to be talking about the administration's proposal, $3.7 billion supplemental proposal, that seeks to address some of these concerns that we are talking about, largely the resources that we have at the border, the way we deal with families, families with children and unaccompanied children, house them, detain them, send them home.

But, there is one element, about $300 million in the proposal that is of special interest to me. I have an interest in all of it, but of special interest to me because it seeks to address the underlying cause. It seeks to address the underlying cause, and including some of the ways we have talked about here today.

One of the ways we have not talked much about is what I call truth campaign. My last year as Governor, I was encouraged and

became the founding, the Vice Chairman of something called the American Legacy Foundation. The American Legacy Foundation was created out of the tobacco settlement between the tobacco industry and the 50 States, and out of that comes a stream of money to the States to use for, among other things, health care purposes, and also a couple billion dollars came to the American Legacy Foundation to mount a truth campaign to encourage young people who are smoking to stop and to discourage young people who are not smoking from ever starting. Hugely successful.

I met with the first founding Vice Chairman of the American Legacy Foundation. I have admired their work for more than a decade now. The head of the American Legacy Foundation came by my office this week and reported that we are seeing the use of tobacco by young people, teenagers to age 20, we have seen it drop from over 20 percent to under 10 percent. The use of tobacco by children in middle school and below, under 5 percent. So, it generally believed to be very successful.

One of the ways it works, and this is what we did, the idea of ask your custom. Basically, we involved young people in developing the truth campaign, hard hitting, frank, the kind of stuff that really grabbed the attention of kids. And, the ideas were developed largely by kids working with ad agencies, and we used all different kinds of media and used the TV shows, the films, the magazines, social media that actually get to kids. Boy, it worked.

And, there is $5 million in this $300 million portion of the President's request that focuses on creating a truth campaign. Do you think this is of value? Any points you would have in your recommendation to make sure we get the most bang for our buck? Please, anyone. Mr. Farnsworth.

Mr. FARNSWORTH. Mr. Chairman, I do think it is valuable, and as you and other Members of the Committee have said, perceptions matter, and whatever the reality may or may not be, the perception may be pulling some folks to the United States or to attempt to come into the United States. So, I think that type of an idea is a very valuable one that you are putting forward.

I would take it a bit further, actually, and there are resources from within Central America itself that could be used, for example, if this $5 million were a downpayment or a leveraging of resources from in the region itself. And, there are entities—businesses, private sector, others—who, I suspect, would be willing to contribute to that type of a campaign, because it is tangible, you can measure its results, and it is having an important public policy impact. And, I think that that is the type of partnership—that is one example of things that can be done in partnership——

Chairman CARPER. That is a great idea. Use it to kind of leverage other resources.

Anybody else on this, react to this idea? OK. Mr. Roberts, please.

Mr. ROBERTS. I think its effectiveness is going to depend on the networks of people not really understanding fully the U.S. policies, the potential benefits and the potential risks and costs of making certain choices related to coming to the United States, and I, myself, would be somewhat skeptical that there is a lot of rationality there, because the stakes are very high for the people who are

making these decisions. And, so, I would look very carefully at that in terms of its potential effectiveness.

Chairman CARPER. OK. I think I will mention one point, and then I am going to ask each of you to give me, maybe, a one-minute closing statement.

But, sticking with the truth campaign for just a moment, it cannot just be a message to parents and to kids in Central America that says, this is what you face trying to get through Mexico to the United States. This is what you may face when you get to the United States. It is not what you are told it is going to be necessarily. That is part of the message that be conveyed in a truth campaign.

But the other part that is really important, too, is a message of hope. There has to be a message of hope and to encourage people to stay in their countries and to make a life there and to be productive citizens. You have to do both.

Let me just ask you, maybe pick one or two pieces out of the President's supplemental appropriation proposal that you think makes the most sense, and that you say, for God's sake, if you only do one thing, one part of it, this is what you should do. And, let me hear that, and then I will ask you to give me a little closing statement, if you would.

Dr. Roberts—OK, we have a roll call vote underway, so I will just take a minute on this. What is really good there that we absolutely should do, one or two things, please.

Mr. ROBERTS. I am afraid I am not familiar with the details of——

Chairman CARPER. Fair enough. Mr. Jones.

Mr. JONES. I think the youth workforce development is essential in this as part of the supplemental, as well as the improved income opportunities for families.

Chairman CARPER. All right. Thank you. Mr. Farnsworth.

Mr. FARNSWORTH. I very much like the emphasis on job creation and creating the conditions within which jobs can be created. You have spoken to that yourself, Mr. Chairman. I think that is a critical part of the legislation.

Chairman CARPER. Mr. Olson.

Mr. OLSON. I completely agree with my colleagues, so I will add to that a continued focus on prevention programs at the community level, and also a need to tackle the problems of prisons in Central America.

Chairman CARPER. OK. Thank you. Mr. Shifter.

Mr. SHIFTER. The justice system and police forces, as well. It is in there. It should be strengthened.

Chairman CARPER. OK. Thanks.

I am going to ask each of you to give just a short, maybe no more than a minute closing statement, just kind of reflecting on what we have talked about here, just some parting advice for us, please. Dr. Roberts, please.

Mr. ROBERTS. I do not really have a closing statement. I would just encourage, as we move forward in evaluating the alternative policies and programs that could address the situation, to look at them with clear eyes and a determination to understand what does objective analysis of the facts tell us about potential impacts.

Chairman CARPER. Thank you.

Mr. Jones, just very briefly.

Mr. JONES. Yes. I think youth workforce development programs and rural development programs are going to be essential to combatting this. And, I also think that it is essential that the focus include civil society, governments, and the private sector. All of them need to be encouraged to come together. It is a very complex issue, and without all of them, we will be sitting on a two-legged stool.

Chairman CARPER. Thank you. I have sat on those. It is not much fun. [Laughter.]

Mr. Farnsworth.

Mr. FARNSWORTH. Mr. Chairman, first, I want to thank you for putting the hearing together.

Chairman CARPER. I want to thank our staffs, both Democrat and Republican.

Mr. FARNSWORTH. They did an outstanding job.

Chairman CARPER. This has been a wonderful hearing.

Mr. FARNSWORTH. So, thank you and congratulations.

Two very quick points. The first is, I do not think, if you ask most people who are making this treacherous trip from Central America to the United States, that they would say that is their first choice. There might be some, but most of them would prefer to stay in their local communities with their families, with their faith communities, with their schools, with their athletic teams, perhaps, and not be forced into, as they see it, this option. So, I think that is point No. 1. To the extent that the issues can be improved at the home, I think that can be a real service.

No. 2, and we have talked a lot about perceptions. I think perceptions matter, and I would just highlight that.

I said two, but there are actually three points—No. 3, the role of the United States in Central America cannot be overstated. We have a longstanding historical role in the region. We can debate the success of it, et cetera. I personally think it has been more positive than not. But, the fact of the matter is, we have a history there. There is a lot at stake here, and my personal view is the United States, in addition to helping the people of the region, have a real foreign policy and strategic policy imperative to remain engaged, and not just, as you said in your statement, which I completely concur with, is a one-and-done, but a long-term engagement. So, I would continue to encourage that. Thank you.

Chairman CARPER. Thank you. Sorry to have to cut you off.

Mr. Olson——

Mr. OLSON. Yes. Along the same lines, I just want to thank you for organizing this and keeping the focus on the root causes, the long-term issues in the region. And, the fact that you have traveled there is really significant, because I am sure you have opportunities to travel elsewhere and these are difficult places to be. So, I would encourage a continued focus on these root causes, these issues in Central America that are drivers.

I am convinced that these are non-partisan issues, that Republicans and Democrats can come together around strengthening the rule of law, strengthening the capacity of State, and focus on prevention issues. I think that is absolutely essential, and I congratu-

late you and the other Members of the Committee for being interested in that.

Chairman CARPER. Thanks so much.

Mr. Shifter, just very briefly.

Mr. SHIFTER. Thank you very much, and I also want to thank you and commend you for holding this hearing.

I think all of us sitting here would probably want to increase resources and attention to these three countries. I am reflecting on 15 years ago when Plan Colombia was considered. I think one of the objections which has been voiced by some of the Senators is, are we throwing money down a rat hole? Is it going to be used effectively? And I just want to underscore that those same concerns were expressed 15 years ago. So, I think there are ways to do it. There are grounds for concern, but I think, also, if we do it right, and we are capable of doing it right, we have demonstrated that in the case of Colombia this could work, and I think the commitment is very important.

Chairman CARPER. You all have been terrific. Thank you very much for—this is a great collaboration and a shared undertaking. Thank you so much. You have given us a lot to think about and, I think, a lot to do. Timely, insightful, and we are grateful.

And, again, I want to say thank you for all the good you do with your lives. I do not know all the good you do, but I am aware of some of it and we are grateful for that.

The hearing record will remain open for 15 days, until July 31, 5 p.m., for the submission of statements and questions for the record.

With that, this hearing is adjourned. Again, thank you. Go in peace.

[Whereupon, at 12:31 p.m., the Committee was adjourned.]

APPENDIX

Opening Statement of Chairman Thomas R. Carper
Challenges at the Border: Examining and Addressing the Root Causes Behind the Rise in Apprehensions at the Southern Border
July 16, 2014

As prepared for delivery:

At last week's hearing, we examined the Administration's response to the current humanitarian challenge at our southern border with Mexico, where unprecedented numbers of undocumented Central American children and families are seeking to enter the United States. Today, we are here to discuss the root causes of this surge in migration from Central America. It is my hope that all of the witnesses will also talk about some things that are working, and that we should do more of, in order to address these root causes.

This is a humanitarian crisis, one that the Administration and Secretary Johnson are taking extremely seriously. Many of the Central American children and families arriving at our borders have heartbreaking stories to tell. We will hear about some of those stories shortly. I believe they require a humane response and one that honors our obligations under U.S. and international law – and is consistent with the admonition that we should love our neighbors as we love ourselves.

It is not, in my opinion, a border security crisis. These Central American children and families are not somehow slipping past the massive amount of security technology and manpower we've deployed along the southern border in recent years. They are being apprehended shortly after stepping on U.S. soil, often searching out Border Patrol agents instead of evading them. But it is obviously not an acceptable situation to have hundreds of unaccompanied children arriving at our southwest border each day. It is not acceptable to us as a country of laws, including immigration laws. And it is not acceptable as a humanitarian matter given the extreme risks these people face trying to come to our country illegally.

One of the factors that is pulling people to come to the United States is the perception in the region that they will be able to stay—even if it is just for a year or two—while their immigration cases are processed. In truth, that often has been the case for many children and families. People from Central America, unlike Mexicans, cannot be turned around at the border—they must be flown back to their countries. This process is even more complicated for unaccompanied children and families, because our laws appropriately require different treatment for these groups. In practice, this has meant that repatriating children and families can take years.

In order to combat the perception that it's somehow possible to get a free pass to live in the U.S. , the Administration is taking extraordinary measures to speed up these cases. For example, it has surged immigration judges down to the border to expedite processing of cases, including cases involving families and children. It has greatly expanded its ability to detain families while their cases are heard. It has worked with the governments of El Salvador, Guatemala, and Honduras to expedite the issuing of travel documents for their citizens, which are needed before someone can be repatriated. This process used to take more than thirty days and now takes as little as four.

And senior Administration officials—including Vice-President Biden, Secretary Johnson, and Secretary Kerry—have traveled to the region in recent weeks to make clear that there is no shortcut someone—even a child—can take to get permission to live here. In other words, those who are apprehended at the border will, in most cases, be returned to their home country as quickly as possible.

So, the Administration has clearly been fully engaged on this issue. And now, Congress needs to do its job and work in the near-term to stop this surge. Just last week, President Obama asked us for $3.7 billion in emergency funding to address this challenge at the border. Without this money, we have been told that the Border Patrol and Immigration and Customs Enforcement could run out of money some time this summer. It goes without saying that we cannot allow that to happen.

As necessary as this money is, it is only one piece of a complex puzzle. There are strong and entrenched problems in Central America that are driving so many to make the risky journey north. Unless we take a hard look at those underlying problems, we will keep spending money to treat the heartbreaking symptoms at our borders. In fact, since 2003 we have already spent $223 billion dollars—almost a quarter trillion dollars—enforcing our immigration and customs laws.

Seeking a better life in the United States is nothing new. But for some of these Central Americans—especially the children and the parents who often send them on their journeys—the decision can be a desperate one. Everyday life in parts of Guatemala, El Salvador, and Honduras is more than just difficult today. It can be deadly. Some of our witnesses today will speak to that.

Violence has been steadily increasing in the region, with homicide rates in all three countries among the highest in the entire world. Kidnapping and extortion are endemic. Meanwhile, these countries have stagnant economies that create too few jobs and opportunities for their citizens. Faced with this violence and lack of hope at home, it is no wonder that so many people are risking their lives on the nearly 1,500 mile journey to the United States.

We need to help these countries help themselves. But we cannot do it alone. This must be a shared responsibility first and foremost with the Central American governments, but also with a broad community with vested interests in the region—including Mexico, Colombia, the multilateral banks, the private sector, and institutions of faith.

The steps we need to take are difficult, but I believe that the road-map is clear: we need to work with our partners to create a more secure and more nurturing environment for job creation in Central America. I look forward to hearing from our witnesses today about what some of those steps might be.

Based on my recent conversations and trips to the region, I believe that one of the critical needs there is to foster economic growth. How? By helping to restore the rule of law, lower energy costs, and improve education, workforce skills, and access to capital. I am not suggesting that

any of this will be quick or easy to do. It will require a sustained investment—and focus—on the region by the U.S. and others. But it can be done. In fact, we have already done it with two of our most important allies in Latin America. Twenty years ago, Colombia was close to being a failed state, and the economic situation in Mexico was so bad that more than a million Mexicans were apprehended trying to cross our border every year.

Today, we are seeing record low numbers of Mexicans being apprehended at the border, with some researchers suggesting that more Mexicans may actually be leaving the U.S. each year than are coming here illegally. And Colombia has become a vibrant and trusted democratic partner in the region. Of course, these two countries still face challenges, but I believe we can all agree that there has been a dramatic turnaround in both countries. One of my guiding principles is to find out what works, and do more of that. Well, we need to figure out what worked in Mexico and Colombia, and do more of that. I look forward to doing that during today's hearing.

One of the keys in both countries, I believe, has been economic growth. In Mexico, the North American Free Trade Agreement, or NAFTA, helped make possible its emergence as a middle income nation. In Colombia, one of the keys has been a sustained investment in improving security for their citizens through Plan Colombia. We need a similar commitment to Central America. And in making that commitment, we'll not only prove ourselves good neighbors, we'll also ensure that we won't continue to face an expensive humanitarian crisis at our borders a decade from now.

I am encouraged that the Administration has included $300 million in its emergency supplemental request for the State Department, some of which will be used to deal with the root causes of Central American migration. But these funds should be seen as a down-payment. This cannot be one and done. If we are serious about improving conditions in the region—and I think we must be—we will need to do more. And frankly, so will others.

Statement of Michael Shifter
President, Inter-American Dialogue
Committee on Homeland Security and Government Affairs
"Challenges at the Border: Examining and Assessing the Root Causes Behind the Rise in Apprehensions at the Southern Border"
July 16, 2014

Chairman Carper, Ranking Member Coburn, and members of the Committee on Homeland Security and Government Affairs, I very much appreciate the opportunity to appear before you today to share my views about the root causes that are motivating Central Americans – especially unaccompanied children and families – to leave their home countries and try to enter the United States. I commend the Committee for focusing on these causes and identifying the most effective ways to mitigate them.

In light of heightened media attention in recent days, there is now a widespread consensus about an emergency and humanitarian crisis on our southern border. More than 52,000 Central American children, passing through Mexico, have sought entry into the United States. Despite the broad agreement on the need to tackle the challenge, however, a fierce political debate in the United States has ensued.

While a variety of proposals have been put forward to deal with the tragic and urgent situation, most of these are little more than stop-gap measures that seek to provide humane treatment to the children and either hasten or slow deportations of the minors. The bulk of President Obama's $3.7 billion request to Congress, though targeted to essential purposes that mostly deal with current conditions on the US side of the border, is nonetheless unlikely to stem yet another wave of migrants coming from Honduras, Guatemala, and El Salvador down the road.

It is essential to step back and examine carefully what accounts for this tremendous influx of migrant children from our closest neighbors. Only in this way will it be possible to devise longer-term strategies that have a chance of succeeding by promoting more viable societies. The underlying causes of the complex phenomenon are many. The approach must therefore be balanced and comprehensive, encompassing several different dimensions at once.

Further, however tempting it may be, it is futile to point fingers and blame either the United States or the Central American governments and societies for contributing to the crisis. There is more than enough responsibility to go around. No one should be let off the hook. The only ones who don't deserve blame are the children themselves, who are only seeking a better life. Fundamental changes both in particular in these three countries that make up the so-called Northern Triangle, as well as in US government policies and efforts pursued by international organizations and the private sector, will be required to produce a sustainable solution to the crisis. The current approach is obviously inadequate and not working.

The chief cause of the surge in out-migration from the three countries is a severe crisis of governance. For a substantial share of the populations in Honduras, Guatemala and El Salvador conditions are dire. These countries are not only economically troubled and facing a difficult external environment, but are also beset by among the world's highest homicide rates and other forms of violence and abuse. The capacity of the government to provide protection for its citizens – indeed, to deliver basic services -- is extremely limited. Institutions, both public sector and private, are notably fragile. Corruption is pervasive and shows few signs of abating.

These problems did not appear overnight. They are longstanding, and were exacerbated by the civil conflicts of the 1980s, where Central America was a primary battleground of the Cold War. Though the ideological battle happily receded, the institutional precariousness persisted and, if anything, worsened. It is often asserted that more people today fall victim to criminal violence in countries like El Salvador than were killed during the height of that nation's politically motivated war.

In recent years, the Northern Triangle countries in particular – though distinct in many key respects -- have witnessed further institutional decay and economic distress. With accelerating urbanization, many young people from these three societies have moved to the cities, only to find few opportunities for stable employment and spreading criminality. It is not surprising that violent youth gangs known as *maras* (especially in El Salvador and Honduras), as well as organized crime, have flourished in an environment where governance structures are weak, corruption is rampant, and illicit activities have been most profitable.

The drug trade is a key dimension of the problem. These Central American nations are strategically located between the coca-producing South American countries and the United States, the major market for cocaine. Serious efforts to deal with the problem in Colombia, to the south, and Mexico, to the north, have tended to only make conditions worse in Central America. Although the insecurity certainly cannot be reduced to the drug question, it is a critical piece of the overall puzzle and needs to be addressed. Reliable studies show that a substantial share of the violence is either directly or indirectly linked to drugs – in these cases, cocaine.

Another significant cause of the recent upsurge of migration of unaccompanied minors from the region is the strengthening of a particular criminal group – so-called *coyotes*. The *coyotes* profit from human trafficking and smuggling across the border into the United States. Some astute observers attribute the current crisis less to any change in US laws or even to the actual conditions of insecurity – which have long been quite acute – and more to the increasing grip of this particular criminal group.

While there have been important and useful efforts to deal with these serious challenges and root causes of the migration of minors from the Northern Triangle countries, these have clearly fallen short and need to be carefully reconsidered. The current crisis provides an opportunity to do so.

To date, the most noteworthy program of the US government has been CARSI, the Central America Regional Security Initiative, which has supported three main activities: narcotics interdiction and law enforcement, institutional capacity building, and violence prevention. The largest share of US security aid is directed toward narcotics interdiction and law enforcement, and emphasizes providing technical support, equipment and training to enhance antinarcotics operations. The Obama administration has requested an additional $130 million for CARSI in FY 2015; since 2008, over $800 million has been pledged for this initiative.

CARSI and other US government efforts in Central America have been worthwhile but have failed to address the root causes that are driving the humanitarian crisis on our border. The overarching focus of US collaboration in the coming years should be on strengthening institutions, in particular the police and court system, to enhance the rule of law. This is the core of these countries' governance problems, and need to be the main emphasis of US support. Given the magnitude of the problem and what is at stake, resources should be considerably increased, beyond what President Obama is now proposing for this purpose.

Currently assigned funds should be reallocated. Washington's emphasis on the interdiction of drugs passing through Central America has had little impact on the quantity or price of narcotics in the United States. Many experts believe it may be fueling the spreading criminality. Bolstering state capacity and governance is necessary to reduce the drug problem that is contributing to the region's violence. To be sure, this is not an easy task. It will doubtless take many years and depends on reliable partners, but is essential to undertake.

In fact, it is crucial for the US to reassess its anti-drug policies overall. To its credit, the United States has recently stepped up efforts to curtail demand for illicit drugs. A number of programs are showing promising results. But a successful campaign to cut demand will require a far more significant policy shift from law enforcement to initiatives focused on prevention and treatment.

Within Honduras, Guatemala and El Salvador, the US government, international organizations and private, church groups should provide substantially more support to community-based youth programs which, if well implemented, can help keep children in their home countries. These programs should not only be for repatriated returned migrants, but should be targeted to those who are most likely to leave. It is essential that, through effective training, such programs offer greater economic opportunities for at-risk youth and help strengthen the social fabric.

High priority should also be given to efforts to reduce poverty in these countries. While there is no exact correlation between levels of insecurity and development, there is little doubt that economic desperation is one of the main root causes of the outflows from the region. A number of measures, by no means exhaustive, can and should be taken:

First, since these countries are so heavily dependent on remittance flows from family members, mainly in the United States, efforts that seek to build assets through savings among recipients should be increased. (Recent US measures to prevent money laundering are raising the cost of

family remittances to Central America. The money amounts to $15 billion a year, roughly 10 percent of the region's gross domestic product. The new measures could deprive the region, and its poorest families, of more than $1billion a year.)

Second, programs focused on small-business development, and that emphasize skills training, entrepreneurialism, and higher productivity should be considerably expanded in these countries. This would mean a shift in the current development strategy being pursued in much of the region and would require ample resources and a long-term, gradual approach.

Finally, Washington should take into careful account the impact of trade and other economic policies on Central America. Throughout the region, for example, there is concern about current US negotiations towards the Trans-Pacific Partnership. Lower-cost clothes produced in some Asian nations that are part of the negotiations could negatively affect the strength of Central America's textile industries and the wider economy.

Indeed, looking ahead, Central America – and especially the Northern Triangle nations – can no longer be an afterthought and only a matter of serious attention when a crisis emerges. A commitment to address the principal factors behind today's urgent situation on the border will require sustained support and follow through.

More productive cooperation between the US and Central American governments and societies is not only possible but essential. Apart from the proposed measures to deal more effectively with processing young migrants on the US side, it is crucial to improve communication and coordination between US officials and local authorities in Central America about convicted felons from the region who are returned as deportees. This would help officials take appropriate measures to deal with the dangers criminals may pose. Timely information needs to be shared to avoid aggravating already intolerable levels of violence.

Another possible area for increased collaborative efforts should be on targeting the *coyotes*, whose expanding and more sophisticated criminal activities are clearly contributing to the current crisis. US officials should work closely with Central American authorities to attempt to disrupt and reduce the profitability of these groups that are engaged in human trafficking and smuggling across the border.

There is ample evidence that, for many of the minors who are coming to the United States, there is a real risk of violence and abuse if they are forced to return to their home country. As a result there is a strong case to be made that, when circumstances warrant, the US should regard such victims as refugees and consider granting asylum. The argument made by the UN Refugee Committee has a great deal of merit: Because the home country cannot protect individual basic rights, the international community is obligated to step in; in this case, the U.S. must seriously evaluate the merit of unaccompanied minors' asylum requests, as protection from systemic violence cannot be guaranteed from neither their families nor the government.

While recent changes in US laws are not the most significant determinants of the recent surge in young migrants from Central America, the border crisis could have been averted if the US had comprehensive immigration reform. It is clear that the current system is broken and requires a major overhaul. If a significant share of the estimated 11 million unauthorized immigrants in the US had legal status, for example, they would be able to travel between the United States and their home country and the prospect of waves of children coming to be reunited with their parents would be reduced.

One key lesson we should learn from the US's successful engagement with Colombia over the past 14 years is that bipartisan support is absolutely fundamental. In the same way, it is important to reach broad agreement in the US Congress on a sustained, rational effort to help support our closest neighbors that find themselves in dire straits. While increased resources are critical, effective assistance in implementing institutional changes is also required to alleviate poverty and reduce criminality.

The main focus of our involvement in the Northern Triangle nations –as it was in Colombia – should be on helping to enable the government to assert its authority and protect its citizens from violence. Until the situations become more stable and under control, the risks of remaining in these countries will outweigh the risks of trying to reach the US border. The proposal under consideration, though valuable and needed in many respects, is not enough. There is no quick fix, any effort will take a long time, but the increasingly ominous conditions require a swift, constructive, and bold response.



Statement By

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Committee on Homeland Security and Governmental Affairs
United States Senate

July 16, 2014

Challenges at the Border:
Examining and Addressing the Root Causes
Behind the Rise in Apprehensions at the Southern Border

Good morning, Chairman Carper, Senator Coburn and Members of the Committee. Thank you for the opportunity to appear before the Committee today on behalf of the Woodrow Wilson Center.

I have just returned from a six-day trip through Central America's Northern Triangle—Guatemala, Honduras and El Salvador—the latest in a series of research trips focused on the region's security situation and U.S. efforts to improve citizen security there. Given the current crisis involving unaccompanied Central American children arriving at the U.S. border I believe we have a unique opportunity to examine the root causes compelling people to risk their lives on a perilous journey through Central America and Mexico to face an uncertain future at the United States border. **The "push factors" are real and overwhelming, suggesting that for many the long odds of coming north are better than the impossible odds of staying in place.**

I. The Context and Factors Compelling Children to Flee Central America

There are essentially three factors compelling people to take this harrowing journey. These factors have existed for a long time so the so-called "surge" has actually been building for a while. But it has been made worse, recently, by unfounded rumors promoted by "coyotes"—or traffickers—seeking to profit from people's fear and desperation.

These long term factors include widespread violence that has convulsed the region since the early 1980s, the result of Cold War conflicts, and later at the hands of violent and powerful criminal networks some of which emerged from demobilized armed actors. Additionally, increased deportations from the United States in the 1990s and 2000s further fueled the violence with the arrival of thousands of gang members. Finally, already weak law enforcement and rule of law institutions have been further debilitated by criminal organizations that have penetrated and captured state institutions rendering the state largely incapable of providing security for its citizens, especially in poor and marginalized communities. This is particularly the case in Honduras where, following a 2009 coup, survival of the regime took precedence over needed police and justice reforms and little was done to reverse the stranglehold criminal groups had on the communities.

As a result, these three countries together form the most murderous region in the world with Honduras ranking first globally with a homicide rate of just over 90 per 100,000 inhabitants, and El Salvador and Guatemala in fourth and fifth place with rates of just over 41 and nearly 40 respectively. By comparison, Colombia is in the low 30s and Mexico is in the low 20s. Worse, homicide among young people is extraordinarily high. According to Central American Business Intelligence, out of the 5,253 homicides in Guatemala in 2013, 47.1 percent of homicide victims are between 15-30 years old. The overwhelming majority of homicide victims are male.

But homicides don't tell the entire story. Community-level violence at the hands of local gangs takes an even greater toll on neighborhoods and individuals. Gangs impact every aspect of life in many communities by extorting economic activity and forcing people to be loyal. In one community I have been visiting for 30+ years people told me that there are roughly six groups "taxing" economic activity including the bus service, taxis, and anyone who tries to sell something from their home to make a little extra cash. If you don't pay up they threaten and sometimes kill people. This is in a community where Honduras's new Military Police stands guard over a soccer field. People feel invaded on all sides—gangs and police. Many are happy the military police are present but they cannot depend on the security forces to protect them from extortion and threats, and fear their children will be forced to join the criminal activity or flee. One friend told me her neighbor reported she had given a "coyote" about $1,200 and her daughter condoms and prayed she would make it to the United States.

An additional factor is that migrant smuggling, sex and labor trafficking, and extortion of migrants have become big business for criminal networks. Criminal groups such as the Zetas in Mexico have devised a sinister method to continue drug trafficking through the region, literally on the backs of migrants who are forced to carry drugs for them, and whose families are also extorted along the way by ruthless coyotes who call family in the U.S. and say something like, "if you want to see your son or daughter again you will have to wire money."

Additionally, according to the State Department's report on Trafficking in Persons all three Northern Triangle countries are in the "Tier 2" category meaning the "...government does not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards." Each is also classified as a, "Source, transit, (and) destination country for women, men and children subjected to sex trafficking and forced labor."

The backdrop for the violence is weak economies and failing health and education systems, the second "push" factor. El Salvador's economy grew at less than 2 percent for the last two years. Guatemala and Honduras have done a little better hovering between 3 and 4 percent respectively. Roughly two-thirds of the Honduran population lives in poverty (less than $1.25/day) and roughly a quarter of the population drops out of school after elementary school; an estimated eight percent of the lowest 20 percent income bracket graduate from high school—63 percent of the highest 20 percent graduate. Roughly 2 million (23 percent) Central Americans between the ages of 15 and 25 do not work and do not study. In Honduras, the rate is about 28 percent. Poverty rates in Guatemala are slightly better at 54 percent but half of all children under the age of 5are chronically undernourished according to UNICEF, and the rate is nearly 70 percent among the indigenous population.

In the context of chronic violence and dismal economic prospects its little surprise that Central Americans from the Northern Triangle have been fleeing north for decades. What appears to be a third impetus for this latest increase is the very strong drive for family reunification. Many Central Americans in the U.S.—here legally or not—have increasingly despaired of any opportunity to be reunited with their children. The belief that immigration reform was just on the horizon led some to think that there was a solution at hand, but as that possibility has faded, people have gotten more desperate. Additionally, violence and economic distress have been on the upswing again in these three countries so the incentives on the ground have been ratcheted up.

At the confluence of these factors, the coyotes and sometimes well-meaning but mistaken people in the United States, Mexico and Central America have begun to spread rumors that the U.S. will treat children with leniency and allow them to reunite with parents. Their pitch, not subject to truth in advertising standards, is that "now" is the time to go. Unfortunately, many people bought into that notion in a context where desperation and fear for one's children trump the risks of heading north on a treacherous and uncertain journey.

II. Dos and Don'ts for US policy in Central America and the Unaccompanied Minor Crisis

The United States is now faced with a serious humanitarian crisis with roots in the region. The President's request for funding to address this situation includes roughly $300 million for programs in Central America, which is in addition to the roughly $800 million in security assistance the United States has provided the region since FY 2008. Given the opportunities, challenges and risks more money represents for the region, I would like to suggest a series of "dos and don'ts" the United States should consider as they move forward.

The United States should not treat this humanitarian crisis as something to be solved at the border. The Border Patrol has doubled its personnel along the border in just 10 years, but the number of Central Americans arriving has continued to grow. The so-called "surge" of the last 10 months has taken place

when the border is at its strongest. Furthermore, many young migrants are seeking out (not evading) border officials to turn themselves in believing these will be given "permission" to enter. More agents have not and will not stop the historic migration flow.

The United States can do more to discourage the migration but it must do so by safeguarding those who have a legitimate claim to protection. The United Nations estimates that as many as 58 percent of those fleeing Central America could be eligible for some form of protection. If the United States attempts to expedite the hearing process for children in must be done with care and the full knowledge that young people are being trafficked, are fleeing extreme violence at home, and some percentage will certainly face death if they are deported. The challenge is to ensure that those with legitimate claims to protection are separated from those with no such claim. Expediting this decision-making process could send the signal that arriving at the border is no guarantee that one will be granted lawful entrance.

The United States should not make the violence in Central America solely about drug trafficking. Trans-national drug trafficking is a factor, of course, but its relationship to the kinds of community level violence driving the migration of children is indirect and much more complex than we imagine. International drug traffickers are eager to transport their illegal products from the Andes to major consumer markets in the U.S. They are not interested in engaging in extreme violence and community-level criminal activity in Central America that represent costly and wasteful delays. The violence in Central America is predominately related to local criminal markets especially extortion, kidnapping, and local drug markets. Children and families are fleeing because conditions in their local neighborhoods have become so desperate.

The United States should focus more on addressing the underlying causes of migration from Central America, but the U.S. should not spend more money without a clear strategy. The U.S. has a framework for addressing security concerns in Central America called CARSI. It stems from the Bush Administration. It includes many well intentioned projects, some better than others. But it lacks an overall strategic framework that sets priorities and ensures that programs are complementary rather than working at cross purposes. Inter-agency coordination has to mean more that simply reporting what each agency is doing. We need to measure outcomes—like a reduction in crime and more effective prosecution—not inputs—like how many police we have trained— to ensure that our efforts produce the desired outcomes. Training alone is insufficient to turn the tide against corruption and criminal networks operating within government institutions. Aggressive anti-corruption and prosecution strategies are more immediately important.

The United States should name a high-level coordinator or special envoy to ensure that a strategy is fully articulated and, more importantly, successfully carried out. This person should have the capacity to alter course and redirect efforts (in consultation with Congress) when things are not working out as hoped. At times the U.S. lacks the partners in the region to accomplish its goals. Political and economic elite often lack the political will to carry out difficult reforms, so a high-level coordinator should be senior enough to press for reforms and should have the authority to hold back assistance when the political commitment to implement to program is not there.

The United States should not make this solely about law enforcement. Police and prosecutors have an important role to play but it should be targeted and specific, not broad and generalized. Putting more people in already overcrowded jails is not the answer. A well-coordinated and balanced program that includes both crime suppression and prevention is essential. Neither the U.S. nor Central America can arrest their way out of this problem.

III. What Is the Agenda Going Forward? Reduce violence, Fight Corruption, Build Capacity, and Integrate Economic Opportunity.

The United States already has a program—the Central America Regional Security Initiative (CARSI)—to address many of the same issues driving today's migration. The U.S. has been funding some of these same programs—rule of law promotion, police professionalization, and poverty reduction—in Central America for decades. Why, then, are we still experiencing the kinds of migration and dysfunctional state institutions that we've been trying to fix since the 1980s?

The answer, I believe, is one of focus and prioritization. There are many good ideas and programs but the focus has been misdirected. To be successful the United States must prioritize its interventions in Central America, focusing like a laser on the follow five things:

Reduce violence, build community resilience. Our efforts must focus on reducing the kinds of community level violence that is driving the migration. This means pursuing community oriented programs in policing, crime and violence prevention, and economic opportunities that are attuned to the specific needs of the community. Focusing on local gangs and efforts to end extortions is central to this strategy. We must also increase and expand prevention programs in targeted high crime areas. This includes direct intervention with gang members. Reorienting strategies to focus on community-level violence reduction and strengthening the community's ability to resist crime and criminals (sometimes called community resilience) will have a direct impact on people's decisions to stay or flee.

Fight corruption. Building effective and professional police, prosecutors, and courts in the region is essential if Central American countries are ever going to be able to resist crime on their own with minimal U.S. assistance. But the U.S. has been trying to do this for decades with little success because we have focused too much on training, equipment, and infrastructure and insufficiently on corruption. The problem goes beyond catching a few bad apples. Organized crime has taken control of parts of or entire institutions of government meaning that in some instances the entire barrel is rotten.

We should refocus our efforts on fighting corruption at every level by strengthening mechanisms of transparency and accountability in government, investigating and holding government officials accountable, and doing a better job of vetting new forces and purging old forces that don't measure up. Transparency in government is also essential and often overlooked. Information like crime statistics, numbers and kinds of detentions and progress of cases through the justice system are essential to determining if security efforts are being successful. Failure to do this will undermine the public's already low confidence in state institutions and weaken other well-intentioned and well-designed programs.

Demand more from Central America's political and economic elite. Many of our best programs are undermined by the lack of adequate support and partnership from the host government. Conversely, the few examples of success in Central America come where there has been a strong and innovative partner that takes the lead in making things happen. Guatemala's former Attorney General, Claudia Paz y Paz, and the Rector of Honduras's National University, Julieta Castellanos, come to mind as individuals who helped transform their institutions and turned them into agents of change. Unfortunately, these are uncommon leaders and the U.S. tends to continue spending its money on good programs that have little chance of success because there is no "buy-in" or political commitment to make the difficult decisions about fighting corruption, promoting accountability, and take the necessary actions against vested interests to bring about change. Additionally, the U.S. needs to insist that the Central Americans bear more of the costs of transforming their governments through fiscal reforms and increasing tax revenues. Finally, the U.S. needs to think of ways to incentivize change, considering ways to condition economic benefits such as special trade preferences if specific reforms or actions promoting transparency and accountability are taken.

Empower Civil Society: When corruption is elevated and governments are unwilling to make the tough decisions to hold people accountable, the U.S. should encourage civil society organizations to play that role and open spaces for policy debate with civil society. Civil society organizations can monitor

government programs and report on progress. The U.S. should also do more to encourage and nurture independent investigative journalism. Most Central American groups and universities with whom I've met have no idea what the U.S. or other donors are doing in their country and whether these policies or programs are appropriate or simply leading to further corruption and cynicism about government and the international community. Freedom of expression and access to information are the essential building blocks of democracy so must be a priority in our efforts.

Make economic opportunity part of the security strategy. Traditionally we think in a linear fashion about the relationship between security and economic development. The "clear, hold, build" model pervades. Despite its logic in some places, for Central America I would recommend a more integrated strategy where security and economic opportunity reinforce each other. Fighting crime by investing in children is a well-regarded strategy to reduce violence and future crime. With the exception of El Salvador, which participates in the Partnership for Growth (PFG) program, the CARSI strategy does not include an economic development component. I recommend that the U.S expand to Guatemala and Honduras a PFG-type program. While they are not eligible for PFG, a similarly holistic and integrated program is urgently needed. Providing targeted workforce development programs to the 2 million young people who don't work and don't study is critical to improving security and slowing migration. A second benefit of the PFG is that it reflects a mutually agreed upon assessment of the problem faced, a contractual agreement with the U.S. on how to address these problems, and specific reporting requirements that allows everyone with access to a computer to monitor and evaluate progress being made. These are important tools that improve transparency and accountability.

Conclusion: There are no easy solutions or shortcuts for dealing with these issues. It will require a long-term bipartisan commitment to the region, discipline to stay focused on the framework, and adequate, not unlimited, resources. Hopefully some of these ideas can help orient the discussion going forward. I look forward to your questions and am anxious to be helpful to the Committee and Congress where I can. Thank you.

COUNCIL OF THE Americas

CHALLENGES AT THE BORDER: EXAMINING AND ADDRESSING THE ROOT CAUSES BEHIND THE RISE IN APPREHENSIONS AT THE SOUTHERN BORDER

HEARING BEFORE THE U.S. SENATE
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENT AFFAIRS
JULY 16, 2014

ERIC FARNSWORTH
VICE PRESIDENT
COUNCIL OF THE AMERICAS

*** As Prepared for Delivery ***

Good morning, Mr. Chairman, Mr. Ranking Member, and Members. It is a pleasure to join you and the other distinguished panelists for today's discussion regarding the reasons that so many Central Americans, including unaccompanied children and families, are leaving their home countries in an attempt to enter the United States. Thank you for the opportunity to testify on such a timely and important topic.

At the outset it must be noted that we are witnessing a heart rending, immensely difficult humanitarian drama on the Southwestern border whereby almost 60,000 unaccompanied minor children have been picked up since last October. Many of these migrants are children, in some cases less than 10 years old, entrusted by their families to profiteers cynically trading on tragedy to get them from Central America through Mexico into the United States. The outlines of the story are well known, but it is helpful I think to remember that we are dealing with populations that are unprotected and highly vulnerable in many cases, and therefore to focus on the issues with appropriate understanding and sensitivity.

At the same time the question has to be asked why families believe their circumstances to be so hopeless or desperate as to consider that a better option for their children lies in sending them on a potentially treacherous journey to the U.S. border, to an unknown future. The issues within Central America—and here we're primarily considering the Northern Triangle countries of El Salvador, Guatemala, and Honduras—have been building for some time.

As I wrote in the Miami Herald almost exactly three years ago and elsewhere, the root of Central America's problem is the geographic reality that, like Mexico, it exists between

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the world's largest consumer of illegal drugs, the United States, and the world's largest producer, South America. Under normal circumstances this would be bad enough, but with the cessation of the brutal Central American wars in the late 1980's and early 1990's insufficient attention was paid to building professional, apolitical police forces, reforming judiciaries, rooting out corruption, and creating economic opportunity with the accumulation of human capital through an intensive focus on broad-based education and training. At the same time natural disasters including Hurricanes Mitch in 1998 and Stan in 2005 caused immense human and physical destruction and wiped out significant economic production, and man-made disasters including the Honduran political crisis in 2009 led to a vacuum in governance that at any rate was already stretched beyond capacity.

The region has also failed to take full advantage of the promise of its free-trade agreement with the United States, CAFTA-DR, slow-walking for political reasons the steps it needed to take toward true regional economic integration and a focus on competitiveness. The United States arguably contributed to the problem by deporting without full coordination with receiving nation officials hardened criminals back to the region.

Many of these had already been thoroughly indoctrinated into gang culture in the United States and its prisons. The United States has also allowed the export of weapons to the region which often fall into criminal hands.

This is a potent mix, and regional governments have largely proven incapable of responding effectively. The United States is assisting through the Central American Regional Security Initiative (CARSI) and other programs, which are making progress, but the problems are overwhelming. It arguably takes a much larger, integrated, strategic response.

One critical component of a solution, in addition to a more effective response to the drug scourge including U.S. demand reduction, is the creation of realistic prospects for economic gain within migrant-sending nations. In other words, good, legal, sustainable jobs offering the prospect for a better life and the stability at the local and community level that is lacking. For years, without such opportunities the young and unemployed have generally pursued one of two options: attempt the dangerous journey to the United States or throw in their lot with the criminal gangs which have proliferated and transformed the region into one of the most dangerous worldwide, with a homicide rate that is more than four times the global average.

And it is these gangs and the mayhem they are creating in El Salvador and the drug traffickers and gangs in Guatemala and Honduras that are creating the conditions of deep personal insecurity that are now pushing a new population of migrants to flee. Simply put, many families cannot guarantee the basic safety of their children nor imagine the possibility of a better life under current circumstances in their home countries. This leads to the desperate gamble we are now witnessing of children arriving at the mercy of the United States unaccompanied at the Southwest border.

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This problem is unbelievably complicated and multifaceted. One contributing factor is the lack of economic opportunity. Regional job creation is not a panacea but it would provide options and possibilities that do not otherwise exist. CAFTA-DR was a beginning, and statistics show that the region has benefited from this trade agreement that has been in effect for a decade, as has the United States. But as those of us who support CAFTA-DR have frequently noted, the agreement is a beginning point, not an endgame, establishing permanent market access to the United States and transparent rules of the game for private sector engagement. Nonetheless, it is incumbent upon the other parties to the agreement to take steps domestically in order to gain the full benefit of the agreement, much as other U.S. free trade partners in the region including Mexico, Chile, Colombia, and Peru are doing through their respective agreements. Without an attractive business climate including enhanced personal security, an educated workforce, improved infrastructure, and—critically—regulatory transparency and the rule of law, investors both foreign and domestic concentrate elsewhere. A lack of investment means foregone job creation, as well as tax receipts, technology transfer, and access to global supply chains, reinforcing an already-difficult economic scenario.

From the U.S. perspective, we can do more to assist the nations in question to improve the business climate, and we must also be mindful of the potential unintended consequences on Central America of trade expansion efforts elsewhere including the Trans-Pacific Partnership, taking steps to hold the region harmless from potential impacts on regional competitiveness brought about through the impact of trade diversion. At the same time, we can work to improve regional competitiveness, in addition to assisting with ways to improve the business climate, by taking concrete steps to promote larger markets and an improved regional consciousness. For example, we should higher-prioritize the cleaner energy agenda for the region, increasing energy security while lowering energy costs, improving environmental conditions, and reducing regional reliance on Venezuela's strategic energy initiative, Petrocaribe. We should help interested Central American nations increase regional markets and economic integration through regulatory convergence and infrastructure development, among other things. And we should continue to work on a regional basis on the security agenda, seeking multilateral cooperation with us and with each other. This must include the employment of all available and appropriate resources, including security forces, to recapture state control of lawless areas and restore order where is it lacking.

The United States has an immense stake in Central America's success given our own history and engagement there. The region is deeply troubled. Flows of unaccompanied minors are the most current, observable, and desperate manifestation of this on-the-ground reality. Given the significant financial and political investments that the United States has made over the years to mid-wife and sustain democracy, it may be time now to consider a second Kissinger-style commission, as was first done in 1983, which would, in conjunction with the leaders and people of the region itself, develop urgency and consensus for a comprehensive approach to Central American security and development.

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Of course, the primary driver of investment and job creation must be the local business community, some of whom have traditionally been more self-interested and less willing to lend voice or resources for needed reforms. But the private sector should be encouraged to engage on these issues not as charity or to salve a social conscience, but rather because it is ultimately good for the bottom line. As our sister institution the Americas Society has found previously in collaboration with the World Bank and other institutions, violence reduction also reduces security related costs and improves worker productivity, while providing training and labor market access for at-risk youth. The development of social values can develop work forces that are productive and valuable, adding an important component to existing labor forces. A number of programs are ongoing and showing promise, although the issue of scalability remains.

Here, the role of the state is crucial, because public security and the rule of law are fundamental to job creation. And the public sector requires resources in order to combat crime and create conditions that build opportunity. Taxes are required, and the private sector must be expected to pay its share. At the same time, trust must be increased between the public and private sectors so that confidence increases that taxes will be used transparently, efficiently, and for the purposes they are collected. This is a long-standing and difficult issue within Central America, and must be both acknowledged and addressed.

The flow of unaccompanied migrants at the Southwestern border of the United States is a symptom—tragic as it certainly is—of a broader crisis in personal security in the northern triangle. In order to treat the symptoms effectively we have to address the cause. That will require sustained high-level attention, resources, and a commitment to addressing some very difficult concerns. Within this framework, job creation and economic opportunity must play an appropriate role.

Thank you, again, Mr. Chairman, for the opportunity to testify before you this morning. I look forward to addressing any questions that you and the Members might have.

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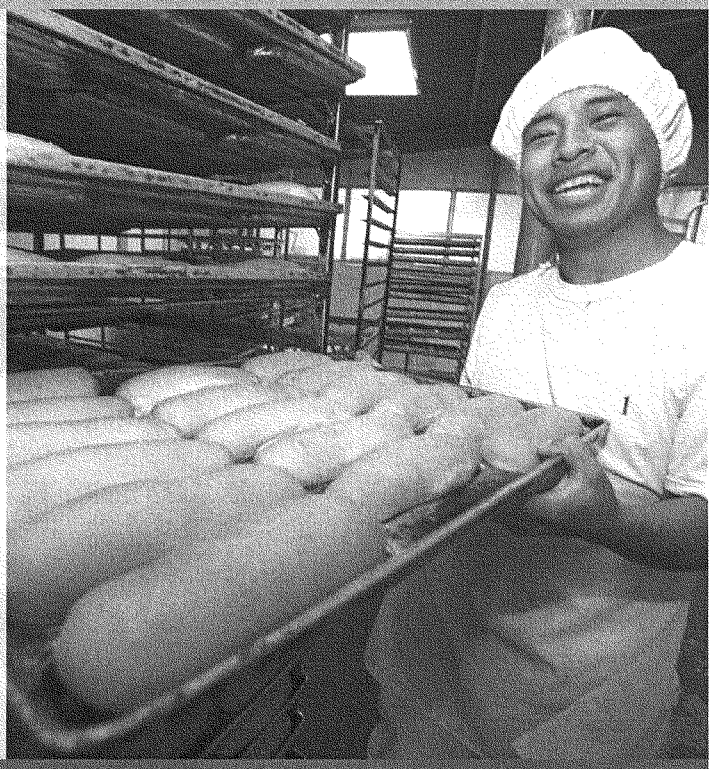
Creating Change, Creating Opportunities

Promising Practices in Youth Enterprise Development for At-Risk and Gang-Involved Youth

Wendy-Ann Rowe, Richard Jones and Katharine Andrade

August 2011

ENTERPRISE DEVELOPMENT
CASE STUDY



CRS
CATHOLIC RELIEF SERVICES

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Creating Change, Creating Opportunities

Promising Practices in Youth Enterprise Development for At-Risk and Gang-Involved Youth

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A. Background

History shows direct links between societies with large numbers of young people and political and social violence, especially when employment prospects are limited. Many countries that face a surge in the number of youth entering the labor market struggle to provide sufficient job opportunities to meet the growing demand. In Central America, 50% of the population is under the age of 18, with many youth completing only a 5th grade education. Young people, especially males, are sometimes drawn toward violence and illegal activities once they find themselves out of school and out of work.

Over the past three years, Catholic Relief Services (CRS) in partnership with YouthBuild International (YBI) has been implementing an integrated program called *Jóvenes Constructores de Centroamerica (JCC)*. The effort supports enterprise development and employment opportunities for youth in El Salvador, Nicaragua, Guatemala, and Honduras. CRS and YBI have enlisted the support of seven local NGOs[1] to provide services to a broad spectrum of youth who are at risk of becoming involved in gangs or other criminal activities. The focus of the interventions is geared at drawing young people away from risky activities through programs that include: 1) education and skills training through coordination with vocational training institutions; 2) community asset building by focusing on developing work experience, discipline and preparedness, and providing positive and "constructive" images of youth; 3) life skills development with a focus on conflict resolution and restorative justice that allow young people to build and restore positive relationships in environments plagued by violence and; 4) employability and enterprise development through alliances with private sector businesses to generate employment opportunities or support in developing small enterprises. The program offers a comprehensive, holistic, and integrated approach that focuses on the personal, social, academic, leadership and economic skills of the youth involved.

1. CRS partners include: El Salvador–Fundacion De desarrollo Juvenil and Fundacion–Quetzacoatl. In Guatemala, Puente Belice and fundacion CEIPA. In Honduras, Caritas Comayagua and Nicaragua Centro de Comunicación y Educación Popular(Cantera). In 2010, Asociación Fe y Alegria began implementing Jóvenes Constructores in El Salvador as part of an expansion with support from USAID.

While creating links to formal employment has been one of the goals of the project, a number of challenges have arisen, particularly in linking at-risk and former gang-involved youth to private sector entities. These include:

- Stigma attached to youth based on their communities of residence.
- Lack of trust among employers if youth have been involved in criminal activities.
- Challenges in youth acclimating to a corporate culture.

Most of the young people targeted by this project earn an income by running their own businesses in the informal sector. CRS, YBI and its local partners are supporting their needs in a variety of promising ways. This case study will focus on some of these promising approaches and highlight important lessons that have been gleaned through exercises conducted by CRS and its partner staff on how to strengthen the trainings offered to youth.

B. Creating Enterprise Development Opportunities for Youth

In each of the countries where CRS, YBI and its partners have been working, national and municipal governments have sought to implement programs to reintegrate at-risk and gang-involved youth into society. Some of these initiatives have focused on improving self-esteem and supporting employment generation. However, many of the programs preclude the involvement of youth from communities plagued by violence. Additionally, given the challenges of linking youth to employment opportunities particularly through the private sector, one of the goals of the *Jóvenes Constructores* Project has been to support young people in the creation of their own businesses or self-employment strategies.

The enterprise development program for youth comprises several key steps designed to ensure the success of youth participants. Each of these phases—along with promising approaches that are supporting the capacity of youth to sustain their enterprises—will be discussed in detail. They include:

- The induction phase
- Enterprise development training
- The development of business and investment plans
- Accessing finance
- Follow-up through an accompaniment approach

1. Targeting At-Risk Youth—The Induction Phase

Prior to the start of the project, CRS and its local partners worked within specific municipalities to identify poor neighborhoods with gang presence and activity. A series of rapid appraisals were conducted following which each implementing partner was encouraged to facilitate community events to publicize the project and inform youth and their families of admission requirements. Interested young people were then encouraged to submit applications to the local partner organization.

The basic requisites to enter the program were:

- Youth age 15-25 (verified by birth certificate)
- Income level (priority given to poorest families; <$2/day)
- Residence in target neighborhoods
- Grade level completion of at least 3rd grade (can read and write)
- Currently unemployed and out of school
- Willingness to participate in community projects
- Willingness to study, work, participate in the entire program and follow rules
- At risk, gang-involved or vulnerable

Once youth are selected and enter the program, their induction begins with a series of reflection exercises referred to as the five challenges. The purposes of these five challenges are to ensure the commitment of the youth in the project.

1. **The family challenge.** Parents are invited to the center to participate in the orientation with the goal of strengthening family ties between the parents, the students and the institution, and ensure that there is a strong commitment from the youth as well as their families in completing the course.

2. **The individual/personal challenge.** In this phase youth are required to reflect and internalize the commitment needed to be part of the program. A staff psychologist/counselor helps the youth with personal exploration that covers:

    - Who they are and how they view themselves.
    - Their perception of how others view them.
    - What they want to accomplish in their lives.

    The program is designed to affirm that the students are capable of accomplishing their goals and seeks to reinforce this awareness at different levels of their training. Once youth enter the program, they acquire key life skills training, which focuses on the eight keys to excellence[2] that guide young people toward a positive future full of confidence, motivation, creativity, team work, leadership and valuable life principles and enterprise development. The eight keys are:

    - Integrity — match behavior with values.
    - Failure Leads to Success — learn from mistakes.
    - Speak With Good Purpose — speak honestly and kindly.
    - This Is It! — make the most of every moment.

2. See www.8keys.org. Many YouthBuild programs in the US have adopted this program.

- Commitment — make your dreams happen.
- Ownership — take responsibility for actions.
- Flexibility — be willing to do things differently.
- Balance — live you best life.

These are critical competencies needed for success in employment or entrepreneurship. The program develops these through daily practice, reflection groups, skits, and role playing.

3. **The community challenge.** The model utilizes community-based construction projects to facilitate the acquisition of critical leadership, job preparation, basic education, and technical skills training competencies. During the course of their participation, young people create permanent community assets. Some examples of these community projects include building community centers, rehabilitating parks, restoring school infrastructure and repairing computer centers.

   Youth map their community and, based on the needs they identify and propose a service project—something tangible that will daily reinforce, to them and their community, how they have benefitted the neighborhood. Youth meet with community and municipal leaders—including police, with whom they may have a troubled history—to discuss the project and solicit in-kind support. Young people take on full responsibility for the community project and must continually practice good stress and conflict management, work well as a team, demonstrate leadership and discipline, and solve problems effectively. These life skills are almost entirely new for many youth. The key for the young people to incorporate the skills into their daily life is to have repeated opportunities to put them into practice and turn them into habits.

   The community challenge highlights the importance of youth assuming leadership in their community by emphasizing the positive roles they can play. This challenge is important because it:

   - Encourages youth to contribute to the development of their community.

- Helps them to see themselves as productive and active participants of their communities.
- Demonstrates the importance of management and leadership for youth and the role they can play in their communities.
- Shows that small actions in the community can influence change.
- Illustrates ways that young people can better relate to each other.
- Emphasizes the importance of meeting with other youth through formation once they have established their business.
- Emphasizes the importance of making links to the municipalities.



Silverlight for CRS

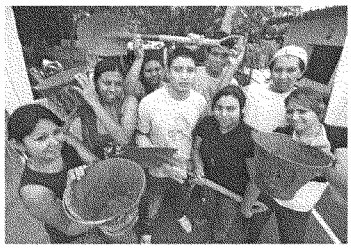
Nellis, a 23-year-old graduate of the Fe Y Alegria vocational training site in Santa Ana, El Salvador, initially heard about the project through two staff members who came to her community to promote the program. She decided to apply to the course and chose to learn bread making.

Nellis expressed her appreciation for the training and compared the skills and knowledge she received for her new business with the community challenge aspect of the project. Her community challenge was to build a community center with other members of her cohort. She said "at first I was nervous and ashamed to be making cement but overcame these feelings. When it came time to make and sell my bread in the market I was no longer embarrassed . . . this exercise taught me that anything you put your heart to do you can accomplish."

When she needed to venture out on her own in developing her business it was this experience that convinced her that she had the skills to accomplish her goals. Nellis is the first of her family to own her own business.

These skills—communication, problem solving, planning, leadership and community service—all are part of social entrepreneurship. These same skills are useful in business entrepreneurship and the program makes these links through daily reflections with youth so that they can recognize all the skills they have developed through community service and building community assets.

4. **The work challenge.** The work challenge focuses on getting young people prepared for the workplace. This includes supporting them in the creation of CVs, preparing them for interviews, educating them on proper work attire and how to interact with co-workers.



YouthBuild program in Los Atlantas community in San Salvador, El Salvador. Many youths of high risk communities have the opportunity to learn different abilities in the YouthBuild Program. Silverlight for CRS

5. **The business challenge.** The business challenge seeks to stimulate the entrepreneurial skills of the youth by engaging them in a series of exercises that are intended to expose them to various aspects of starting and managing a business. One approach used in this challenge is referred to as the "create your own business" or CREA which will be discussed in more detail below.

At the end of the induction, a commitment letter is signed by the young people and they are enrolled in the program. This entitles them to move to the next phase which entails the actual enterprise development and vocational training. Upon completion of the full training program, staff organize a graduation ceremony to which the parents and other community leaders are invited.

Promising Practice during the Induction—Create Your Own Business or CREA

This model is introduced to youth at the induction phase to determine whether they have the interest or desire to enter the program. The CREA exercise generally takes a week to complete. The premise behind the model is to test the entrepreneurial skills of the youth by exposing them to a hands-

on, low cost, and low risk business venture. The youth are encouraged to conduct a market analysis in their area, and with an investment of $5 they are asked to purchase inputs to create a product and sell it in the local market place. They are given the option to set up an individual business or enter into a partnership with up to three other youth. They are encouraged to track their expenses and income using a simple tracking sheet which also allows them to calculate profit. During the exercise, they have to figure out how to package, price and sell their products. They usually select business ventures that are easy and a part of their everyday lives already. They may sell mangos with chili and lime juice, sandwiches, hot dogs, pastries, or handmade jewelry.

For youth that are working in a group, they inevitably learn to share tasks and responsibilities. They often work with peers they have only just met. The interaction through group CREAs results in the development of important communication and team building skills.

During the CREA exercise youth participants are given an opportunity to reflect upon:

- How they felt about the exercise.
- The biggest challenges they experienced through the process.
- Whether they liked the process of initiating a business.
- Whether they feel prepared to take the next step.

At the end of the challenge, those who earned a profit will share the money with other members. Youth learn that they have skills that they never knew existed. They are encouraged to take a measured risk, learn from their failures and successes, talk with people and move beyond their comfort zones, stretching their abilities and creativity. More importantly they all have a chance to see themselves as entrepreneurs, not just for business ventures but in other aspects of their lives as well. For some, this little taste is all they need to get them going with self-employment options. It is at this phase that many determine whether they wish to proceed with the course.

Important Lessons Learned for Youth Induction

- One of CRS' partners, *Fe Y Alegria* in Santa Ana, made the decision that for its most recent cohort of students they would require that the students invest in their own CREA experiences rather than giving them the $5 investment. From this experiment the staff observed that the youth were more willing to take risks with their own funds and initiated more creative enterprises than when the funds were handed to them. The partner staff felt they were more cautious about using the capital given by the project and had a greater sense of ownership of the process when they used their own funds.

- In Usulutan, the youth, working in groups, were loaned $20 during the CREA exercise and had to repay the $20. Every group involved was able to repay the $20 no-interest loan, and most made a modest profit. For many this was their first experience in receiving and managing a loan, which was important in that it introduced them to different types of financial services (such as use of personal savings or external loans in establishing their CREA) while they received their vocational training. At the same time, youth learned to manage risk by starting small, gaining confidence and learning from their errors.

- Another important lesson learned under the CREA were the benefits of exposing all youth participants in the training program to the model irrespective of whether they continued on the enterprise development, employment, or continuing studies track. Program staff highlighted that the CREA provided an important indicator in determining whether youth demonstrated an entrepreneurial spirit, commitment and drive which were essential to completing the training program.

- In order for the project to support youth entrepreneurial skills, CRS and its partners have found that it is essential for staff to have similar experiences and trainings. To that end, CRS has had almost all program staff in El Salvador trained in the United Nations Conference on Trade and Development (UNCTD) certified Empretec model to develop intrapreneurial[3] and entrepreneurial skills and capabilities. Through this

3. Generally defined as behaving like an entrepreneur but within a larger organization.

training, staff had to set up and put into practice a business venture in one week while participating in the rigorous 56 hour week long training. Staff members then work with young people to replicate what they themselves learned and implemented.

- Having the youth hear the experiences of successful business entrepreneurs was an important motivating factor as they participated in the enterprise development training. In the past cohort youth highlighted that one of the memorable events was hearing from successful entrepreneurs about their businesses. In addition to the testimonies of these entrepreneurs, one of the important next steps being considered is to link potential youth entrepreneurs with business mentors through local rotary clubs or national business associations.
- Reinforcing entrepreneurial skills through daily practices of the eight keys of excellence helped youth to integrate and practice these skills so that they felt they were not just ideas or principles but habits that could serve them well.

2. Supporting Youth Enterprises Through Enterprise Development Training

The program is designed to support the vocational training needs of youth as well as build the capacity to manage day-to-day operations of their own enterprises. This entails providing youth with essential skills needed to manage a business. Some of the topics covered in enterprise development training are:

- How to conduct a market survey or analysis
- Use of sales technologies
- Quality assurance of goods and services
- Understanding the types of inputs and materials needed
- Operating a business
- How to manage human resources

- Development of work policies (rules and norms)
- Financial analysis and creation of an investment plan
- Determining production costs
- Making sales projections
- Creating a cash flow statement
- How to determine profitability

These competencies make a critical difference for youth as they plan for their future. All youth in the program must develop a life plan with specific goals. During the six-month training youth make daily, weekly and monthly goals and learn how to assess their own progress, learn from failure, trouble shoot and persevere.



Carmen Aida de Paz Ruano is taking cooking lessons at Fe y Alegría Soyapango, a partner of CRS. Carmen had a series of problems with her family. She escaped her home and then found her way to a better path at Fe y Alegría *where she is preparing to be a chef. Silverlight for CRS*

Promising Practice—Linking Youth to Local Entrepeneurs

One approach that the program has been exploring is that of linking youth entrepreneurs (during and after the training) with businesses owners that are looking to expand their sales distribution channels. There is one initiative underway where a local business in El Salvador, Sabor Amigo, has been providing inputs (condiments and spices) and training to:

- Assist young people to prepare quality dishes;
- Supply them with low-cost condiments to use in their recipes;

- Calculate and track profit;
- Define marketing strategies;
- Provide them with $30 in seed capital to start their own sales ventures; and
- Link youth suppliers to youth enterprises to create value chains.

Over three Friday mornings, a group of 25 youth learned different recipes (fried chicken, soy hamburgers, chili dogs, and sausage). That same afternoon they took on the challenge of selling the food they had made that morning. Then they discussed costs and marketing approaches. In addition to developing their own enterprises, some youth will become local distributors of their brand of condiments. After the training ended, participants had the option of continuing the partnership with *Sabor Amigo* or returning the seed capital and seeking a different opportunity. Those that continue, will be trained in making the buns or bread for these products, given that many of the final products are prepared foods, such as hamburgers, chili dogs, sausages, or fried chicken.

The benefits of this relationship are three-fold. First, the youth are taught culinary skills by *Sabor Amigo* and are shown how to prepare and cost their food items for sale. This supports their eventual businesses. Second, *Sabor Amigo* invites the interested youth to become distributors of their products. Third, the youth now understand what is needed to create a successful business. This initiative, while still in its early developmental stage, has allowed some youth to receive training from *Sabor Amigo* in the use of their condiments and on how to run a successful microenterprise.

Important Lessons for Enterprise Development Training

1. Tapping into market information through market assessments and analysis has been critical in informing the type of trainings offered to youth for enterprise development. The partners were conducting some assessments and had a dynamic approach whereby the trainings offered were being informed by local private sector organizations needs and government assessments. The partners felt that having this perspective was essential in ensuring that the youth were being trained in marketable skills.

2. Periodic evaluations of the quality of each segment of enterprise development training are needed to ensure that the youth are retaining what they are learning. The trainings offered to youth need to be youth friendly and accessible at their level of understanding. Some of the youth in El Salvador expressed difficulties in applying the skills they learned during the training once they were on their own and trying to manage their business affairs. They said they needed simplified tools for bookkeeping their business expenses, for example. In Nicaragua, youth reported that robust accompaniment and coaching (visits and evaluations at least every 15 days) were the keys to their success in management.

3. Based on the experience with Sabor Amigo, the project is very interested in linking youth with businesses to support their engagement in distribution channels or micro-franchises. Both these approaches hold promise in that they could help bridge the gap between local private sector business owners and youth that are unable to fit easily into formal employment opportunities. In order for the model to be successful, however, a number of significant barriers will need to be overcome. Some of the tangible steps that would need to be taken are:

    - Establish relationships with committed businesses and entrepreneurs that understand the challenges of at-risk and former gang-involved youth and have a vision to work with this them.

    - Work to dispel negative perceptions and the lack of trust that are often associated with this target group. Business owners will need to establish strong trust relationships as the youth will inevitably represent the brand of the business owner as a franchise owner or distributor.

    - Secure relationships with businesses that are willing to provide training and technical support to the youth as they become formal distributors or micro-franchise owners.

3. Planning for the Future—Business Plan Development

Once youth have been engaged in the enterprise training, they are encouraged to develop business plans. The intention was that CRS, YBI, the local implementing partners and microenterprise training partners in the alliance would all have modules for developing small business plans and training. The purpose of developing the business plans was to help the young people access seed capital to establish their businesses once they graduated from the training.

Promising Practices in Business Plan Creation

The process of business plan creation has been more systematic in Nicaragua than in other JCC countries. In Nicaragua each youth must write, present and defend a business plan in front of a committee composed of CRS staff, partner staff, and the course instructor. Youth reported that the plan is an essential part of their business and is heavily relied upon.

In Nicaragua the partners developed a simple concept for the business plan using some key principles of marketing:

- Place: where will you locate your business
- Product: what is your product, how will you sell, package etc.
- Price: what is the cost of your product and what will you earn
- Publicity: what is your market and how will you promote it.

In El Salvador, youth defend their business plan before a committee consisting of the local partner, a business professor and an entrepreneur. The committee will make comments and recommend for seed capital or revision. The purpose of the committee is not to reject the efforts but to assist young people to assume responsibility, take the plan seriously and to help them use the plan to develop a viable business.

Important Lessons for Business Plan Development

1. Youth interviewed in El Salvador had created business plans with the assistance of a consultant to access seed capital. Once they received the seed capital, however, very few if any of the graduates used the business

plans to support their business activities. The business plans should be viewed as a management tool for youth to help inform the financial needs of their businesses as they forecast growth opportunities and as such should be simple and easy to use.

2. The business plan should be developed to leverage additional financing from other sources and not just as a means of accessing the seed capital or grant from the project. As CRS and its partners explore potential linkages between local microfinance service providers and interested youth, the business planning process could help to lend legitimacy to the youth as they negotiate for financing.

3. In additional to the development of business plans, the youth interviewed expressed the need for simple book keeping templates to help keep daily records of their businesses. This information is critical in informing the business plans regarding how much finance is needed to support their business activities.



Photo and story by CRS El Salvador staff

Gerald Amador Rivas, 20, started a small business repairing cell phones and selling accessories upon completing the program 18 months ago and receiving $250 of seed capital based on his business plan. He runs the business from his parent's house in Nicaragua and earns close to $300 per month.

"Having a small business has allowed me to earn my own money, to be independent, to help my family and to know that I can do it. It has changed my life. Defending the business plan was hard but the plan helped me to figure out how and when to grow my business."

4. Financing for Business Startup—Sourcing Seed Capital

To date very few microfinance institutions or banks in the countries where the JCCA project is operating are offering financial services for youth. In El Salvador only a few youth are able to access loans from CRS' partner MFI

Enlace for business purposes and for short-term English language courses to support potential jobs in call centers. Enlace's criteria for engaging youth is to target youth whose parents or grandparents are currently clients of the institution. The youth portfolio for lending within Enlace however is still very nascent.

Given the challenges in accessing financial services, CRS and its partners have been offering seed capital, while project funding permits it, to help youth establish their own businesses. The criteria to qualify for the SEED capital include:

- Successful participation in the CREA.
- The development of a the business or investment plan.
- Delegation of a family member as a co-signer.
- Liquidation of funds (approximately $200 on average) received within three days and a request to provide financial reports and receipts to the partner.
- Assurance that the investment will be used as specified in the investment plan and in agreement with supporting signatures from:
    - The administrative assistant
    - Project coordinators
    - The family member
    - The youth involved
- Demonstrate whether or not they were earning money from their businesses.

Promising Practice—Microfinance Knowledge and Solutions

Savings and Internal Lending Activities

One opportunity that the program wishes to pursue is the introduction of savings and internal lending activities to youth as they are participating in their enterprise development training. Many youth are unable to access financial services through traditional lending institutions due to their

inability to meet the necessary age and collateral requirements. However there is often a need for financial services to support small scale IGAs and household consumption needs. The introduction of savings and internal lending activities while youth are participating in the training could be an ideal complement to some of the other skills they are receiving. Informal savings groups can help them learn practical skills in financial management, provide a source for accessing small amounts of capital when needed, and reinforce positive habits for saving and investing in the future. CRS currently has experience offering savings and internal lending programming to children and youth but the approach has not yet overlapped with youth participants in the enterprise development projects.

Gabriela and Maria, two participants from the program, decided to save $187 of their own funds throughout their training to help support the growth of their cosmetology businesses. They were aware that they may be eligible for seed capital from the project once they had graduated and had successful business plans but decided to save that money in the event that they needed to repay the $200 seed capital. Both young women used their own savings to pay for additional training to improve their skills and help grow their businesses.

Links to Microfinance institutions

Helping young people access financial services is a challenge, particularly as many youth are unable to meet the necessary collateral requirement that qualifies them for a loan. In El Salvador, CRS has been partnering with Enlace, a longstanding microfinance institution partner, to develop and offer financial services to youth. To date, Enlace has provided loans to 1,500 young people and has facilitated the organization of an additional 4,000 youth into savings groups.

Important Lessons for Improving Youth Access to Business Finance

- With the exception of the seed capital provided by the program, it was not clear that the students or graduates knew of other financial mechanisms from which they could access funds for their businesses.

The training site provides an ideal platform for the provision of financial literacy training to teach the youth about basic principles of budgeting and personal financial management, including current spending, saving, and borrowing behaviors; creating goals for saving and budgeting through the development of a weekly/monthly budget; understanding the importance of saving; and understanding what financial services exist, including an overview on various financial instruments, eligibility requirements, and the pros and cons of using each.

- The training site also provides an ideal environment where young people can participate in savings and internal lending groups. The activities of saving and responsibly borrowing can in turn help prepare them to become better credit clients.

Ronald Ernesto Flores is 17 years old. He is in eleventh grade and already has his own business selling hot dogs, which is netting him a profit of $200 per month. "I started my business in December of 2010 after joining a savings group in my community. My grandmother is a borrower with ENLACE and they taught us how to organize savings groups. In December I decided to start a business selling hot dogs because I like to cook, so I got permission from my school to sell my hot dogs there and then I took out a loan from ENLACE. Since I am a minor, my Mom cosigned for the loan, which was for $50 to buy startup materials. As of April of this year, I paid off the loan and took out another loan for $150. I use the profits to help my parents pay for my studies.



Vivian Ibania Schurer/CRS

5. Accompaniment and Monitoring

The most common reason that micro-enterprises fail is that youth have difficult socioeconomic circumstances. They often face challenges in managing their businesses, including troubleshooting problems in operating their businesses or using their business funds to cover their basic needs. Monitoring and accompaniment are essential for youth once they have graduated from the program. In the programs in Nicaragua, Honduras and Guatemala, accompaniment begins as soon as training ends, and visits from promoters can be once every week or two weeks, depending on need. Every fifteen days youth meet with micro-enterprise officers to discuss issues that may arise. Bi-weekly meetings among several entrepreneurs have also been held in Nicaragua, Honduras and Guatemala to share experiences, problems and best practices. Young entrepreneurs say these meetings help keep them motivated, connected and continuously learning.

Important lessons for Accompaniment and Monitoring

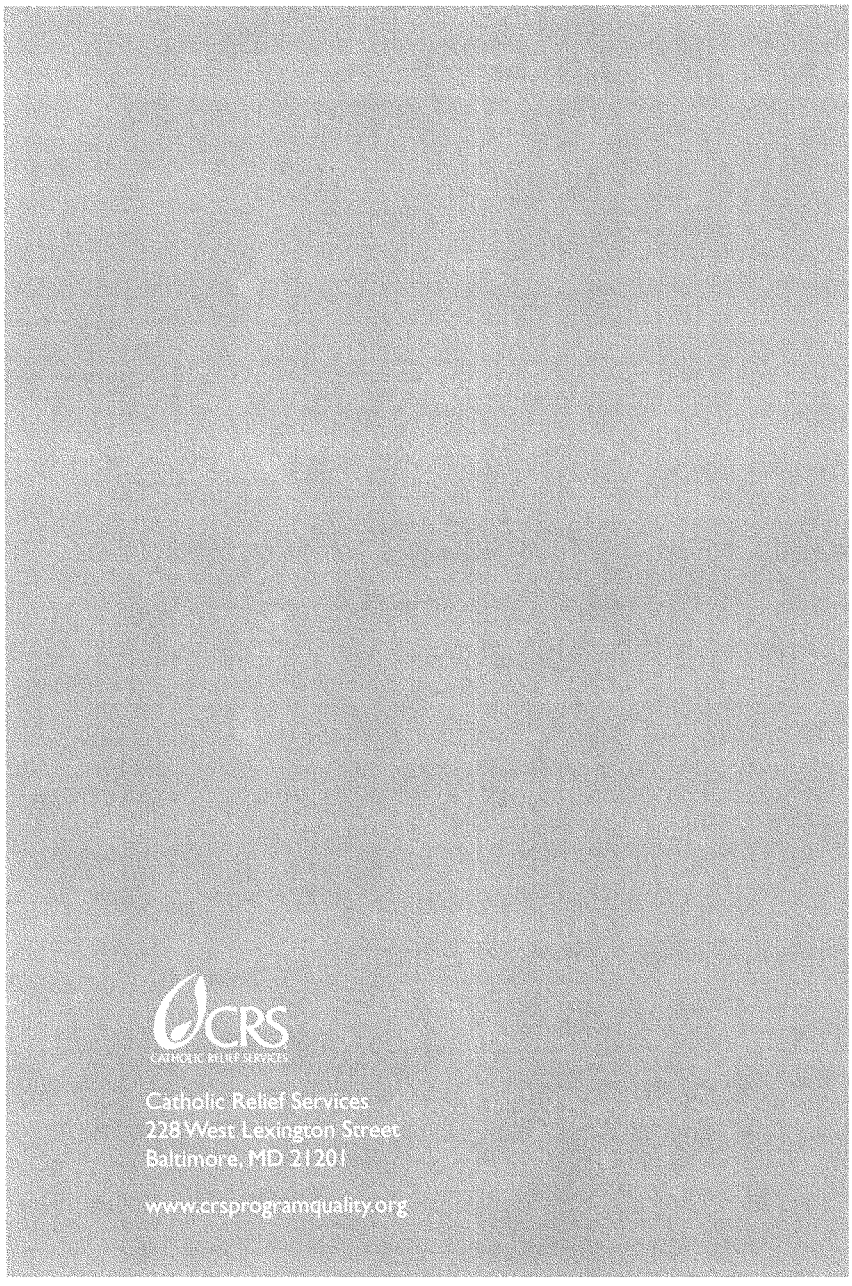
1. The incubation period is critical to supporting nascent enterprises. In Honduras, the youth start the businesses while still in the enterprise development training program and have at least one year of follow up. In Nicaragua, follow up also lasts for at least one year.

2. It helps to have the same mentors following up with the youth. This cultivates a relationship of trust which is important for youth entrepreneurs. Also, having practical experience and being able to provide practical advice was viewed as more important than having strong theoretical background. Many of the civil society organizations do not have the practical experience. Often it is the more experienced entrepreneurs who have provided the practical guidance that has been most valued.

3. Monitoring is both technical and motivational. Technical monitoring includes reviewing the business, helping youth as they mull over business decisions, and providing troubleshooting support as youth experience challenges. These monitoring visits also provide an important opportunity to encourage youth that helps to motivate them in their endeavors.

C. Conclusions

These are only a few of the lessons learned from the *Jóvenes Constructores de Centroamerica (JCC)* project over the past three years. As the project has progressed, CRS and it partners have worked diligently to ensure that youth receive skills that are relevant and responsive to market demands. Working with target groups composed of at risk and gang-involved youth has presented specific challenges that require creative solutions in building confidence, life skills, hands-on training, and important links with business entrepreneurs, the private sector and municipalities in ensuring the success of youth participants. CRS and its partners have realized that youth engagement requires a comprehensive approach in preparing them for formal employment or enterprise development. The approaches applied to date have yielded many successes. However, project staff believe that the future success of this project will be contingent on periodic modifications to the program design in order to continue to respond to the needs of the participants.


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Innovations in Agroenterprise

How the CRS-led ACORDAR project in Nicaragua is helping small-scale farmers become major players

The problem

Worldwide, smallholder farmers often grow only rain fed crops and use low quality seed. They also produce supply-driven raw materials that they sell to intermediaries at the farm gate. As a result, they don't benefit from the profits made in the resale of their goods in larger markets and remain trapped in a cycle of poverty.

CRS globally

For the past ten years, CRS has been assisting such farmers to produce demand-driven goods and sell them directly to profitable markets. The agency has also helped them organize themselves in enterprises that maintain multiple off-farm relationships with financial service providers, buyers, local governments, and added-value certification bodies.

The ACORDAR approach

Launched in November 2007 in Nicaragua, the CRS-led Alliance to Create Rural Development Opportunities through Agroenterprise Relationships (ACORDAR) is an example of this work at scale. The $53 million, public-private sector, five-year initiative directly benefits 7,000 producers organized in 107 cooperatives in 50 municipalities around the country. USAID views ACORDAR as its flagship agroenterprise project in the country and frequently hails it as an example of success in USAID Washington's Global Development Alliance program.

Results

Market-based production

CRS found that, with perennial crops such as coffee and cocoa, farmers needed to increase their plant populations per hectare to improve production volume. In the first 30 months of the project, ACORDAR supported farmers to repopulate 608 hectares with 1.8 million coffee and cocoa plants. Access to new production technologies such as micro-tunnels and plastic row covers to ward off pests, reduce weeds, and enhance soil moisture were important contributions by the project.

Certified seed

ACORDAR also promotes high quality and certified seed to increase yields and introduce new crop varieties based on market demand. As a result, bean farmers using certified seed have seen increases from 590 kilos per hectare to almost 1,800 kilos per hectare. Papaya farmers who formerly used a bland, large papaya seed yielding 15-30 fruits per tree are now planting with the red lady papaya variety and producing 80-100 tasty, smaller fruits per tree for local supermarkets.

Because seed is expensive for farmers and germination is critical for the investment, ACORDAR has supported the installation of over 43 greenhouses that are owned by cooperatives and used by thousands of their members.



CRS agronomist Mariela Zamora, left, examines the health of coffee trees with coffee farmer Rosa Amelia Centano in rural northern Nicaragua. *Rick d'Elia for CRS*

Organic farming

CRS has taken advantage of years of experience in sustainable agriculture by promoting organic fertilizer production both on the farm and at the cooperative level. As a result, hundreds of farmers in ACORDAR are either organically certified or using organic methods as a cost-saving measure for fertilization. Over 196 vermiculture storage bins have been built on individual farms, and five organic fertilizer production businesses initiated amongst cooperatives.

Water access and storage

Another essential asset to year-round production is having proper water access, storage and irrigation systems because they enable farmers to grow irrigated crops in addition to rain fed, thereby decreasing their vulnerability to erratic weather patterns. To date, ACORDAR has co-invested with farmers to build 328 water storage tanks, 95 wells and 542 drip irrigation systems on over 250 hectares. The results have been nothing short of phenomenal in water conservation and increased production. By switching to drip systems, farmers have reduced their water use by 50 percent. The equivalent savings of water per cycle on 250 hectares of land provides water for 60,750 people for one year.

Adding value in post-harvest management

A staple of the CRS approach in ACORDAR is to train farmers in washing, fermenting, selecting, drying, storing and in some cases transforming agriculture products.

In producing coffee, investments in wet mills are important to ensure product quality and retain more income at the farm level. ACORDAR has built or rehabilitated 355 ecological wet mills that reduce water consumption and manage waste water to prevent contamination. Similarly, the project has invested in 325 fermentation systems and seven storage centers for cocoa. The project also works with approximately 3,500 bean farmers. To increase red and black bean processing capacity for export, the project invested in a large scale, farmer-owned bean processing plant with the capacity to process 1.2 million pounds of beans per year and store 3 million pounds at any given time. A roots and tubers packing and processing plant was also built to help farmers add value and meet export requirements of high value taro, yucca and other roots and tubers.

NEW JOBS!

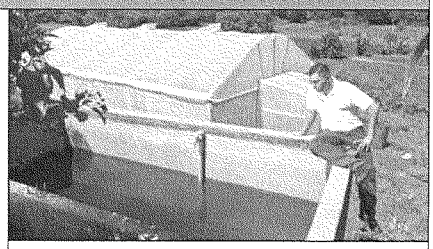
As a result of interventions in production and post-harvest management, the number of people employed in these activities rose by 5,473. from 21,882 at the start of the project to 27,355 at the end of the project. This 25% increase in the number of jobs represents a 101% fulfillment of the target for the number of new jobs to be generated by the project.

Access to markets, financial and non-financial services

CRS has served as a relationship builder between farmers and supply chain actors. Farmers now act as business people and entrepreneurs in relationship with financial service providers, buyers, local governments, agriculture input providers, and added-value certification bodies.

SALES INCREASE!

After 60 months of project implementation, farmers have sold a total of $128M in agriculture products, or $56M over the base line. These sales have led to an average increase in net income of ninety-seven percent, or from $2,606 to $5,145 in average annual income per producer. Participating businesses have benefited by reducing supply chain risk by ensuring reliable, consistent and higher quality produce.



CRS agricultural technician Reynaldo Centeno checks the water level of a storage tank in the Sébaco area of Matagalpa Department. The tank uses a gravity-fed system to water seedlings in the ACORDAR greenhouse as well as the farmer's crops beyond. *Rick d'Elia for CRS*

Strengthening farmer enterprises and ensuring sustainability

CRS and local partners have been critical to the formation, strengthening and growth of small farmer enterprises in Nicaragua. Traditional local partners such as Caritas have accompanied farmer organizations through their legal founding and assisted in the establishment of governance structures, strategic and business planning, and member expansion. After a number of years of capacity strengthening, select farmer enterprises have become direct recipients of grants from CRS in major agroenterprise projects.

Value chain governance

ACORDAR has also facilitated value chain governance amongst chain actors in beans, coffee, and taro root, with the objective of implementing chain competitiveness plans. CRS and local partners convene chain actors on a national level on a regular basis, and are learning how to make the chain more competitive for all actors.

Looking Ahead

ACORDAR's working alliance with 2500 has 60 more local governments in northern Nicaragua to improve conditions for agricultural competitiveness through direct investments in productive infrastructure and training. These investments have wide impact, carried through the construction of roads, bridges, and irrigation systems and hundreds of packing and storage facilities, plus donations of municipal government personnel for training and technical assistance in farmers' formation of the numerous market facilities at community centers to hold small fairs and trainings. Soil survey and irrigation projects, collaborative partnerships among cooperating enterprises, private sector actors and the municipal governments along with the integration of cooperative enterprise investment needs and future business expansion plans, will ensure sustainability of the initiative into the future.

For more information on CRS work in agriculture, visit www.crsprogramquality.org or contact pqpublications@crs.org.

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USDA

Catholic Relief Services
Food For Education (FFE)
in Honduras

June 26, 2014

Juan Sheenan
Country Representative, Honduras

Food for Education - CRS/Honduras



Target population:

- **Students: 54,000**
- **Schools: 1,047**
- **Teachers: 2,200**



Why Intibucá?

- HDI (3rd lowest in the country)
- 4th highest adult illiteracy rate
- Geographically, some areas difficult to access





Food For Education

Improve student literacy through:

Improving the quality of instruction/education

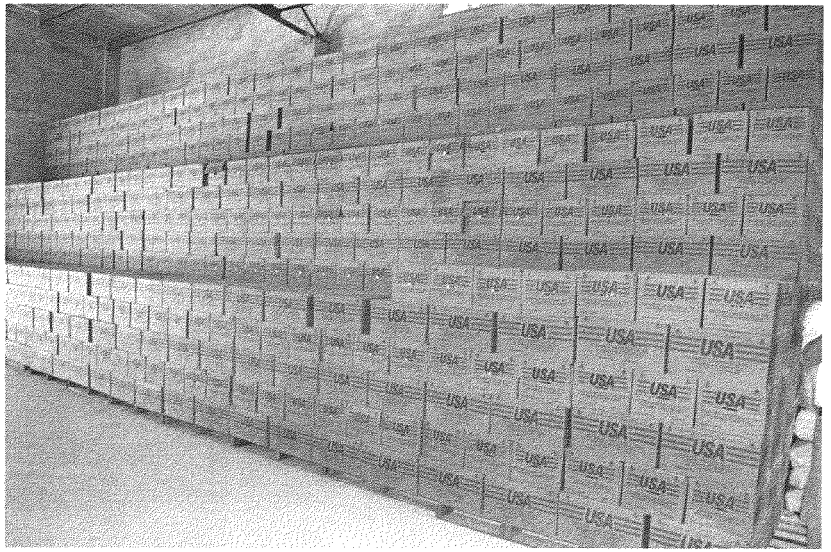
Increasing student attendance

Activities

School breakfast (one per day)
Modifications of schools
Substitute Teaching Program
Safety Patrol groups
School Gardens
Teacher training



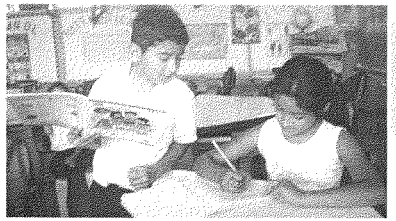
Commodities



Corn Soy Blend – 4,920 MT
Vegetable Oil – 1,320 MT
Milled Rice – 840 MT


Innovations and Successes
Coordination in Intibucá
Government of Honduras
Other USG funded projects
Quality programming
FFE project already making a difference
CRS coordinated contribution of $100,000 in books
Local contribution from communities to supplement school feeding
Transport for children also addresses security risk for girls

Success Stories

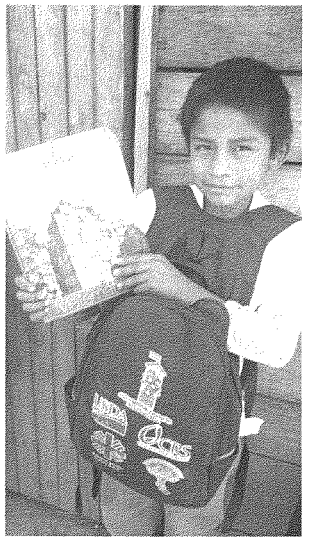


In the community of El Cedral, Jesús de Otoro, Intibucá, a student Mayra Lorena Martínez, is being tutored by her classmate Elías Fabricio Hernández



Boys and Girls in the community of Catahulaca, San Juan receive transport to attend school

Carlos López received school kits to help eliminate barriers for his attendance at the Primary School Valero Meza in Intibucá



¡Gracias!

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Food for Education

Intibuca, Honduras

Through a project funded by the McGovern-Dole Food for Education program, CRS has helped to keep 54,000 children in more than 1,000 schools in Intibucá, Honduras. This department in rural southwestern Honduras has the third lowest human development index in the country, fourth lowest adult literacy rate, and is geographically inaccessible in many areas. It is an also area of high emigration.

The program employs several approaches. First, we seek to enhance the quality of education. Schools are modified, substitute teaching is employed, and more than 2,000 teachers have been trained. Secondly, we provide healthy food: daily breakfast provided from a school garden, community contributions, and commodities from the US. Third, safety patrols and transportation to school helps some families to overcome the security barrier.

The current program costs about $6 million per year to serve 54,000 children, or about $111 annually per child. Half of this is invested in food commodity delivery and the other half is invested to remove barriers to access and improve education quality. Child attendance rates for boys and girls are above 90% and Ministry Officials assert that academic achievement statistics in Spanish have dramatically increased across the department. With additional resources, this program could be expanded to other departments in Honduras, as requested by the government.

ASOCIACION LA ALIANZA GUATEMALA

Profile Overview

Located in Guatemala City
Year Established: 1981/2009
National Director: Carolina Escobar Sarti
# of Kid Served: 50-60 girls/babies night
Annual Budget: $900,000
# of Staff: 40

Casa Alianza Guatemala was founded in Guatemala City in 1981, the first of our Covenant House sites to be established in Latin America. We opened our doors to respond to the need for housing and protection for the thousands of Guatemalan children left homeless and abandoned during the years of repression and war and civil strife that marked this dark phase of Guatemalan history.

Casa Alianza Guatemala was forced to close in January of 2009 when funding became inadequate to support our program. However in the fall of 2009, with funding from the Office to Monitor and Combat Trafficking of the US State Department, we were able to open a new organization, Asociación La Alianza, that is now a safe house for girls between the ages of 12-18 who are victims of sexual abuse, exploitation and trafficking including a special section dedicated to teen mothers and their babies.

Guatemala is a hotbed of human trafficking. As the 2012 U.S. Department of State Trafficking in Persons Report aptly states, "Guatemala is a source, transit, and destination country for Guatemalan men, women, and children who are exploited in sex trafficking and subjected to forced labor." Guatemala is also a country of transit for unaccompanied migrant children coming north from Honduras and El Salvador and also has become a serious source of unaccompanied minors feeling to the USA because of rampant violence within the country. And there are few programs besides La Alianza that are serving this population that is most at risk for becoming migrants.

Human trafficking in Guatemala affects the most marginalized and voiceless populations, especially homeless youth, thus the work of Covenant House in Guatemala over the past 32 years has had great importance in helping hundreds of trafficking victims seek protection, legal support, rehabilitation and other services. They employ the Casa model of care that has become nationally and internationally recognized as not only a safe haven where homeless and trafficked children and teens can reclaim their lives, but also a widely respected voice and force in the fight to protect and defend the rights of children in Guatemala.

Facts and Figures

- From 2008-2009 a child was abandoned every 4 days in Guatemala City; most were babies.[i]
- An estimated 8,000 children live on the streets of Guatemala[ii] and are often perceived as 'delinquents' and as 'disposable', with police beatings a common phenomenon.[iii]
- The gangs (Maras) often use homeless children and at-risk youth for recruitment and to carry out jobs for them.[iv]

- Guatemala currently has the highest rate of child malnourishment in Latin America and the 6th highest level worldwide.[v]
- 657,223 boys and girls do not have a primary education.[vi]
- An average of 46 boys and girls are killed violently every month on the streets of Guatemala.[vii]
- Thus far in 2011, 106 killings of children and teenagers have been registered, 29 of these are girls between the ages of 12 and 15.[viii]
- In the 2010, there were 47,559 registered pregnancies of girls between 10 and 19 years of age. 5,300 of these were under 14 years of age. 60% of the moms have no formal education qualifications.[ix]

Residential Care for the Victims of Sexual Exploitation and Human Trafficking (Girls Only)

Located in Guatemala City, the residential center of *La Alianza Guatemala* was inaugurated in January 2011 and admitted its first resident in March 2011—a 12-year-old girl who was eight months pregnant as a result of sexual abuse. During 2012-2104, the average number of residents has been 50-60 including girls, teens, and their babies. *La Alianza* would be able to care for up to 100 youth and babies at their site but cannot do so because of lack of funding for sufficient staff and resources to care for the additional residents.

All of the residents at the crisis care residential center of *La Alianza Guatemala* are victims of sexual abuse, exploitation and/or human trafficking and most have been referred to us by government officials including judges, police, and government ministry personnel. Our residence is the only 24 hour shelter of its kind in Guatemala dedicated to trafficked and exploited girls and plays a vital role in modeling the kind of comprehensive services that are necessary to meet the physical and emotional needs of these victims.

The *La Alianza Guatemala* residence also includes a shelter dedicated to teen moms who have been trafficked or exploited, and their babies. The program includes prenatal and postnatal care, infant and childcare, and parenting classes in addition to the range of multidisciplinary services that *La Alianza* offers all girl residents.

La Alianza also owns a residential site that would be able to house up to 70 boys who are homeless or victims of the ever increasing gang violence in the country but does not have funds for staff or the resources necessary to operate the site at this time. This would require at least $600,000 to operate annually but would provide a desperately needed service in the country that would offer the chance to hundreds of boy to lead productive lives instead of turning to gangs or crime or attempting to migrating unaccompanied to the USA which are now often now the only alternatives.

Programs Unique to Asociación La Alianza Guatemala

All of our Casas in Latin America share a common set of programs that provide a strong foundation of effective, uniform care. At the local level, these core programs are supplemented by additional programs and residential centers uniquely designed to best meet the needs of the youth in their respective countries. The unique programming in Guatemala includes:

Anti-Trafficking Awareness and Education

The first phase of *La Alianza's* work, after opening in the fall of 2009, was to launch an anti-trafficking awareness and education program. Since that time our Public Education Team has trained over 6,000 citizens, including teachers, community leaders, parents, children and teens. In addition, more than 1,000 members of the National Police have been trained in the Guatemalan anti-trafficking law and how to enforce it. On September 29, 2011, the closing ceremony of the police training was held at the Peace Palace of Guatemala where *La Alianza Guatemala* was honored for their work. (See below)

La Alianza will expand training to new parts of the country and is in the process of establishing an online training course on anti-trafficking for judges.

Legal Support

The program includes legal support to girls who are victims of human trafficking and other violations of their human rights, ensuring support and monitoring of cases throughout all judicial processes and preparing them to be witnesses when necessary in cases against traffickers.

Advocacy Highlights

La Alianza Guatemala is well known for its established program of advocacy, specific to the realities faced by girls in Guatemala.

Some of the advocacy that is a vital part of the mission of *La Alianza Guatemala* includes:

- National Director Carolina Escobar Sarti is a nationally known journalist and writes regularly for the national press on issues concerning human rights.
- *La Alianza* is the only NGO in Guatemala invited to join the Central American Parliament Roundtable focusing on violence in the Central America region.
- *La Alianza* has received numerous invitations from human rights organizations in Spain, New York, and Honduras to present on issues of violence, human rights and trafficking.
- *La Alianza* was responsible for organizing a historic meeting between the Guatemalan Attorney General, Claudia Paz y Paz, and the entire National Coalition Against Trafficking. This has led to collaboration with her office on specific trafficking cases. (2011)
- *La Alianza Guatemala* celebrated the anti-trafficking training of over 1000 members of the National Police. A special ceremony was held in the historic Peace Courtyard of the National

Palace of Culture in Guatemala, where *La Alianza* was awarded the "Hands of Peace" award by the Secretariat of Peace of the Office of the President. In addition, National Director, Carolina Escobar Sarti, was named "Ambassador for Peace". (September 2011)

- *La Alianza,* working within the National Network Against Trafficking, played a leadership role in successfully advocating for the creation of a Special Prosecutor's Office on the issue of trafficking. (opened May 2012)
- *La Alianza* participated in the Human Trafficking Conference held in Guatemala City by the Permanent Committee of the Organization of American States (OAS) on Hemispheric Security. (October 2012)
- *La Alianza* is working as a member of the working group, including the Guatemala Foreign Ministry and the Organization of International Migration that is establishing new protocols for migrant children.

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[i] http://www.unicef.org/infobycountry/guatemala_46566.html
[ii] Alba Trejo, http://www.la-alianza.org/index.php/contexto
[iii] Jill Marie Gerschutz, 'El Estado de la Niñez en Guatemala' cited in Simon Walters, 'Social Cleansing in Guatemala, Stigmatization and Execution in the Name of Security'
[iv] Ibid, Simon Walters, Social Cleansing in Guatemala
[v] Ibid
[vi] Cited from La Alianza Guatemala, Cifras Niñez, http://www.la-alianza.org/index.php/cifras-ninez
[vii] The Street Children's Consortium, Statistics, http://www.streetchildren.org.uk/_uploads/resources/Street_Children_Stats_FINAL.pdf
[viii] Ibid
[ix] Ibid

CASA ALIANZA HONDURAS

Profile Overview

Located in Tegucigalpa
Year Established: 1987
National Director: José Guadalupe Ruelas García
Annual Budget: $1.8 million
# of Staff: 74
Serve 140-180 kids/night

Since its independence, Honduras has been plagued by unrest, internal rebellion, and civil war. Today Honduras faces the horrors of extreme poverty, chronic unemployment, widespread violence, and human trafficking that worsened considerably during as a result of the June 2009 unrest in the country. In view of the resultant profound economic poverty and rampant violence, the need to care for and protect children and teenagers is more urgent than ever.

Casa Alianza Honduras was opened in 1987 and has three residential centers serving children and teenagers in desperate need of our support. In addition to providing crisis care to an average of 150-180 boys and girls every night, Casa Alianza Honduras also provides specialized care for girls victims of sexual exploitation and human trafficking, and for boys with harmful substance addiction problems. CAH offers all residents comprehensive services designed to remove them from the cycle of poverty and violence they have lived in.

CAH also has a program on the border with Guatemala where unaccompanied child migrants who have been picked up in Mexico are returned every week and have received over 6000 children since January 2014.

Casa Alianza National Director, Menin Capellin, retired at the end of December 2012, after giving 25 years of dedicated service to Covenant House and Casa Alianza. He was replaced on January , 2013 by Associate Director Guadalupe Ruelas, a Honduran, who has long experience in children's issues in Honduras.

CAH receives a subsidy from Covenant House International but must raise over 50% of their operational funds. CAH receives significant funding from the US Department of State (JTIP Office to Monitor and Control Trafficking) and has consistently achieved and surpassed the performance measures set by the Department.

Facts and Figures

- Just between January and May of 2104, there were 469 documented killings of youths under 23 years of age[i]
- Gang violence has increased considerably with the Salvatrucha and 18 gangs being the principal operators within the country
- Three busses with up to 177 unaccompanied child migrants in each bus are being returned to Honduras from Mexico each week (July 2014)

- There is an increasing wave of femmicide and violence against women and girls.[ii]

- In interviews with 143 homeless children in Honduras, 100% had at least one sexually transmitted disease, and 48.1% had been abused by members of their own family.[iii]

- There is a rising incidence of teenage pregnancy. 30% of all registered pregnancies in the country are in girls under 18 years of age.[iv]

Residential Centers

The largest residential center of *Casa Alianza Honduras,* the Crisis Center, is located in the heart of the Honduras capital of Tegucigalpa and takes up an entire city block. The residence has the capacity to provide protection for up to 140 resident boys and girls every night, including victims of domestic violence, abuse, sex and labor exploitation, unaccompanied children migrants, and homeless children rescued from the streets.

The program provides for the basic needs of every child who arrives at the center, including food, shelter, clothing, medical care, friendship, respect, and security. Young people from all three Levels of the Casa Alianza residential model live in this main residence which is divided into several separate small buildings. As in every Casa Alianza, the youth advance from level to level based on their progress with their Life Plan and goals for the future.

The Querubines Home for Girl Victims of Sexual Exploitation and Human Trafficking

The Querubines Home (meaning "Cherub Angels Home") was opened in 2008 and is dedicated to victims of sexual exploitation and human trafficking. The staff at the Home provide care for an average 60 to 80 girls per year who stay varying amounts of time. The majority of the victims arrive at Querubines via a judicial order from a Judge or Prosecutor and it serves as a safe house especially for those girls who need to be hidden from their traffickers. Querubines has the capacity to house up to 26 residential girls at any one time and it is always operating at full capacity. The Home provides the specialized care needed to deal with the profound wounds inflicted upon the victims, helping to restore self-esteem and support a positive reintegration back into society.

The Rafael Home for Boys with Addiction Problems

The Rafael Home is based in a semi-rural location just outside of Tegucigalpa, providing a specialized program for boys with addictions to harmful substances. The staff at the Home cares for between 10 and 15 boys at any one time.

The services provided in the Home are structured in 4 stages:

Stage 1 – Detoxification
When a child comes off harmful substances, the first experience they have to deal with is withdrawal. For the first 3 to 7 days in the residence, the child receives specialized withdrawal care and sleeps alone in a room, under the direct observation of the team.
Youth in this stage undergo intensive care all day long, as well as a physically strenuous exercise to help them remove toxins from their bodies. This is combined with good healthy meals, plenty of water, and regular sleep.

Stage 2 - Advice
In this stage, the boys are evaluated to assess their skills and strengths so that the staff can create a Rehabilitation Plan with every child that includes realistic goals and targets for progress.

Stage 3 – Stabilization
The main aim of this stage is to continue to develop the skills and strengths of each boy, especially in terms of education and training.

Stage 4 – Integration
This stage prepares boys to be reintegrated back into society. Through education, training and employment, we provide the skills so that they can live a life independently and confidently without drugs.

Programs Unique to Casa Alianza Honduras

All of our Casas in Latin America share a common set of programs that provide a strong foundation of effective, uniform care. At the local level, these core programs are supplemented by additional programs and residential centers uniquely designed to best meet the needs of the youth in their respective countries. The unique programming in Honduras includes:

The Border Program for the Victims of Trafficking and Illegal Migration

According to UNICEF figures, up until this year, more than 3,000 unaccompanied children left Honduras in 2012, heading north to the US in search of political freedom and economic stability. Now the estimate is at 8,000 per year—most fleeing rampant gang violence. These kids face extraordinary risks of abuse, exploitation and trafficking. Once in Mexico, large numbers are picked up by Mexican authorities and sent to a holding correctional facility in Tapachula, Mexico.

Since January 2010, members of the staff from *Casa Alianza Honduras* have arrived at the Honduran border with Guatemala every week to meet the buses deporting kids back to Honduras. Currently about 350 unaccompanied minors are returned in busses to Honduras by Mexican authorities every week. (It was 350/month six months ago) and CAH has received over 6000 unaccompanied minors at the border just since January 2014 and has provided resettlement and family reintegration services

as well as residential services for those who cannot safely return home.

As a result of the advocacy of the *Casa Alianza Honduras* team, the Honduran Family Ministry (previously INFHA and now DINAH) opened up a special overnight center for these kids in San Pedro de Sula last year, so that the children can be interviewed and evaluated before releasing them back into Honduran territory where many of them before simply headed North again. However with the overwhelming numbers of children being returned the facility is woefully inadequate.

The Prison Support Program (Program has been temporarily suspended due to lack of funding but will be reopened if new funding is received)

Personnel from *Casa Alianza Honduras* work directly within both the boy's and girl's juvenile detention centers outside of Tegucigalpa. The Prison team is made up of a Psychologist, and a Lawyer with support from other Casa Alianza personnel. The team works directly with boys and girls in the jail providing them with Casa Alianza's multidisciplinary model of comprehensive care. The team also investigates and reports on human rights violations committed against youths in the jails.

In addition to working with the kids, the Prison Support team works directly with jail staff and guards, to train, encourage and support the development of a justice system based on rehabilitation and not on punishment.

The work and commitment of Casa Alianza Honduras to improve the jail system has earned the respect of many government officials within the juvenile justice system, giving Casa Alianza Honduras a very important role to play in this arena.

The Child Right Monitoring Program (Observatorio de Derechos de los Niños, Niñas y Jóvenes en Honduras)

The Child Rights Monitoring Program carries out the vital service of documenting the many kinds of violence being committed against youth in Honduras.

The Monitoring team investigates and writes monthly reports focusing on both the human rights situation and human rights violations of young people in Honduras, as well as cases of extrajudicial executions committed against children and teenagers in Honduras. The team also prepares special reports on specific human rights violations committed against youth in Honduras and information on trafficked youth.

These reports are published and circulated widely to national and international governments and organizations, to raise awareness about the crimes that are taking place, and to ensure that necessary

domestic and international laws are being applied, including convictions of the perpetrators of these crimes. This data has been especially useful during this crisis of unaccompanied minors.

Advocacy Highlights

Casa Alianza Honduras has a long and well-established program of advocacy, specific to the realities and risks faced by children and teenagers in Honduras.

Examples of the advocacy work carried out by *Casa Alianza Honduras*:

- *Casa Alianza Honduras* has carried out longstanding ongoing advocacy and collaboration with the Honduran Juvenile Justice System, most currently supporting a new initiative for a program of restorative justice.
- Several cases of human rights abuses of children have been sent by *Casa Alianza Honduras* to the Interamerican Commission of Human Rights of the Organization of American States (OAS).
- Former National Director José Manuel Capellín was selected by the US Department of State as one of the "Trafficking in Persons (TIP) Heroes". (2008)
- *Casa Alianza Honduras* has trained more than 1,550 judges, police officers, and immigration officials in the past year on anti-trafficking and other issues pertaining to youth. They have also collaborated with local universities to create a post-graduate academic credential ("Diplomado") in Trafficking for public officials and *Casa Alianza* staff.
- Former National Director José Manuel (Menin) Capellín was invited to a high level international meeting organized by the Washington Office on Latin America (WOLA), in Washington DC, regarding violence in the Central American region. (May 2011)
- *Casa Alianza Honduras* submitted a proposal for the prevention of violence in Honduras and the strengthening of citizen security. The meeting was organized by the Organization of Private Institutions in Defense of Children and their Rights, which was headed by *Casa Alianza Honduras* and consists of over 100 organizations. The proposal was received by the Honduran Secretary of State and Minister of Interior who publically promised to bring it to the SICA, the System for Central American Integration. (May 2011)
- *Casa Alianza Honduras* presented testimony to the International Committee on the Rights of the Child of the United Nations in Geneva, Switzerland. This resulted in 160 observations and 48 petitions from other governments to the state of Honduras for improved protection and security for youth in Honduras. (2012)
- *Casa Alianza Honduras* presented testimony to the OAS on the issue of unaccompanied child migrants in the region (March 2013)
- National Director, Guadalupe Ruelas and Development Director Fabiola Aguilar met with the First Lady of Honduras for three hours to discuss issues of at-risk youth in Honduras (February 2014)

- CAH participated in a summit in Washington DC organized by CAMMINA in July 2014 regarding the unaccompanied child migrant crisis

[i] Casa Alianza Honduras, Monthly Report, August 2011, http://www.casa-alianza.org.hn/images/documentos/Observatorio/obseragosto11.pdf
[ii] Ibid
[iii] Cited from Consortium for Street Children, Street Children Statistics, http://www.streetchildren.org.uk/_uploads/resources/Street_Children_Stats_FINAL.pdf
[iv] Ibid

Testimony of

Richard Jones,
Deputy Regional Director, Latin America and the Caribbean
Catholic Relief Services

Before the Senate Committee on Homeland Security and Governmental Affairs

Hearing on

Challenges at the Border:
Examining and Addressing the Root Causes Behind the Rise in Apprehensions at the Southern Border

July 16, 2014

Chairman Carper, Ranking Member Coburn, thank you very much for calling these hearings to look more deeply at the reasons so many vulnerable children and families are migrating to the United States. The humanitarian crisis on the border of the United States is but a symptom of the political, economic and social crises being lived in Honduras, El Salvador and Guatemala.

My name is Richard Jones, and I am Deputy Regional Director for Global Solidarity and Justice for Latin America and the Caribbean for Catholic Relief Services (CRS). Catholic Relief Services is the international relief and development agency of the Catholic community in the United States. Last year we celebrated our 70th anniversary. Today we are privileged to serve more than 100 million people annually in more than 100 countries. We also work to educate Catholics and people of good will in the United States about the challenges facing our brothers and sisters around the globe.

We are witnessing an exodus due to violence, insecurity and displacement in Central America and Mexico. CRS has been attending to the increased movement of youth from the Northern Triangle of Central America for many years, and we issued a report in 2010 identifying the needs for more programs to facilitate the reintegration of repatriated youth.[1] We have seen the numbers of unaccompanied youth double every year since 2011. We have seen the homicide rates grow, forced displacement increase and Mexican and Colombian drug cartels battle over who controls the routes through Central America. In El Salvador and Honduras, there are more gang members than police. This is the picture I intend to present to you of what is happening and why. I will then share with you the good news that there is hope: CRS has implemented programs to help youth find work, strengthen families, educate, and begin to restore rural economies. I will identify challenges to this work and offer recommendations to the Committee. I ask you to walk with me for a few moments in the shoes of these children and their families.

I. Factors compelling migration: violence, insecurity and displacement

Increasing desperation has led many families, youth and children to the inevitable conclusion that they have no choice but to flee. They are primarily fleeing violence, not poverty. They aren't just coming to the United States; in fact, other Central American countries have experienced a 712% increase in asylum claims between 2008-2013.[2] We are witnessing the results of the drug war and gangs: child refugees.

Violence

In April, the UN Office of Drugs and Crime reported that Central America has four of the top five homicide rates in the world in Honduras, Guatemala, El Salvador and Belize.[3] Honduras has a homicide rate of 90/100,000.[4] Anything over 10/100,000 is considered an epidemic by the World Health Organization. Central America's average homicide rate is over four times higher than the global average, according to the report.[5]

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[1] Dahl-Bredine, Erica, and Mary DeLorey, eds. "Child Migration: The Detention and Repatriation of Unaccompanied Central American Children from Mexico." *Catholic Relief Services* (2010).
[2] "Unaccompanied Minors: Humanitarian Crisis at US Border." UNHCR Washington. http://www.unhcrwashington.org/children/read-more.
[3] "Global Study on Homicide 2013," United Nations Office on Drugs and Crime (2013).
[4] Ibid, 24
[5] Ibid, 14.

Just last month, four boys were killed and dismembered in San Pedro Sula, known as the most dangerous city in the world. They were killed because they refused to be drug couriers in their neighborhood. Two of the four were brothers, one age ten the other age six. Community level drug dealing is controlled by gangs in Honduras, El Salvador and Guatemala, while smugglers hired by the Mexican and Colombian cartels for their services move illicit drugs through the countries. In the last 18 months we have seen an increase of the gangs using children to distribute drugs in Honduras or to watch for police or others in the barrios of San Salvador and Guatemala City. Children and youth are becoming the foot soldiers of gangs and cartels.

The dynamics of violence in El Salvador have also changed over the past year. Between March 2012 and March 2013 the homicide rate dropped by half.[6] This was due to a truce negotiated between the gangs and the Government of El Salvador. However, over the last 10 months the truce has unraveled largely because it lost credibility: the population did not know what was negotiated, nor were local gang members or communities involved.[7] Since newly elected President Salvador Sanchez Ceren took office on June 1, 2014, violent deaths have risen to 13 per day or over 70 homicides/100,000 people: nearly double what they were at the same time the previous year.[8] Three factors account for this: increased confrontations between the two major gangs (MS13 and 18th street); internal power struggles within the 18th street gangs; and the appearance of vigilante death squads including one called the Sombra Negra (Black Shadow). This internal fighting is causing the gangs to increase pressure and control over territory and intensify recruitment. Youth are being recruited at ages eight, nine and ten.

Guatemala´s national homicide rate is 48/100,000 overall but the capital, Guatemala City has a homicide rate over 116/100,000.[9] According to the Pew Hispanic center, over 600 unaccompanied children picked up in the United States in the first six months of 2014 come from that city.[10]

Youth are disproportionately affected by the high murder rate. According to the United Nations, half of all homicide victims in Latin America are young men between the ages of 15 and 29. Girls are hardly immune from the violence either- sexual violence against girls is widespread. Two weeks ago a mother and her two daughters en route to the United States were picked up and deported from Mexico. They had left El Salvador because the 18th street gang that dominates their neighborhood knocked on the door of their home and informed the mother that her two daughters were now going to be the "Queens," that is, girlfriends, of the gang members. Desperate- she packed and left that night. Now that she has been deported back to El Salvador, she has no place to go. She can´t go back for fear of retaliation. If she moves to another neighborhood, the gang is likely to find her. She can´t afford housing in places the gangs don't have presence. Gangs are so pervasive that in Honduras, they compete with the government for a monopoly on force. Only the wealthiest of families can afford the protection needed to live without fear.

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[6] Ibid, 47-48.

[7] Ibid.

[8] Santos, Jessel. "Sánchez Cerén Recibe El País Con Promedio De 13 Homicidios."*La Prensa Grafica*. N.p., 3 June 2014. Web. 14 July 2014. <http://www.laprensagrafica.com/2014/06/03/sanchez-ceren-recibe-el-pais-con-promedio-de-13-homicidios>.

[9] Ibid, 150.

[10] Hugo-Lopez, Marc, Ana Gonzalez-Barrera, and Jens Manuel Krogstads. "DHS: Violence, Poverty, Is Driving Children to Flee Central America to U.S." Pew Research Center. Pew Hispanic Research Center, 1 July 2014. Accessed 11 July 2014.

Gangs sometimes employ "join or die" practices in which youth are told that they will be killed if they don't join. In El Salvador, the Vice Minister of Education was quoted as saying that nearly 200 public schools are controlled by gangs. David Ortega, secretary of the teachers union, argued that at least 1,000 schools were at a critical level of gang influence.[11] Gang recruiting and threats force many young people to drop out before completing their high school education. In the community of San Ramon in San Salvador, five teenage boys were told by the gangs to either join or be killed. The five boys had to spend their last five months of high school at home. Their teachers sent them assignments so that they could graduate. Last October my own son's soccer mate was stabbed in the leg on the bus in San Salvador. The gangs in his neighborhood were pressuring him to join. His father had a market stall selling t-shirts in the capital. He and his father fled to the United States last November. He was one month away from completing high school. In urban areas in El Salvador, only 46 percent of young people of high school age are actually in school; in rural areas this drops to 26%.[12] CRS has had to pull out of six schools that were part of an education peacebuilding project due to violence.

In Comayaguela, Honduras, this February, the 17-year old nephew of a CRS staff member was gunned down outside of his small street stand with his 18-year old friend. They had refused to join the gang and were trying to make a living through a micro-business to help their families make ends meet.

Sonia Navario's July 11 piece in the *New York Times* corroborates what we and our local partners have observed. She reports that in Tegucigalpa "At Nueva Suyapa's only public high school, narcos 'recruit inside the school,' according to Yadira Sauceda, a counselor there. Until he was killed a few weeks ago, a 23-year-old 'student' controlled the school. Each day, she continues, he was checked by security at the door, then had someone sneak his gun to him over the school wall. Five students, mostly ages 12 and 13, tearfully told Ms. Sauceda that the man had ordered them to use and distribute drugs or he would kill their parents. By March, one month into the new school year, 67 of 450 students had left the school."

Direct violence, the threat of violence and forced recruitment to become foot soldiers, lookouts and distributers are three of the major reasons why youth and children are fleeing. The inability of law enforcement to adequately provide protection increases the sense of insecurity.

Forced Displacement

Gangs, drug cartels and smaller contraband smugglers are also fighting over who controls territory. Since nearly 80% of the cocaine from South America comes through Central America en route to the United States,[13] the cartels and smuggling networks battle over who controls the routes. But the drugs are not just passing through. Major Mexican and Colombian cartels have began paying lower level groups whom they subcontract in-kind with cocaine. Since then, the lower-level groups are also fighting over local market shares and control of national markets in Central America. Meanwhile, gangs seek control over neighborhoods for local distribution and their own protection.

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[11] Hernandez, Carlos. "Educación Acepta Que Al Menos 200 Escuelas Son Asediadas Por Las Maras." *La Página*. N.p., 22 Jan. 2014. Web. http://www.lapagina.com.sv/ampliar.php?id=91959 visited July 14.

[12] Informe Desarrollo Humano El Salvador PNUD. 2013

[13] "Cocaine, organized crime groups, and violence". United Nations Office on Drugs and Crime (2010). https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English/TOCTA_CACaribb_cocaine_SAmerica_US.pdf. Site last visited July 14. See also Ribando Seelke et al (2010), Congressional Research Service, 30 April 2010, Latin America and the Caribbean: Illicit Drug Trafficking and U.S. Counterdrug Programs.

In Mexico and Central America, the cartels are fighting over plazas and the fighting is displacing entire communities. They charge a tax to smaller groups for the plaza. The smugglers are largely seeking to control rural areas. The border between Honduras and Guatemala has become one of the most violent regions in the area as smugglers displace farmers and rural land owners to control border crossing points. Typically smugglers will "legally" purchase land by offering ridiculously low sums for land and signing over the title in exchange for not killing the owner. Or they coerce and co-opt the population: in Honduras, for example, CRS staff members hear stories about whole communities being forced into these arrangements. Each community member unloads a kilo from one plane and transfers it to the next transport and are then paid. In this way, these poor community members are tied implicitly into the trade. They are forced into taking a role in the transport, making them legally complicit, and then due to poverty are locked into a perverse cycle of dependency as their family's day-to-day needs can only be met by these illicit payments.

Gangs, on the other hand, use threats and intimidation to take over individual homes. These homes are then used as safe houses for gang members who are being pursued. There are few specific studies on the relationship of organized crime to forced displacement. However, a public opinion survey conducted in El Salvador in November 2013 by the Instituto Universitario de Opinion Public at the Jesuit University found that nearly 21 percent of those surveyed had been displaced. Statistically this represents an estimated 130,000 people who have fled their homes- some moving 2 or 3 times. These are higher rates of displacement than that seen during the country's civil war.[14] The gangs also extort fees in the communities: residents, shop owners or businesses coming into the communities, such as water distributors. On July 3rd in Guatemala City, a lone gang member launched a grenade through a small store owners' front window for failing to pay extortion.

The violence points to an inability of these governments to protect their people. Police are either involved or complicit or unable to deal with the situation. In Honduras the judicial system is completely overwhelmed. In El Salvador, nine out of every ten homicides ends in impunity.[15] One of the main responses of these governments has been to arrest ever more young men, especially poor young men, filling prisons and local police jails to overflowing. Some are at over 300% capacity in El Salvador. Conditions are inhumane, only inviting greater levels of inhumanity.

Endemic poverty

A glance at the demographics also explains increased migration. As with many developing countries, a significant portion of the populations in Central America are young people. This youth bulge phenomenon creates a whole host of challenges – among them, the need to educate and provide economic opportunities for more and more people. In El Salvador alone, it is estimated that 50,000 jobs would have to be added to the economy annually to address youth unemployment. I am sure I do not have to remind you of the challenges our own country has experienced in doing this in recent years.

The rural economies of Central America and Mexico have been devastated over the past two decades. Due in part to a decline in agricultural support by governments, small farmers find it nearly impossible to compete in today's globalized agriculture. Those who do manage to eke out a living have little resilience. One natural disaster can deplete all of a household's limited resources: the recent

[14] Instituto Universitario de Opinion Publica de la Unviersidad Jose Simeon Cañas. Encuesta noviembre 2013.
[15] Informe Desarrollo Humano para America Central: Abrir espacios a la seguridad ciudadana y desarrollo humano, 2009-2010.

devastation of the coffee industry in much of the region due to the coffee leaf rust disease has indeed contributed to higher than usual levels of migration. Many families who have lost their livelihoods thus move to the cities, often a first step to another journey north.

Family Disintegration and Social Exclusion

The migration of so many working aged men and women has left many communities as virtual nurseries and nursing homes- only the very young and the elderly remain. One positive outcome of this reality is that women are increasingly empowered as leaders in their communities. But it also means that family structures have broken down. Fathers may leave and send remittances home, but they are not home to protect children and serve as role models. Grandparents are relied upon to provide for children, but as teenagers are more at risk of attacks by gangs, they often cannot protect them.

Conclusion

Most of the youth and children arriving on our doorstep are fleeing violence, insecurity and forced recruitment. Although there may still be a percentage of youth among those fleeing whose motive is primarily poverty or family reunification, the skyrocketing numbers are largely due to violence. These youth have no options. They and their families are well aware of the risks of the journey. Five out of seven girls expect to be sexually assaulted on the trek north. Many tell us that they take birth control pills before they leave to avoid getting pregnant if they are raped. It is also well known that smugglers and the drug traffickers kidnap migrants. Research conducted by our Catholic Church partners in 2009 documented over 9,000 kidnappings in the first six months of that year.

Mauricio Gaborit, SJ, Dean of the Psychology program at the Jesuit University of El Salvador, uses the following analogy: "Families and young people know that migration is a long, dark dangerous tunnel. But it is a tunnel. Here they live in a cul-de-sac." That cul-de-sac is not only devoid of educational and economic opportunities but is ever more dangerous because narco-trafficking and gang activities have taken over more and more areas. As one mother from Honduras told us, I would rather my child die trying to find life in the north than die sitting here.

Critical problems underlying the violence are the exclusion and social fragmentation inherent in these societies. There are no quick solutions to these long brewing problems. But to address their current symptoms, it is critical to interrupt the violence through interventions with youth in conflict with the law, youth in prison, and youth being released from prison, as well as gang intervention. The United States has had some successes with this in Los Angeles, Chicago, New Orleans.

Successful secondary prevention programs target youth at high risk of dropping out of school, engaging in risky behavior and joining gangs. Such programs engage adolescents (ages 8-15) and their families for direct case management intervention. Others target youth ages 16-24 for programs that also address risky behavior and create alternative livelihood opportunities. I share details about one such successful program below: Youthbuilders.

To address the exclusion and social fragmentation in the long term requires primary prevention that will strengthen families. Examples of such community-based programs are community centers and day care with daily, multiple generation activities. Activities for multiple generations help to reduce social

exclusion and family and community risk factors for violence. They also increase protective factors like family cohesion, self-esteem, and community support. Another critical characteristic of such programs is their connection to government programs like alternative education and opportunities for employment. Economic advancement promotes social inclusion. Each of these interventions should be simultaneous, continuous and in the same place. Current programs are piecemeal. Promising pilots should be implemented and tested for success.

Catholic teaching asserts that people do have a right to migrate in order to fulfill their responsibilities, that is, to provide for their families. Catholic teaching also asserts, however, that people have a right not to migrate; that is, people have a right to thrive where they are and become the people God has called them to be. In CRS' experience, no child or family makes the decision lightly to undertake the arduous journey north. It is usually the last decision, when no other alternative remains. Families in Central America do not have to be told to diversify their income sources, as we are instructed with our investment portfolios. The insecurity in which they live necessitates this strategy. One glimmer of hope can help a family to avoid the most desperate tactic of heading north.

II. Successes investing in children and youth

In response to high unemployment among young people in Central America, CRS has implemented innovative programs for young people at risk. They range from reducing child labor and assisting street children to attend school to providing essential life and job skills to young people in some of the toughest neighborhoods.

Youth also need employment. One particularly successful program is Youthbuilders, or Jovenes Constructores in Spanish. The six month program helps at-risk and gang-involved youth to find economic opportunities. From one-on-one counseling and life skills training to vocational training and remedial education, Jovenes Constructores gives youth hope and moral support. One participant, Nelly, aged 23, owns a bread-baking company thanks to the support of the program. Through Jovenes Constructores, Nelly discovered an interest in baking, learned how to manage her books, provide customer service, and make a profit. Jovenes Constructores provided seed money so she could invest in a gas oven. She is the only person in her family bringing in income. It is not hard to imagine her coming north if it weren't for this business.

An incredible 80% of participants who complete Jovenes Constructores either find work or return to their education. CRS alone prepared more than 6,000 youth in the El Salvador between 2010-2014. The program in El Salvador works with more than 250 employers in El Salvador to help place youth in work. CRS' intervention helps employers to trust the youth, giving them a second chance at life. It is being replicated throughout the region and with additional support could be further scaled up.

As mentioned earlier, it can be very difficult for some families to keep their children in school. It is often children from such poor families who head out to the streets trying to earn money or, at least, be one less mouth for mom and dad to have to feed. Through a project funded by the McGovern-Dole Food for Education program, CRS has helped to keep 54,000 children in more than 1,000 schools in Intibucá, Honduras. This department in rural southwestern Honduras has the third lowest human development index in the country, fourth lowest adult literacy rate, and is geographically inaccessible in many areas. It is an also area of high emigration.

The program employs several approaches. First, we seek to enhance the quality of education. Schools are modified, substitute teaching is employed, and more than 2,000 teachers have been trained. Secondly, we provide healthy food: daily breakfast provided from a school garden, community contributions, and commodities from the US. Third, safety patrols and transportation to school helps some families to overcome the security barrier.

The current program costs about $6 million per year to serve 54,000 children, or about $111 annually per child. Half of this is invested in food commodity delivery and the other half is invested to remove barriers to access and improve education quality. Child attendance rates for boys and girls are above 90% and Ministry Officials assert that academic achievement statistics in Spanish have dramatically increased across the department. With additional resources, this program could be expanded to other departments in Honduras.

III. Success in community-based, pro-poor economic development

In an effort to raise rural incomes in areas with high rates of emigration, CRS and local partners have implemented agriculture and agro-enterprise programs which have assisted a total of 67,000 farm families throughout Central America since 2007. Smallholder farmers often grow only rain-fed crops and use low quality seed. They also produce supply-driven raw materials that they sell to intermediaries at the farm gate. As a result, they don't benefit from the profits made in the resale of their goods in larger markets and remain trapped in a cycle of poverty.

CRS has been assisting such farmers to produce demand-driven goods and sell them directly to profitable markets. We have also helped them organize themselves in enterprises that maintain multiple off-farm relationships with financial service providers, buyers, local governments, and added-value certification bodies. CRS' programs have demonstrated that small farmers can be profitable and move out of poverty given the right combination of training, technical assistance, access to credit, and marketing support.

Launched in November 2007 in Nicaragua, the CRS-led Alliance to Create Rural Development Opportunities through Agro-enterprise Relationships (ACORDAR) is an example of this work at scale. The $53 million, public-private sector, five-year initiative directly benefits 7,000 producers organized in 107 cooperatives. USAID views ACORDAR as its flagship agro-enterprise project in the country and frequently hails it as an example of success of the Global Development Alliance. The program increased annual coffee revenue on average by 268 percent to ($3,980) by the end of the program.

Investments in smarter inputs, improved technology, and training are the core of the program's success. ACORDAR supported farmers to repopulate coffee and cocoa plants. New production technologies such as micro-tunnels and plastic row covers ward off pests, reduce weeds, and enhance soil moisture. ACORDAR also promotes high quality and certified seed to increase yields and introduce new crop varieties based on market demand. As a result, bean farmers using certified seed have more than tripled production. Because seed is expensive for farmers and germination is critical for the investment, ACORDAR has supported the installation of over 43 greenhouses that are owned by cooperatives and used by thousands of their members.

CRS has also taken advantage of years of experience in sustainable agriculture by promoting organic fertilizer production both on the farm and within farmer cooperatives. As a result, hundreds of farmers

in ACORDAR are either organically certified or using organic methods as a cost-saving measure for fertilization.

Improving proper water access, storage and irrigation systems enables farmers to grow irrigated crops, thereby decreasing their vulnerability to erratic weather patterns. Co-investments in water management systems have resulted in 50% reduction in water usage and increased production.

These successes have created well over 5,000 new jobs and doubled producers' incomes. And of course these economic benefits have secondary and tertiary effects for the entire community. Farmers are doing so well that in at least one case, one brother returned home from the US to help out on the family farm.

Families who lack farmland must find other entrepreneurial opportunities. As in Nelly's story, small loans can make a big difference in a family's finances. CRS promotes savings-based microfinance programs to help increase the financial security of the rural and urban poor throughout Central America. These programs provide training and organizational support to groups of 25 to 30 people at the community level to form their own savings groups. The groups learn how to pool their members' savings to make small loans to support their members' income-generating enterprises. Loans are sometimes as small as $5. The groups provide access to small amounts of capital necessary to grow small businesses, pay for school fees, and deal with emergency situations that members would not otherwise have. By learning to save and mobilize their own resources to provide loans for one another, families and communities can become more resilient and better able to support their families. CRS in Latin America, in conjunction with local partners, has organized over 44,000 people in savings groups who have amassed over $1 million in savings.

IV. Challenges

In all of our programs, CRS works closely with the local and state-level governments. Clearly, the governments of Honduras, El Salvador and Guatemala must invest more in their people, particularly the poor and marginalized. Government representatives in El Salvador admit that they are still trying to understand the complex issues driving the increase in child migration. The public child protection system is also working overtime to try to ensure that child migrants being returned from the United States and Mexico are safely reunited with their families.

In Honduras, repatriation flights are landing two times a day in San Pedro Sula. The government and the international community are setting up temporary shelter at emergency camps for three days and then sending these people home. The interventions offered are temporary: documentation, reunification with family members, food, and a small transportation stipend. The programs do not address any of the issues at the heart of their original flight. Of those being returned, more than 13,000 are estimated to be children. Children returning to their original communities will be forced to deal with the same cycle of violence and poverty that forced them to leave in the first place.

Newly sworn in Salvadoran President Sanchez Ceren has called on the deeply polarized society to come together in dialogue to find solutions to the violence. The country's elites must support these efforts, as they have not always been willing to do. The governments in the region need greater support from the international community to address the security and economic crises which are driving the spike in

migration of children and youth to the United States. Child welfare systems require significant support and investment throughout the region, including development of foster care programs.

Ongoing corruption of government officials at all levels means that security is tenuous. Citizen security approaches must be adapted to protect families, including increasing pay for law enforcement authorities. Even if owning a small business meets the economic needs that enable a family not to send someone north, if a gang threatens someone in the family they have little choice. And the costs of flight can deplete family resources.

V. Recommendations

Catholic Relief Services strongly urges the United States government to invest in programs to respond to the many factors compelling flight. Responding to the symptoms of these problems is much more costly, not only in terms of dollars but, more importantly, lives. Small investments in communities are a bargain to taxpayers. Community-based programs focused on citizen security are critical. From a development perspective, international assistance to the Central American countries should be more specifically targeted toward: a) community-based programs to successfully reintegrate deported young adults into society, such that they find gainful employment or other livelihood options; b) assisting governments to provide follow-on support to the families of children and adolescent migrants who have been returned by the United States and Mexico, c) providing targeted assistance for job creation and livelihood programs in rural and peri-urban areas with high rates of out-migration, and d) supporting the expansion of proven models for violence prevention among at-risk youth. Specific recommendations follow.

1. **The US Agency for International Development**, in coordination with the Department of State, the US Department of Agriculture, and other relevant agencies, including Government Ministries of designated migrant-sending countries and non-governmental organizations with experience in the region, **should develop a strategy to prioritize inclusive economic growth, poverty reduction, and sustainable alternatives to emigration.** USAID should promote public policies towards this end, and prioritize programming in communities 1) with high rates of international movement to the United States; 2) experiencing or at high risk of trafficking in persons; 3) receiving high rates of returned or deported migrants and refugees; 4) affected by destabilizing level of criminal, gang, and other violence; 5) which have developed partnerships with migrant associations and federations in the United States.

   The strategy should include

   Programs to strengthen families and reduce violence, particularly for adolescents between the ages of 10-15 years, who increasingly are at greatest risk of gang recruitment. Psychosocial programs to teach families alternatives to violence, parenting skills, positive discipline, stress management, problem solving skills and communication have been credited with strengthening intra-family relationships in pilots. This will require hiring and training social workers and psychologists in a proportion of 2 workers/psychologists for every 25 gang members.

   Increased investments in citizen security, judicial systems, and policing. The policing needs to be about intelligence and more surgical as opposed to making massive arrests

that lead nowhere. Until governments can control the violence, children will continue to flee.

Scaled-up efforts to alleviate rural poverty and revitalize agricultural production. Rural revitalization can help thousands of farmers to move beyond day-to-day living and take their products to market.

Increased promotion of public-private partnerships for income generation, employment and violence reduction, and prioritizing urban youth. Programs to build vocational skills and help youth to find work can help to address the youth bulge in Central America. High youth unemployment rates make it difficult for youth to find meaningful work and make them more vulnerable to gangs.

Scaled-up micro-enterprise initiatives, rural credit and micro-insurance mechanisms, targeting assistance to traditionally marginalized groups. Micro-enterprise can help to harness the creative ideas that youth and other traditionally marginalized populations, such as the indigenous and women, experience.

Rely on long-term, quality, community-based programs with sustainable outcomes using assistance rather than contract mechanisms. In CRS' experience, the longer-term community involvement inherent in assistance instruments significantly increases the sustainability of such programs. Moreover, their routinely smaller awards mean that such instruments are more likely to be effectively absorbed by the local community and less at-risk for corruption. In order to effectively manage an increase in grants and cooperative agreements, USAID should hire more agreement officers.

2. **With the governments of El Salvador, Honduras and Guatemala, the United States should invest in safe and robust programs for youth and young parents who have been repatriated.** As the story of the "Queens" demonstrates, families and children who flee may not be able to return to their home communities. They may end up on the streets. Many will attempt again to make it to the United States. Robust programming to find safe homes and livelihoods for them will provide alternatives to another arduous journey.

3. **The State Department should consider the implementation of an orderly departure program for children and families who are in danger and meet the requirements for refugee protection.** This would ensure that these vulnerable populations are protected, spare them the risky journey north, and ensure that the US is meeting its international refugee treaty obligations. They could be resettled in the region or the United States, depending on the best interest of the child standard.

4. **The Office of Foreign Disaster Assistance should further invest in Disaster Risk Reduction and Recovery Strategies targeted at regions of high emigration.** Ongoing investment in building resilience and reducing communities' vulnerability to disasters can reduce the need to migrate as a last resort. The high incidence of climatic shocks in the region, including earthquakes, hurricanes, flooding and drought – have spurred urbanization and often migration in the region.

5. **The Government Accountability Office should undertake a study to identify the communities with the highest rates of emigration.** It should identify the primary factors driving migration, including gang, criminal, and domestic violence; family reunification; and lack of economic opportunities, country by country. The study should identify any previous programs funded by the US government which have successfully addressed these causes, and any which have failed. It should also consider the extent to which assistance to date has been targeted to areas of highest emigration and violence.

6. **Approve Millennium Challenge Corporation Compacts in Honduras and El Salvador.** These compacts could inject much-needed investments into the countries. In addition, CRS strongly urges that United States Trade Representative accept the government of El Salvador's use of procurement policies to support its small farmers. This program has been very effective for small farmers for whom market access in the past has been extremely limited. It is particularly important to support the Salvadoran government's efforts to improve living conditions at home.

Improving Analysis of Immigration and Border Issues

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I want to thank Chairman Carper, Ranking Member Coburn, and the distinguished members of the committee for inviting me to testify today on this very important topic.

The testimony that follows is drawn from research I have been conducting over the past several years with several distinguished colleagues. Edward Alden, John Whitley and I published a Council on Foreign Relations paper last year entitled *Managing Illegal Immigration to the United States: How Effective is Enforcement*? This paper sought to understand longer-run trends in economic and demographic factors influencing levels of illegal immigration to the United States from Mexico and Central American countries, evaluate what is currently known about the degree of border control and effectiveness of enforcement with respect to illegal immigration, and provide recommendations to improve measurement, analysis, and reporting on these issues. Mr. Alden is the author of the 2008 book *The Closing of the American Border*, which examined U.S. efforts to strengthen border security in the aftermath of the 9/11 terrorist attacks, and he was the project director for the 2009 Council on Foreign Relations *Independent Task Force on U.S. Immigration Policy*, which was co-chaired by former White House chief of staff Mack McLarty and former Florida governor Jeb Bush. Dr. Whitley is a senior fellow at the Institute for Defense Analyses, and the former director of the Office of Program Analysis and Evaluation (PA&E) at the Department of Homeland Security (DHS), where he led the resource allocation process and the measurement, reporting, and improvement of performance. I am Senior Economist at Econometrica, Inc. and the former assistant director of Borders and Immigration in the Office of Program Analysis and Evaluation at DHS. My testimony also draws from research work that I have done with colleagues in academia and DHS in recent years, and from the extensive body of scholarly research on immigration issues to which many outstanding scholars and experts have contributed over many years.

I would like to stress that I am here today not as an advocate making particular policy recommendations, but as an analyst whose goal is to help those who must make what are often difficult political decisions by providing them with the most objective and rigorous analysis possible.

I will make four points in my testimony.

First, better data and analysis are an essential element of any strategy to improve immigration policy. Immigration and border issues can be highly complex and controversial, as demonstrated by the recent discussion of the surges in unaccompanied children from Central America. Better data and analysis improve understanding of actual outcomes related to illegal immigration, facilitate more effective decisions on resource allocation and policy design, and

inform public debate. It will be difficult to make progress on reform of immigration policies if there continues to be deep disagreement over the most basic facts and questions pertaining to illegal immigration, border security, and the effectiveness of various policy options. Both the U.S. government and the research community have essential roles to play in achieving that progress.

Second, already available data and analysis provide useful insights into important questions on immigration and border issues. Examples of such questions, the insights that analysis has been able to provide, and outstanding gaps in that analysis include:

- *Has U.S. border enforcement become more effective over time, and has it deterred people from migrating illegally to the United States?* The two core strategic outcome measures for border control with respect to illegal migration are the number of successful illegal entries and the average probability of apprehension, which is the chance that someone attempting illegal entry is caught. Evidence suggests that the probability of apprehension on the southwest border has risen significantly and likely exceeds 50% today, and that the number of successful illegal entries has fallen substantially. However, there are important gaps in our knowledge on these outcomes.
- *To what extent is the fall in illegal migration from Mexico to the United States due to economic developments in those two countries as opposed to the border enforcement buildup?* Rigorous analysis suggests that this has been due in roughly equal measure to the downturn in the U.S. economy, improvement in the Mexican economy, and intensification of border enforcement. The finalization and publication of this research has been prevented through restrictions on access to DHS data.
- *What are the key longer-run factors influencing illegal migration to the United States, and how can they be expected to develop in the future?* Most illegal immigration is driven by economic considerations and key factors include income gaps between sending countries and the United States, the size of the young working age populations in sending countries, and the availability of legal pathways for migration. There is no evidence that the difference in income levels between the United States and Mexico or the Central American countries is falling. However, the population of potential migrants in most of these countries has peaked and will fall in coming decades.
- *What is the best allocation of increased spending on enforcement programs at the border and in the interior?* The very limited available evidence suggests that interior enforcement programs may be more cost effective in producing deterrence than border enforcement programs. Evidence and analysis are also being used in the management of consequence programs. However, insights in this area are very limited, and as a result, it is not clear what returns can be expected on large increases in enforcement resources such as fencing and U.S. Border Patrol agents.
- *What has caused the surges in unaccompanied children to the United States?* Evidence suggests that conditions in Central American countries and U.S. policies towards unaccompanied children from these countries have both played a role in creating the potential for the surges from El Salvador, Guatemala, and Honduras. All three surges began in FY 2012. Change in underlying conditions is not compelling as an explanation for why the surges began when they did, but evaluation of policy hypotheses such as

implementation of the Deferred Action for Child Arrivals (DACA) administrative action in June 2012 is inhibited by lack of necessary data, specifically monthly data on apprehensions of unaccompanied children.

Third, we will only be able to improve our insights into these questions if the Department of Homeland Security shares administrative data related to immigration enforcement and immigration processing with external researchers. DHS should be commended in this regard for the remarkable progress that has been made with respect to the sharing of information on legal flows of people through ports of entry. Similar progress could quickly be made on analysis of immigration enforcement issues if DHS adopted a similar approach with respect to enforcement data.

Finally, Congress could take steps to facilitate further progress. These steps include encouraging and, if necessary, directing the release of data necessary for analysis and research, and conducting hearings with DHS officials with the purpose of informing the public on basic immigration facts.

The Role of Data and Analysis in Informing Policy Design and Public Debate

Data and analysis help decision makers and the public understand two things. First, what key outcomes with respect to illegal immigration and border control have been achieved by current policies and resources? My colleagues and I have argued in our publications and in previous testimony to Congress that the most important outcomes that must be measured with respect to border enforcement are gross inflow and the probability of apprehension. Gross inflow is the number of successful illegal entries that actually occur. The probability of apprehension is the chance that someone will be caught attempting to enter the U.S. illegally. Together, these two measures describe the level of control of the border with respect to illegal immigration. As the probability of apprehension increases, crossing the border becomes more difficult, and deterrence intensifies. Deterrence is further enhanced if those who are caught are subjected to consequences. Gross inflow will fall in response to intensifying deterrence, although it will also be impacted by factors other than enforcement. Generally speaking, a rising probability of apprehension and a falling level of gross inflow indicate that border control is increasing. A "sealed" border is achieved when the probability of apprehension is 100% and gross inflow is zero. Evidence suggests that no state has ever actually achieved a "sealed" border, although some have come close.

Second, analysis is necessary to understand what factors are causing the outcomes that are observed. For example, if the number of successful illegal entries is falling, is it due to deterrence created by intensified border enforcement, or is it due to fewer people making the attempt to illegally enter because they no longer want to come to the U.S. due to worsened economic conditions there, or improved economic conditions in their home country?

Measuring outcomes and carrying out objective analysis to understand what factors are causing them can help advance political debate and dialogue between Congress and the Executive branch. For example, the Department of Defense has established an "analytic agenda" that is an organized program of study that provides a common baseline of fact and evidence for decision making. Important progress has also been made with respect to data and analysis in the area of local law enforcement. As Dr. Whitley notes in a recent report:

"In recent decades the local law enforcement community has been a pioneer in measuring and reporting performance and in using these data to drive strategy development and manage execution. New York City's CompStat revolution focused commanders on "crime trends with the same hawk-like attention private corporations pa[y to] profits and losses. Crime statistics have become the [police] department's bottom line, the best indicator of how police are doing precinct by precinct and citywide." Although scholars are still debating the relative contribution of performance-driven management reform in the dramatic crime rate decline over the last 20 years, these policing reforms have likely played a significant role and have been emulated around the country in areas well beyond law enforcement.

Law enforcement at the federal level, however, has been slower to adopt these reforms, and many areas of federal law enforcement do not systematically collect, use, or report basic data on crime rates within their jurisdictions. One of the most difficult challenges contributing to this lack of outcome-oriented, data-driven management is how to measure the level of many federal crimes."[1]

Measuring key outcomes and understanding what is influencing them are challenging tasks. Measurement and analysis have been able to provide some insight into how and why outcomes have changed with respect to illegal immigration and border control.

What Insights Has Analysis Provided On Questions Related to Illegal Immigration?

Has U.S. border enforcement become more effective over time, and has it deterred people from migrating illegally to the United States?

Evidence on the probability of apprehension and the number of successful illegal entries is available for Mexican nationals attempting illegal entry between the ports on the southwest border. The probability of apprehension can be calculated for this flow using several different datasets and methodologies. The data suggest that the probability of apprehension rose in the 2000s and likely exceeds 50% today. The number of successful illegal entries of this group is also estimated to have fallen significantly. There is, however, significant uncertainty over the values of these two variables, and more investment in data collection and research is required. DHS is currently investing in one particular dataset and methodology (known-flow data and the

[1] Dr. John Whitley, "Five Methods for Measuring Unobserved Events: A Case Study of Federal Law Enforcement," Improving Performance Series, IBM Center for the Business of Government (2012), p.6.

effectiveness ratio).[2] We also lack estimates of the probability of apprehension and number of successful illegal entries of non-Mexican nationals between the ports, which is particularly relevant to this hearing. Finally, we have almost no evidence on these outcomes at ports of entry.

To what extent is the fall in illegal migration from Mexico to the United States due to economic developments in those two countries as opposed to the enforcement buildup of the late 2000s?

Recent research suggests that this has been due in roughly equal measure to the downturn in the U.S. economy, improvement in the Mexican economy, and intensification of border enforcement. The Mexican government's household survey permits identification of household members who migrate, and this data is used in conjunction with data on economic variables in the United States and Mexico, U.S. Border Patrol apprehension and staffing data, and data from other surveys to quantify the influence of economic and enforcement factors on the decision to migrate illegally. Findings also suggest that expanded use of the H2 visa programs in the late 2000s contributed to the fall in illegal migration. This research could potentially provide an analytical framework of great use for evaluating questions on illegal immigration, but it has not been finalized, peer-reviewed, and published due to restrictions on access to DHS apprehension data.

What are the key longer-run factors influencing illegal migration to the United States, and how can they be expected to develop in future?

Differences in the levels of economic development and quality of life create incentives for individuals to migrate. It is important to recognize how powerful those incentives are. A conservative estimate is that a typical Mexican worker could triple their wage if they migrated to and worked in the United States, and other estimates suggest significantly larger wage increases. Tripling one's wage produces very large income gains and is a powerful incentive to migrate. When other incentives such as better educational opportunities for one's children and increased levels of security from crime and violence are also factored in, returns to migration become even higher. The gaps between the United States and Central American countries are significantly higher than the gap between the United States and Mexico. A key question for evaluation of future migration trends is whether these gaps are getting smaller over time, so that the Mexican and Central American standards of living are converging to the U.S. standard of living. Available evidence suggests that no such convergence is taking place over time. In the case of Mexico, for example, there is no evidence of convergence with respect to per-person real income levels since 1870.

Although incentives to migrate determine how likely it is that a particular person decides to migrate, the number of actual migrants is also determined by the number of potential

[2] The recent Congressional interest in using the known flow data and the effectiveness ratio are a positive development, but also risks providing an incomplete picture. The known flow data does not include an estimation of unobserved entry and thus understates inflow and overstates the true probability of apprehensions. Congress should consider a broader range of inflow and apprehension rate estimates.

economic migrants who have to make that decision. The size of the working-age male population in countries of origin is a proxy for the number of potential migrants. Demographic projections suggest that after growing rapidly through 2000, the number of potential migrants in Mexico, El Salvador, and Honduras have peaked and will begin to fall in coming decades. Guatemala is an exception, as its potential migrant population is not projected to stop growing significantly until late this century. Considered together, this evidence suggests that although incentives to migrate at the individual level will continue to be significant, and there may be some increase in illegal migration if the U.S. economic recovery intensifies and leads to more demand for unskilled labor, the very high levels of illegal immigration experienced during 1970-2000 are not likely to recur.

What is the best allocation of increased spending on enforcement programs at the border and in the interior?

There is very limited available evidence on what enforcement programs are most cost effective at deterring illegal immigration. Professor Lawrence Wein of Stanford University led the development of an integrated model of border and interior enforcement that suggested that as of the mid-2000s, interior enforcement programs may have been more cost effective in producing deterrence than border enforcement programs. Analysis of recidivism rates across U.S. Border Patrol consequence programs is also being carried out to identify which programs are more effective than others in creating deterrence. However, insights on immigration enforcement resource allocation issues are quite limited. As a result, it is not clear what deterrence returns can be expected on large increases in enforcement resources such as fencing and Border Patrol agents. Research and analysis could provide insight into these question, but this will require researchers having access to DHS administrative data.

What has caused the surges in unaccompanied children to the United States?

The number of unaccompanied children from El Salvador, Guatemala, and Honduras arriving at the U.S. southwestern border who were apprehended by U.S. law enforcement officers began growing rapidly in FY 2012. An appendix below reviews evidence on these surges and identifies four key characteristics. First, the surges from El Salvador, Guatemala, and Honduras all began in FY 2012. Second, there has been no surge from Mexico. Third, the surge from Honduras has been much larger in percentage terms than those from El Salvador or Guatemala. Finally, the surge in unaccompanied children apprehensions has also been accompanied by a surge in other apprehensions of non-Mexican nationals on the southwest border. Two hypotheses to explain the surges have received much public discussion in recent weeks. One hypothesis is that underlying conditions in these countries, including high levels of crime and violence and low levels of economic opportunity, caused the surges to happen. Another hypothesis is that U.S. policies towards unaccompanied children specifically and illegal immigration generally have caused them. The appendix evaluates these hypotheses through a review of the data and some more formal statistical analysis. It finds that underlying conditions in Central American countries and U.S. policies have both played a role in creating the potential for the surges. Change in underlying conditions is not compelling as an explanation for why the surges all began in FY 2012. The hypothesis that policy changes such as implementation of the Deferred Action for Child Arrivals (DACA) administrative action in June 2012 cannot yet be properly

analyzed due to lack of needed data. These data included monthly apprehensions of unaccompanied children for the period 2008-2014, the release of which Senator Baldwin called for in last week's hearing. We also do not know to what extent the surges in unaccompanied children reflect substitution away from clandestine illegal entry channels, and evaluation of this requires data on monthly apprehensions on the southwest border broken down by nationality, gender, and age for the period 2008-2014.

What Are the Key Obstacles to Improving Our Insights Into These Questions?

Although available analysis and research has been able to provide some useful insights into relevant questions, we will only be able to improve these insights if key obstacles are overcome. One obstacle is establishing or developing the methodologies necessary to measure outcomes and conduct analysis. This is largely the responsibility of the research community, which has the expertise necessary to make progress on methodologies. The other key obstacle is data availability. Necessary data are often obtained through surveys, which are usually carried out with government support and implemented as government programs or through universities. However, a vitally important source of data are the administrative datasets kept by the Department of Homeland Security related to immigration enforcement and processing. DHS has been very reluctant to make this administrative data available to external researchers. When it has made the data available, it has imposed conditions on its use that permits it to prevent publication by researchers of their studies. DHS should be commended for the remarkable progress that has been made with respect to the sharing of information on legal flows of people through ports of entry. Similar progress could quickly be made in the immigration enforcement area.

There are several datasets that need to be shared with researchers. These data need to be made available to the research community, and without any restrictions on the researchers' ability to publish their subsequent studies:

- *Data from individual apprehension records.* When an apprehension is made between the ports or at the ports, an individual apprehension record is created that contains very useful information for research purposes. This information includes variables such as the gender, age, and nationality of the person, location of apprehension, and whether they paid a smuggler and the amount paid. The single most important variable is the fingerprint identification number, which is an arbitrary number that is used to identify apprehension records that are for the same individual. This variable can be used to identify recidivist apprehensions and to thus identify individuals rather than events.
- *Known-flow data.* The U.S. Border Patrol collects data on "turn-backs" and "got-aways", which are estimates of people observed attempting to enter illegally who return to Mexican territory and estimates of the number of successful illegal entries, respectively. Known-flow data are used to construct the effectiveness ratio, which is an approximation to the probability of apprehension and which has been adopted by DHS as an official performance measure. Engaging external researchers in the analysis of

known-flow data to better understand what information can confidently be extracted from it and how to improve its collection and use is essential for making progress.

- *Secondary inspection data.* The Office of Field Operations of the Customs and Border Protection agency conducts randomized secondary inspections at ports of entry. This data, which is collected by the COMPEX program, is essential for assessing the level of successful illegal entries and probability of apprehension at ports of entry, and understanding how unauthorized flows move between different illegal entry channels in response to changes in enforcement activity and other factors.

What Can Congress Do?

Enabling the American people and their representatives in Congress to more effectively debate illegal immigration and border security issues and implement sound policy likely requires stronger agreement on what the facts are. My testimony has argued that greater availability of data and conducting of research and analysis are a key factor for promoting progress in policy debate. Achieving progress requires that actions be taken by the Department of Homeland Security. Congress can take specific actions to assist in making progress. Two suggestions that I have in this regard are:

- *Encourage and, if necessary, direct release of data.* The importance of making data available for research is clear, and specific datasets have been identified. This data must be shared with the research community in ways that protect privacy and law enforcement concerns. However, these concerns should also not be abused to prevent the legitimate sharing of data and the publication of resulting research.
- *Conduct hearings with DHS officials with the purpose of informing the public on basic immigration facts.* These hearings could be held in the context of the Department publishing an annual report on the state of border security. Such hearings could play an important role in transforming dialogue between Congress and the Executive Branch on immigration and border issues, and the broader public debate.

Appendix
Statistical Analysis of Unaccompanied Children Apprehensions During FY 2008-2012

Unaccompanied children are apprehended by the U.S. Border Patrol (USBP) between the ports, and the Office of Field Operations (OFO) at the ports. Both of these agencies are components of the Customs and Border Protection (CBP) agency of the Department of Homeland Security (DHS). Table 1 summarizes all publicly-available data on unaccompanied children apprehensions (UACs) during the period FY 2008-2013 and October 2013-June 2014. Data on USBP UACs have been posted to the CBP website and include these apprehensions broken down by all countries of origin for the period FY 2008-2012 and for El Salvador, Guatemala, Honduras, and Mexico for the period FY 2013 and October 2013-June 2014. Data on OFO UACs have not been posted to the CBP website, but a recent United Nations report published the values reported in Table 1.[3] Table 1 also reports USBP UACs per million children aged 0-19 in 2010 for El Salvador, Guatemala, Honduras, and Mexico. Table 2 reports growth rates for UACs during FY 2008-2014.

A review of Tables 1 and 2 suggests the following characteristics of the dimensions and dynamics of unaccompanied child apprehensions:

- Prior to FY 2012, the number of USBP UACs from El Salvador, Guatemala, Honduras, and Mexico were stable, and the number from Mexico significantly exceeded those from the other three countries.[4]
- USBP and OFO UACs from El Salvador, Guatemala, and Honduras grew dramatically in FY 2012 and 2013, and USBP UACs in FY 2014. It is not clear to what degree this represented a shift away from other entry channels (e.g. clandestine entry between or at ports of entry) or an increase in the overall number of attempted entries. USBP UACs from these countries continued to grow at very rapid rates in FY 2013 and 2014.
- In contrast, UACs from Mexico did not grow dramatically in this period.
- The UAC surge has been the largest in the case of Honduras. Growth in the number of UACs from Honduras through FY 2014 has been roughly twice as high as for El Salvador and Guatemala.

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[3] *Children on the Run,* United Nations High Commissioner for Refugees study, May 2014, p.16. The U.S. Coast Guard may apprehend unaccompanied children in the maritime domain. No data on such apprehensions have been made public.

[4] There was a sharp increase in UACs from Mexico from 2008 to 2009, but these UACs then stabilized. UACs from Mexico have two important characteristics that should be kept in mind. First, a significant number of them are apprehended while they are working as scouts or guides in the smuggling industry. A recent report by the United Nations interviewed 102 Mexican children who had been apprehended in FY 2012 or later and found that 38% had been working as scouts or guides when apprehended (*Children on the Run*, United Nations High Commissioner for Refugees study, May 2014.) Second, because children are not fingerprinted, it is not possible to determine how many Mexican UACs are of the same individual in a given time period, and some children may have been apprehended more than once. This is likely not a material issue for UACs from other countries, because although these children are also not fingerprinted, they are not returned to their country of origin and thus make no additional attempts to enter the U.S.

- The size of the underlying population of children differs across the three countries. Table 1 shows the number of unaccompanied children divided by the size of the population of 0-19 years of age in FY 2010.
- The total number of unaccompanied children that came to the U.S. border during FY 2008-2014 represents roughly 1% of the child population of El Salvador and Honduras, and 0.5% of Guatemala's child population.

In addition to UACs, it is also important to evaluate dynamics of the overall flow of unauthorized immigrants from Central American countries. No estimates of the gross inflow of unauthorized immigrants from El Salvador, Guatemala, and Honduras are available. The only data available are on apprehensions of all non-Mexican nationals on the southwest border. Figure 1 shows these apprehensions (excluding unaccompanied child apprehensions) in the period FY 2000-2013. The data suggests that there have been two surges in illegal immigration of adults from Central American countries since FY 2000. The first surge took place in FY 2004-2005, and basically ended by FY 2007. No research has been done to understand the causes of this surge and its abatement. The ending of the catch-and-release policy for non-Mexican nationals at that time likely played an important role, and economic factors such as the end of the housing construction boom in 2006-2007 may also have contributed. The second surge in these apprehensions began in FY 2012, at the same time as the surges in UACs from Central American countries.

The key characteristics of the UAC surges can be summarized thusly:

- The surges from El Salvador, Guatemala, and Honduras all began in FY 2012.
- There has been no surge from Mexico.
- The surge from Honduras has been much larger than those from El Salvador or Guatemala.
- The surge in unaccompanied children apprehensions has also been accompanied by a surge in other apprehensions of non-Mexican nationals on the southwest border.

Hypotheses to Explain Unaccompanied Children Apprehension Surges

Two hypotheses have been advanced to explain the surges in UACs from Central American countries. The *crime-push* hypothesis argues that the surges are due to the high rates of crime and violence in these countries. Poor economic conditions and poverty have also sometimes been included in this explanation. The *policy-pull* hypothesis argues that change in U.S. policies on illegal immigration has encouraged immigrants to send or bring their children to the U.S. Change in policies that have been cited as encouraging the surges include legislation passed in 2002 and 2008 that requires unaccompanied children from countries other than Mexico and Canada ("non-contiguous countries") to be placed into care with the Department of Health and Human Services and united with their families or a sponsor in the U.S. prior to determining their final disposition, and the Deferred Action for Child Arrivals (DACA) administrative action that was implemented in June 2012.

Rates of Crime in Central American Countries

To evaluate the crime-push hypothesis, it is necessary to have data on rates of crime and violence in these countries. A comprehensive picture of crime and violence in a country would take into consideration the rate of murder, kidnapping, rape, extortion, and other violent crimes. The only indicator that consistently defined and made available across time and countries is the official murder rate (intentional homicides per 100,000 population). Table 1 gives murder rates for the Central American countries and Mexico during 2008-2013.[5] These countries have had very high murder rates for many years. During 2000-2008, Honduras, El Salvador, and Guatemala had the 1st, 4th, and 7th highest average murder rates in the world. In Honduras, the murder rate almost doubled during 2008-2011 from an already very high level of 46 to 91. In 2012, Honduras had by far the highest murder rate in the world, 68% higher than the next country (Venezuela). This extraordinary increase has been attributed to impacts associated with the attempted coup in Honduras in 2009 and the campaign against drug traffickers in Mexico.[6] In El Salvador, the murder rate hovered around a very high level of roughly 63 during 2005-2011, but then fell to a level of roughly 40 in 2012 and 2013. This fall has been attributed to the implementation of a government-facilitated truce between the two largest gangs in El Salvador in mid-2012.[7] In Guatemala, after rising significantly in the early 2000s, the murder rate has been fairly stable at roughly 43 since 2005, and fell somewhat from 47 in 2009 to 40 in 2013.

Data on other types of violent crime is available for Honduras during 2005-2013.[8] Consistent with the extraordinary rise in its murder rate, Honduras has experienced dramatic increases in other types of violent crime since 2008. Reported assaults and sexual crimes increased by 44% and 144% from 2008 to 2011, and were then stable at high levels through 2013. Most of the victims of reported sexual crimes are children: in 2013, 60% were under the age of 15, and 88% were under the age of 20.

Crime and Unaccompanied Children Apprehensions

There are actually two distinct questions that should be addressed in analysis of crime and UACs. First, are the *levels* of crime and UACs correlated across countries, so that everything else

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[5] To put these murder rates in perspective, the rate for the U.S. in 2012 was 5.

[6] See http://www.ibtimes.com/honduras-bloodiest-nation-world-705532 .

[7] There has been some controversy over the degree that this data represents a true fall in the murder rate, as gangs may be going to greater efforts to try to conceal the bodies of their victims. There is consensus among analysts, however, that the true murder rate did fall significantly after the truce. For a thorough review of these issues, see http://www.insightcrime.org/news-analysis/the-murky-question-of-disappearances-in-el-salvador-an-el-faro-investigation . The murder rate in El Salvador began to rise in the second half of 2013. Assuming that the daily number of murders of 9.48 for January-May 2014 holds for the rest of the year, the murder rate for 2014 would be 54. However, the daily number of murders in May was much higher than in previous months in 2014 and similar to the daily number in 2011. See http://www.insightcrime.org/news-analysis/el-salvador-government-dismantles-truce-homicides-reach-30-in-one-day.

[8] See "Observatorio de la Violencia", UNAH-IUDPHS, issues for 2005-2013 available at http://iudpas.org/boletines/boletines-nacionales .

equal, the higher the level of crime, the more UACs arrive at U.S. borders? Second, is *growth* in crime correlated with *growth* in UACs across countries? Surges in UACs began at a specific time, at some point in FY 2012. To explain the surges in UACs, one would expect to see a significant increase in crime around the time that they began.

Level-on-Level Analysis

To evaluate correlation between levels of crime and UACs across countries, I evaluate this relationship for USBP UACs for the period FY 2008-2012 across Western hemisphere countries which was the origin of at least one UAC in every year in that period.[9] Table 3 shows the number of UACs for these countries. Distribution of UACs across source country is unusual, as there is one group with large levels (El Salvador, Guatemala, Honduras, and Mexico) and another groups whose levels are almost (but not quite) equal to zero. Murder rates do vary significantly across these countries, but not in such a bimodal way.[10]

In addition to the murder rate, other variables might affect the level of UACs across countries. The level of economic development is included in analysis by including per-capita national income (GDP) levels. The number of UACs from a country may also be influenced by the size of the population of immigrants from that country who are resident in the U.S. A larger immigrant population potentially includes more parents seeking to reunite with their children, or can provide greater support to arriving unaccompanied children in other ways. Finally, the role of time in explaining levels of UACs across countries is captured by including dummy variables for the years 2009, 2010, 2011, and 2012. These dummy variables explain levels in UACs across countries that are associated with a particular year but independent of the other explanatory variables (murder rate, per capita income, foreign born population in U.S.)

Table 4 gives results of level-on-level analysis.[11] The results of these regressions show that the size of the foreign born population resident in the U.S. plays a very significant role in explaining UAC levels across countries.[12] The murder rate also plays a statistically significant role in

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[9] Cuba is excluded because of unusual characteristics of Cuban and U.S. government policies related to migration from Cuba to the U.S.

[10] It should be noted that the Caribbean-Central American region is generally characterized by high levels of crime and violence. Venezuela, Belize, Jamaica, and Colombia had the 4th, 7th, and 12th highest murder rates in the world in 2012, for example. This should caution one against making strong inferences about the relationship between the murder rate and UACs based on casual inspection of the data, because essentially no UACs are made of children from these countries

[11] Regressions are estimated using panel-data OLS algorithms.

[12] In the regression model estimated here, a country's foreign born population in the United States in 2012 is included as an explanatory variable. The advantage of this specification is that it allows direct examination of the relationship between the size of the foreign born population and the number of UACs from each country. The disadvantage is that exact multicollinearity precludes the use of country fixed effects or other variables that differ across countries but are constant through time, and it is not possible to control for unobservable country differences or other potentially important observable country specific variables such as distance to the United States. An alternative approach would be to transform the dependent variable into a rate by dividing it by the foreign born population variable. Each approach has advantages and disadvantages.

explaining variation in UACs, but per capita income does not. Results for estimated coefficients on dummy variables suggest that in comparison with previous years, in 2012, the level of UACs was systematically higher due to factors other than the included explanatory variables. (This result is driven by the rise in UACs from Central America.)

Difference on Difference Analysis

To evaluate correlation between growth in crime and growth in UACs across countries, I estimate the same regressions but replace levels of UACs, the murder rate, and per capita income with first differences in their values. The level (not first difference) of foreign born populations is included in most specifications to control for fact that the size of the first difference in UACs may be correlated with the level of the foreign population variable. The results of these regressions suggest that change in UACs is significantly correlated with the level of the foreign born population, and that change in per capita income significantly impacts change in UACs. However, change in the murder rate is not statistically significant in explaining change in UACs.[13] Results for estimated coefficients on dummy variables suggest that in comparison with previous years, in 2012, growth in UACs was systematically higher due to factors other than the included explanatory variables. (This result is driven by the rise in UACs from Central America.)

Some Tentative Findings on Explanations of the UAC Surges from Central America

Review of the data in Tables 1 and 2, and results of the statistical estimations summarized in Tables 4 and 5, do suggest some tentative findings on explanations of the rapid growth in UACs during FY 2012-2014. It should be emphasized that these findings are based on very recent research that has not been subject to informal or formal peer review, and they should be regarded as provisional until they receive more rigorous scrutiny:

- The level of UACs is correlated with the level of the murder rate across countries. This suggests that the more intense the level of crime and violence in a country is, the higher the expected number of UACs from that country.
- However, the crime-push hypothesis cannot explain why the surges from El Salvador, Guatemala, and Honduras began when they did. All three surges began in 2012, but there was no change in murder rates in 2012 that can explain why UACs began to dramatically increase in that year. In El Salvador, the murder rate fell significantly in 2012. In Guatemala, there was no change in the murder rate. In Honduras, crime and violence had risen substantially well before 2012. Results of the difference-on-difference analysis also suggest that there is no correlation between change in UACs and change in murder rates, and that there was significant growth in UACs in 2012 that is not associated with change in the murder rate. This suggests that some other cause must be the reason for the initiation of the surges.

[13] The sign of the coefficient on the murder rate is in fact negative, which would imply that an increase in the murder rate reduces the number of UACs.

- The fact that no surge has occurred in Mexican UACs must also be explained:
    - The policy-pull hypothesis explains this as a result of the 2002 and 2008 legislation, which created very different treatment of Mexican and non-Mexican unaccompanied children arriving at U.S. borders. This explanation is necessary but not sufficient, however, because the surges began several years after the legislation was passed. The policy-pull hypothesis seeks to provide sufficiency by arguing that the implementation of DACA in June 2012 caused the surges to begin when they did.
    - The crime-push hypothesis would explain this as a result of significantly lower levels of crime and violence in Mexico than in El Salvador, Guatemala, and Honduras.[14] However, this hypothesis cannot explain why there has been a surge in the latter countries but not in Mexico, because the murder rate in those countries did not diverge from the murder rate in Mexico in 2012, and that would be required to explain the different dynamics in UAC levels.
- Analysis of the data thus suggests that high levels of crime and violence contributed to creating underlying conditions that motivate movement of UACs to the U.S., but that the policy-pull hypothesis is a more plausible explanation of why a surge did not occur for Mexico. It is also clear that the surges began in FY 2012, that some specific event (or set of events) likely triggered them to happen, and that the crime-push hypothesis does not provide that trigger.
- The policy-pull hypothesis argues that implementation of DACA is that trigger. The plausibility of this argument cannot yet be properly evaluated due to lack of required data. Proper evaluation will require analysis of monthly data on UACs by country of origin, and also monthly data on non-UAC apprehensions by country of origin, for the period 2007-2014.[15] It should also be noted that none of the children coming to the U.S. after June 2012 would be eligible for DACA under the rules as they now stand, so that families either did not understand DACA rules or believed that it somehow signals that changes in rules will take place in the future.
- The sizes of the UAC surges from the three countries differ significantly, with the surge from Honduras being twice the size in percentage growth terms than the surges from El Salvador and Guatemala. The crime-push hypothesis plausibly explains this difference. Honduras has experienced a very large increase in crime and violence prior to 2012, whereas Guatemala has seen no change in its murder rate, and El Salvador has seen a fall in its murder rate in 2012-2013. There is no obvious policy-pull explanation that can rationalize this difference in the magnitude of the surges across the three countries.

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[14] The hypothesis might also include the fact that per capita income in Mexico is significantly higher than in those countries.

[15] It should be noted that DACA was implemented in June 2012, which is quite late in the fiscal year and seemingly reduces the chances that FY 2012 UACs increased only after its implementation. It is possible that intensive discussion of DACA in the media prior to its implementation could have influenced decisions. Without proper analysis of monthly data, it will not be possible to move beyond speculation.

TABLE 1

	2008	2009	2010	2011	2012	2013	2014[A]	2014 (proj)[B]
U.S. Border Patrol unaccompanied children apprehensions (fiscal year)								
El Salvador	1,391	1,221	1,910	1,394	3,314	5,990	11,436	15,248
Guatemala	1,388	1,115	1,517	1,565	3,835	8,068	12,670	16,893
Honduras	1,578	968	1,017	974	2,997	6,747	15,027	20,036
Mexico	3,369	16,114	13,724	11,768	13,974	17,240	12,146	16,195
All other countries	315	250	466	355	361	NA	NA	NA
Total	8,041	19,668	18,634	16,056	24,481	38,395[C]	51,629[C]	68,722[C]
Office of Field Operations unaccompanied children apprehensions (fiscal year)								
El Salvador				58	123	230		
Guatemala				43	80	194		
Honduras				25	94	308		
Mexico				1,232	1,735	1,514		
All other countries				361	540	811		
Total				1,719	2,572	3,057		
Total unaccompanied children apprehensions (fiscal year)								
El Salvador				1,452	3,437	6,220		
Guatemala				1,608	3,915	8,262		
Honduras				999	3,091	7,055		
Mexico				13,000	15,709	18,754		
All other countries				716	901	NA		
Total				17,775	27,053	41,452[C]		
Number of unaccompanied children apprehended by U.S. Border Patrol per million population aged 0-19								
El Salvador	514	452	706	516	1,226	2,215		5,639
Guatemala	184	147	201	207	507	1,067		2,235
Honduras	432	265	278	267	820	1,846		5,483
Mexico	77	367	312	268	318	392		369
Murder rate (homicides per 100,000 population, calendar year)								
El Salvador	52	71	64	70	41	40		
Guatemala	46	47	42	39	40	40		
Honduras	46	71	82	91	90	87		
Mexico	12	17	22	23	22	NA		

A: First three quarters of FY 2014.

B: Assuming that fourth quarter FY 2014 equals average level of first three quarters of 2014.

C: Includes average value for "all other countries" during 2008-2012 equal to 350.

Sources: U.S. Border Patrol unaccompanied children apprehensions from Customs and Border Protection agency website; Office of Field Operations unaccompanied children apprehensions from *Children on the Run*, study of the United Nations High Commissioner for Refugees, May 2014; population aged 0-19 from United Nations population database; murder rates for 2008-2012 from World Development Indicators database; murder rates for 2013 derived using data from http://centralamericanpolitics.bogspot.com/2014/01/central-american-murder-rates-remain.html

TABLE 2

	2009	2010	2011	2012	2013	2104[A]	2011 to 2014[A]
U.S. Border Patrol apprehensions of unaccompanied children							
El Salvador	-12%	56%	-27%	138%	81%	155%	994%
Guatemala	-20%	36%	3%	145%	110%	109%	979%
Honduras	-39%	5%	-4%	208%	125%	197%	1957%
Mexico	378%	-15%	-14%	19%	23%	-6%	38%
All other countries	-21%	86%	-24%	2%	NA	NA	NA
Total	145%	-5%	-14%	52%	57%	79%	328%
Office of Field Operations unaccompanied children apprehensions							
El Salvador				112%	87%		
Guatemala				86%	143%		
Honduras				276%	228%		
Mexico				41%	-13%		
All other countries				50%	50%		
Total				50%	19%		
Total unaccompanied children apprehensions							
El Salvador				137%	81%		
Guatemala				143%	111%		
Honduras				209%	128%		
Mexico				21%	19%		
All other countries				26%	NA		
Total				52%	53%		

A: Based on projected values for FY 2014.

FIGURE 1

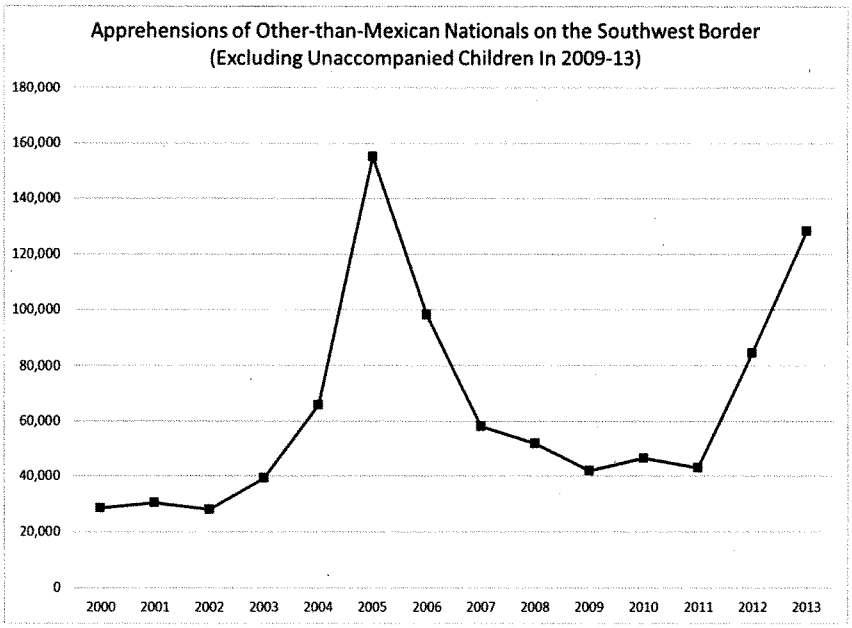

Apprehensions of Other-than-Mexican Nationals on the Southwest Border
(Excluding Unaccompanied Children In 2009-13)
180,000
160,000
140,000
120,000
100,000
80,000
60,000
40,000
20,000
0
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013

TABLE 3
Number of U.S. Border Patrol Unaccompanied Children Apprehensions: Countries Included in Statistical Analysis

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Belize	7	2	1	3	4
Brazil	24	14	18	1	5
Colombia	4	9	3	2	2
Costa Rica	4	2	2	1	5
Dominican Republic	10	5	16	3	7
Ecuador	168	123	218	117	200
El Salvador	1,391	1,221	1,910	1,394	3,314
Guatemala	1,388	1,115	1,517	1,565	3,835
Haiti	5	3	5	3	2
Honduras	1,578	968	1,017	974	2,997
Mexico	3,369	16,114	13,724	11,768	13,974
Nicaragua	44	18	35	14	43
Peru	9	7	20	13	15

Note: One or more children from 45 other countries were apprehended during FY 2008-2012, but these countries were not included based on criteria described in the text.

TABLE 4
Levels-on-Levels Regressions

Dependent variable: Number of unaccompanied children				
Included time periods (years): 5				
Included cross sections (countries): 13				
Total panel (balanced) observations: 65				
Constant		-721.56** (-2.34)	-457.43 (-0.90)	-1375.38*** (-3.09)
Murder rate	17.13 (0.48)	20.55** (2.52)	19.38** (2.31)	20.10** (2.49)
U.S. foreign born population[A]		0.001*** (17.94)	0.001*** (14.24)	0.001*** (18.18)
Per capita income[B]			-0.08 (-0.66)	
2009 dummy				844.22 (1.58)
2010 dummy				741.13 (1.38)
2011 dummy				521.19 (0.97)
2012 dummy				1228.76** (2.30)
Country fixed effects included?	Yes	No[C]	No[C]	No[C]
Adj. R^2	-0.01	0.83	0.83	0.84
Prob(F-stat)	0.71	0.00	0.00	0.00

T-statistics in parentheses. *, **, and *** denote statistical significance at the 10%, 5%, and 1% levels, respectively.

A : Data on foreign born populations resident in the U.S. obtained from Anna Brown and Eileen Patten, "Statistical Portrait of the Foreign-Born Population in the United States, 2012," Pew Hispanic Center report, April 2014.

B : Per capita GDP in international 2005 U.S. dollars. Per capita GDP in PPP 2005 dollars was also used but was less significant. Data on per capita income levels are obtained from the World Development Indicators database.

C : The level of the U.S. foreign population variable is included on the right-hand side. Because it does not vary across time, it replaces fixed effects in the estimation.

TABLE 5
Difference-on-Difference Regressions

Dependent variable: First difference of number of unaccompanied children				
Included differences: 4				
Included cross sections (countries): 13				
Total panel (balanced) observations: 52				
Constant		-1.63 (-0.01)	527.35** (2.31)	-138.22 (-0.33)
Murder rate (first difference)	-35.43 (-0.68)	-28.00 (-0.67)	-59.02* (-1.82)	-45.28 (-1.36)
U.S. foreign born population (level)[B]		0.0002*** (2.77)	0.0002*** (3.75)	0.0002*** (3.79)
Per capita income (first difference)[A]			-8.82*** (-6.04)	-10.64*** (-5.99)
2009-2010 dummy				1049.40 (1.65)
2010-2011 dummy				763.52 (1.23)
2011-2012 dummy				1271.37** (2.05)
Country fixed effects included?	Yes	No[B]	No[B]	No[B]
Adj. R^2	-0.14	0.10	0.48	0.50
Prob(F-stat)	0.90	0.03	0.00	0.00

T-statistics in parentheses. *, **, and *** denote statistical significance at the 10%, 5%, and 1% levels, respectively.

A : Per capita GDP in international 2005 U.S. dollars. Per capita GDP in PPP 2005 dollars was also used but was less significant.

B : The level of the U.S. foreign population variable is included on the right-hand side. Because it does not vary across time, it replaces fixed effects in the estimation.



Statement for the Record

U.S. Senate Committee on Homeland Security and Governmental Affairs

"Challenges at the Border: Examining and Addressing the Root Causes Behind the Rise in Apprehensions at the Southern Border"

July 16, 2014

The National Immigration Forum (the Forum) works to uphold America's tradition as a nation of immigrants. The Forum advocates for the value of immigrants and immigration to the nation, and builds support for public policies that reunite families, recognize the importance of immigration to our economy and communities, protect refugees, encourage newcomers to become new Americans and promote equal protection under the law.

The Forum applauds the Committee for holding this hearing to discuss the ongoing crisis in Central America and the reasons for the recent increase in unaccompanied alien children (UAC) at the southwest border. We look forward to a bipartisan solution that includes measures to support efforts in El Salvador, Guatemala, and Honduras to root out the gang and drug-related violence that is pushing so many families to send their children on such a perilous journey.

The Forum believes a critical part of the solution to the current humanitarian issue is legislation to reform our broken immigration system, which includes border security, as well as an earned path to citizenship for those currently residing in the U.S. The current immigration system is supporting a lucrative business for cartels and other criminal organizations rather than protecting our communities. The lack of legal avenues for family members to be reunited with their loved ones in the U.S. is leading immigrants to the hands of criminal organizations.

We must find a long term solution to the problem of UAC coming from Central America, including addressing the root causes in Honduras, El Salvador and Guatemala, to ensure their safety as well as our nation's safety. In addition to living in countries with some of the highest murder rates in the world[1], children from Central America face extreme poverty, exploding levels of gang violence and terror, and deepening social unrest. In addition, sex trafficking and forced labor are becoming increasingly prevalent in these three countries.[2] Children from Honduras, El Salvador and Guatemala are increasingly recruited to participate in armed conflicts or to join gangs.[3] Faced with these horrific

[1] United Nations Office on Drugs and Crime: http://www.unodc.org/gsh/
[2] U.S. State Department. "Trafficking in Person's Report" 2014. http://www.state.gov/documents/organization/226846.pdf
[3] *Id.*



options, desperate Central American children and families are increasingly choosing to risk everything to come to the U.S. to escape violence in their native countries and seek refuge.[4]

Background:

In recent years, increasing numbers of Central American UAC have fled extreme poverty and violence, [5] leading to marked increases in the number of UAC arriving at the southwest border. In FY2014, there have been 57,525 UAC apprehensions along the southwest border by Customs and Border Patrol (CBP);[6] this is almost twice as many UAC who arrived in all of FY2012. CBP projects these numbers will continue to increase for the rest of FY2014 to at least 66,000 UAC, and as many as 145,000 crossing the Southwest border in FY2015.[7]

Human Trafficking Must be Addressed

Human trafficking organizations feed on structural vulnerabilities within a society such as poverty, political instability, social upheaval, and crisis.[8] When governments are dysfunctional and lack the ability or willingness to provide needed services or protect vulnerable populations, human traffickers are well-situated to exploit the resulting unrest and disorder. When governmental breakdown leads to populations being internally displaced or creates a refugee crisis, traffickers profit.[9]

In addition to established human trafficking organizations, recent reports indicate that drug cartels are entering the Central American market for human smuggling to augment their earnings.[10] The International Labor Office (ILO) estimates that 20.9 million forced laborers have been trafficked worldwide, including 4.5 million victims of forced sexual exploitation.[11] It's estimated that global profits from commercial sexual exploitation total $99 billion, and overall forced human labor total as much as $150 billion.[12] The U.S. is a source, transit point and destination country for human trafficking victims

[4] Women's Refugee Commission. "Forced from Home: the Lost Boys and Girls of Central America" Oct. 2012; and UNHCR "Children on the Run – Unaccompanied children leaving Central America and Mexico and the Need for International Protection."
[5] Id.
[6] FY2014 (Oct. 1, 2013 – June 15, 2014): U.S. Department of Homeland Security, U.S. Border Patrol, Juvenile and Adult apprehensions. http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children. (Last visited: 7/24/2014)
[7] DHS Appropriations Bill, 2015; for fiscal year ending in Sep 30, 2015. (p. 10) http://www.gpo.gov/fdsys/pkg/CRPT-113hrpt481/pdf/CRPT-113hrpt481.pdf
[8] CRS Report: "Trafficking in Persons: U.S. Policy and Issues for Congress" Feb. 19, 2013.
[9] *Id.* at p. 9.
[10] The Daily Beast. http://www.thedailybeast.com/articles/2014/06/23/how-mexico-s-cartels-are-behind-the-border-kid-crisis.html
[11] ILO. Global Estimate of Forced Labor. 2012. at pg.2. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf
[12] ILO, Economics of Forced Labor. ILO, Economics of Forced Labour. http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf



(including both U.S. citizens and foreign nationals), and studies suggest that the number of child victims of trafficking is increasing.[13]

Given the opportunities for profit, it is no wonder that drug cartels are increasingly entering the human trafficking business. It is also unsurprising that they use migrants, often UAC, as decoys to distract law enforcement from countering drug smuggling and other criminal activities.[14] This puts those already vulnerable to exploitation and human trafficking at even greater risk.

The Trafficking Victims Protection Reauthorization Act Safeguards Children:

The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) was passed with strong bipartisan support, and signed into law by President George W. Bush in 2008. The bill protects victims of human trafficking and specifies protections for unaccompanied children. TVPRA provides important protections for migrant children, and is consistent with America's strong tradition of protecting and caring for the most vulnerable.

The increasing visibility of human trafficking in the late 1990s and 2000s led to the formation of a bipartisan consensus supporting anti-trafficking legislation, such as the TVPRA. In 2000, in response to reports that at "least 700,000 persons annually, primarily women and children, are trafficked within or across international borders, and that roughly 50,000 of them were imported into the U.S. a year",[15] Congress passed The Victims of Trafficking and Violence Protection Act (TVPA) of 2000. The law created a comprehensive federal law to combat human trafficking and modern-day slavery, at the international and domestic level. Since that time, Congress has continued to refine protections for victims and increase penalties for traffickers in passing reauthorizations of TVPA in 2003, 2005, and 2008.[16]

Children are particularly vulnerable as potential victims of human trafficking. An estimated 27 percent of all trafficking victims detected globally are children. The last revision of the TVPRA in 2008 expanded protections for women and children apprehended at the border, including increasing visas for victims of trafficking and abuse and toughening penalties for traffickers.[17] Along with the Homeland Security Act of 2002,[18] TVPRA enacted procedural changes to protect children, requiring initial screening by Customs and Border Protection (CBP) to determine whether children picked up at the border were victims of trafficking or had valid asylum claims.

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[13] United Nations Office on Drugs and Crime: Patterns and flows of trafficking in persons: Regional overviews. (pg. 62) http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf
[14] Vox Report. June 30, 2014: http://www.vox.com/2014/6/30/5842054/violence-in-central-america-and-the-child-refugee-crisis
[15] Sections 102(b)(1), P.L. 106-386, 114 Stat. 1464, 1466 (2000).
[16] CRS Report R 40191.
[17] ICE News Release. Dec. 23, 2008: http://www.ice.gov/news/releases/0812/081223washington.htm
[18] HSA: P.L. 107-296.



Moreover, TVPRA required that after an unaccompanied child from Central America[19] is screened by CBP officers, the child must be transferred to the custody of the Department of Health and Human Services (HHS) for care and further screening, typically within a 72-hour period.[20] By providing children adequate time to be screened by those who are trained to address children's unique sensitivities, TVPRA helps to ensure that children are properly screened for trafficking and asylum claims and not returned to gangs, cartels, and other dangers that they were trying to escape.

, Congress judged HHS, the federal agency tasked with ensuring the health and welfare of U.S. residents, to be a more appropriate custodian for these children than CBP, a law enforcement agency. As such it required in the Homeland Security Act 2002 that HHS take primary care of UAC and ensure their best interests, not CBP. Congress recognized that CBP officers serve a particular role in our immigration system, that of protecting our borders,[21] and are not adjudicators, childcare providers, or social workers.[22]

Some lawmakers believe they need to weaken the TVPRA to expedite the removal of the children, calling for Central American children to be treated in the same manner of those from Canada and Mexico. Proposals to change the TVPRA so that Central American children be screened in 48 hours, similar to the screening children from Mexico and Canada receive, are inadequate.[23]

A 48-hour window to screen and process a child is wholly inadequate. Victims who face trauma – and especially child victims—need more than a few hours overcome the shock and horror of abuse, threats, sexual assault, and violence to disclose what they have experienced. Expediting the screening process of these children will result in more victims going unidentified, leading many to be sent back to unstable, dangerous situations. Honduras, Guatemala, and El Salvador are unsafe countries with spiraling crime and gang activity and some of the highest murder rates in the world.[24]

Gangs, drug cartels and militias will prey upon hundreds, if not thousands of children who are improperly returned to Central America before they are given the chance to obtain the humanitarian

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[19] This refers to children from non-contiguous countries (*i.e.* other than Mexico and Canada). UAC's from Canada and Mexico go through a different, more expedited, process conducted entirely by CBP officers.
[20] The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) (8 U.S. Code § 1232).
[21] As evident by their mission: "*We are the guardians of our Nation's borders. We are America's frontline. We safeguard the American homeland at and beyond our borders. We protect the American public against terrorists and the instruments of terror. We steadfastly enforce the laws of the United States while fostering our Nation's economic security through lawful international trade and travel. We serve the American public with vigilance, integrity and professionalism.*" CBP Mission Statement. https://help.cbp.gov/app/answers/detail/a_id/30/~/cbp%E2%80%99s-mission. Last visited: 7/24/2014.
[22] Reports indicate that CBP officers struggle to conduct proper screenings pursuant to TVPRA of adults and UAC (from Mexico) for asylum or trafficking claims United Nations High Commissioner for Refugees. Findings and Recommendations Relating to the 2012-2013 Missions to monitor the protection screening of Mexican unaccompanied children along the U.S. - Mexico Border.
http://americanimmigrationcouncil.org/sites/default/files/UNHCR_UAC_Monitoring_Report_Final_June_2014.pdf
[23] Id.
[24] United Nations Office on Drugs and Crime: http://www.unodc.org/gsh/



relief which our laws provide for. This endangers the children,[25] the safety of our communities, and further strains our local and federal law enforcement efforts to combat human trafficking and criminal activity. Further, relaxing enforcement of anti-trafficking policies, such as TVPRA, gives the perception that human traffickers are at low risk of detection by law enforcement. Congress has many options to avoid this risk.

Conclusion

The situation faced by UAC is a challenging and heart-breaking example of our broken immigration system. Congress should take the lead in providing the affected agencies with needed funding and resources to address this humanitarian crisis. However, in addressing these challenges, officials should not make the mistake of taking rash steps that threaten UAC and families. Promoting faster deportations above all other considerations, including rolling back crucial due process protections in the TVPRA that protect at-risk refugees and asylees is not the solution.

Passing immigration reform would clarify the process and quickly dispel any misinformation about current or future immigration policy that might further encourage children to make the perilous trek to the U.S. As Congress delays fixing our broken immigration system, rumors and deception will continue to drive desperate people into desperate situations. A functioning immigration system is part of a long-term solution to this problem because it would decrease the number of UAC entering the U.S. and would allow the authorities to focus their attention on real threats – violent criminals and gangs.

We urge the Committee to protect the due process protections of the bipartisan William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008 for children apprehended at the border. These protections were crafted with great consideration of the unique circumstances of children, including proper screening for trafficking and persecution, as well as the opportunity to receive fair and full consideration of their legal claims before an immigration judge. Our nation must not lose sight of our fundamental values and must first take care of the UAC arriving in the U.S., ensuring our commitment to due process protections is honored.

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[25] "In 2008 President Bush signed the Trafficking Victims Protection Reauthorization Act. The law provided legal and humanitarian protections to unaccompanied children crossing into the United States from countries outside of Mexico and Canada. The original intent was to prevent the death of young innocent lives. As Harris County Sheriff I agree with President Bush that protecting all innocent lives should be our concern, and that's why protecting all lives remains my No. 1 priority today. This is also why I have made fighting human trafficking a priority of mine, because we must be ever vigilant and mindful of the dangerous people who will exploit children for profit or to gain access to our country." Sheriff Adrian Garcia (Harris Country, TX), BBB Press Release: Law Enforcement Leaders Respond to Situation at the Border. 6/17/2014. http://bbbimmigration.org/press/press_post/law-enforcement-leaders-respond-to-situation-at-border

Post-Hearing Questions for the Record
Submitted to Michael Shifter
From Senator Tom Coburn

"Challenges at the Border: Examining and Addressing the Root Cause Behind the Rise in Apprehensions at the Southern Border"

July 16, 2014

1. **What measures can be taken in the immediate term to stem the flow of unaccompanied children and their families form their country of origin?**

The U.S. should provide aid to Guatemala, Honduras and El Salvador aimed at strengthening the judicial system and rule of law. Improving citizen security in these countries is imperative if we expect the flow of unaccompanied children to decrease. The U.S. could begin by identifying key government actors who have shown a dedication to improving the rule of law of the countries and work closely with them in the allocation of aid in order to ensure that it is used effectively. The U.S. government could also identify NGO and private sector actors that have implemented successful community-building and poverty reduction programs, and work in close collaboration with them in order to strengthen and expand their outreach.

2. **If we were to change the law of the TVPRA to allow DHS to immediately return UACs from non-contiguous countries, do you think that would deter them from coming?**

Changing the law of the TVPRA to reflect the change you suggest would make a marginal difference at best. Families subject minors to the perilous journey through Mexico because the risk of staying at home and being either recruited or killed by gangs is very high. More than a desire to create better opportunities for their children, families send minors to the U.S. as an act of desperation, as reflected in recent news reports that some minors that have been deported back to their countries of origin have been killed. (see here. http://www.latimes.com/world/mexico-americas/la-fg-honduras-deported-youths-20140816-story.html)

3. **Based on your work in this region, is the flow of UACs driven by economic and security needs, or by a perception that the U.S. is accepting all minor children into the country?**

Minors are fleeing because of the rampant insecurity and lack of economic opportunities in their home countries. For minors living in Guatemala, Honduras, and El Salvador, the risk of being recruited or killed by gangs is very high. Because of weak rule of law and a lack of government accountability, citizens of these countries don't have adequate protection from the state and are subject to the daily threats of the gangs. Improving economic opportunity, strengthening communities, and collaborating with key government officials to strengthen the rule of law and the judicial system are essential to implement a long-lasting solution to the problem. Even those minors who have been deported back to their home countries flee again. Knowing that they will be deported doesn't stop them from trying to pursue safer lives.

4. **There are several other root causes including lax enforcement, remittances, economic drivers, family reunification, demographics, and the profit motive for smugglers and criminal enterprises. It is unclear in what measure each of these factors affects the decision of UACs to migrate, but they clearly have an important part to play in the decision-making process.**

    a. **Are there other root causes (beyond the crime-push and policy-pull) that you feel play an important role in this crisis?**

A desire to live a life that is not constantly threatened by rampant violence and by poverty is the main root cause of the issue.

5. **Mexican-Guatemalan Agreement to Fast-Track Delivery of Illegal Aliens to the U.S. It has been recently reported that the governments of Mexico and Guatemala came to an agreement that would make it *"easier and safer for Central Americans, including unaccompanied minors, to enter the United States illegally."* The article states both countries "agreed on July 7, in a presidential-level meeting in Mexico, to make it legal and safe for Central American immigrants, including unaccompanied minors, to cross Mexico's border with Guatemala and transit Mexico en route to the U.S. border at the Rio Grande."[1]**

    a. **Are you aware of this agreement between the two governments to facilitate the travel of migrants bound for the U.S. border?**
    Is the Mexican government, by this agreement, explicitly supporting the flow of people whom the Mexican government knows are destined to attempt to illegally migrate to the U.S.?

    b. **Was the Administration aware of these negotiations? If so, are you aware of at what level, if any, the U.S. government participated?**

    c. **Does this agreement do anything to stem the tide of illegal alien children flowing to the U.S.?**

The article "Mexico, Guatemala fast-track delivery of illegals to U.S." wrongly interprets the Southern Border Program (*Programa Frontera Sur*) that was agreed to between Mexico and Guatemala on July 7. While the agreement made it legal and safe for Central Americans to cross the Mexican border, it also sets some very important limits that the article fails to address. The goal of the program is not to facilitate migration to the U.S., but instead to formalize the southern border crossing to improve organization and tracking of the flow of people in and out of Mexico, as well as make the southern border safer. There are

[1] Jerome R. Corsi, "Mexico, Guatemala fast-track delivery of illegals to U.S.," WND, July 11, 2014.

a number of misconceptions drawn by the article from the official statement released by the Mexican government website, which seeks to clarify most of the questions asked.

a. This is not an agreement to facilitate the travel of migrants bound for the U.S. border. The agreement explicitly states that once this Regional Visitor Card has been acquired, the individual can only enter the country for 72 hours and is limited to the southernmost states of Campeche, Chiapas, Quintana Roo, and Tabasco. One reason Central Americans may cross into Mexico is to utilize the medical units Mexico has set up in Chiapas specifically for migrants. This is similar to the Border Crossing Card visa that is available for those Mexican citizens frequently crossing the border between the U.S. and Mexico, but living permanently in Mexico. This agreement came about with the intention of creating a more orderly crossing, probably to avoid the illegality of crossing and eliminate the industry of illegal crossings into Mexico. Further, Mexico hopes this collaboration can allow for support in repatriation, as well as reduction of the conditions that spur illegal migration.
b. According to the statement released by the Mexican government, the Administration was aware of these negotiations and has participated by providing preventative materials, contact networks and better methods of practice for border crossing through their consular relations. Further, civil society organizations such as the International Red Cross Committee and International Organization for Migration have participated in supporting the organization of migration in and out of Mexico. A Mexican commission for addressing unaccompanied children and adolescents featured participation from El Salvador, the U.S., Guatemala and Honduras, according to the Mexican government's statement.
c. The agreement works to institutionalize the process of border crossing between Mexico and Honduras (the gateway to Central America) and exert more control over who is crossing. In this sense, it does have the potential to stem the influx of unauthorized and illegal traffickers bringing unaccompanied minors across the two borders. If the groups are tracked as they come across the southern border and then limited to the four southern states, the Mexican government can better support the multilateral effort to stem the influx of unaccompanied child migrants.

6. Mexican-Guatemalan Agreement to Fast-Track Delivery of Illegal Aliens to the U.S. In order to facilitate their travel, it is reported that the Mexican government will issue a "Regional Visitor Card" to migrants transiting through their country. The President of Mexico, Enrique Peña Nieto, also explained that their intention is to expand the program to include El Salvador and Honduras in order to "work in the same direction to make Central American migration more organized and safer.

   a. What effect will these policies have on illegal immigration for the United States?

   b. Will the U.S. government be involved in these negotiations?

c. Isn't it true that this agreement ignores the fact that the result of this travel, entry into the U.S., is illegal?

a. Understanding the "Regional Visitor Card" is essential to understanding its effects on the U.S. The use of the word "regional" is somewhat misleading, as the card does not permit the users to travel past the four southernmost states of Mexico, or stay in Mexico for more than 72 hours. Although the question states that the Mexican government will issue the card to "migrants transiting through their country," those given the card cannot travel through the country; they are limited to the four states mentioned for healthcare or work reasons, among others. In no way is Mexico promoting the migration of Central Americans into the U.S. By offering this limited, but legal, mobility, Mexico can make its borders safer, as well as provide assistance in those areas Central America is lacking.
b. It is not directly stated whether the U.S. government will be involved in these negotiations, but it does say the U.S. has been involved on a consular level for preventing the migration from Central America with educational materials and contact networks for better organization of the effort.
c. The agreement does not ignore the fact that the entry into the U.S. is illegal because it does not result in entry to the U.S. The way the program is structured is not associated with movement across the country to the northern border; it is intended to serve the purpose of regulating migration across the southern border and keeping those who come across that border in those southern states for specific services.

Post-Hearing Questions for the Record
Submitted to Michael Shifter
From Senator Rand Paul

"Challenges at the Border: Examining and Addressing the Root Cause Behind the Rise in Apprehensions at the Southern Border"

July 16, 2014

1. **Your prepared remarks describe rampant corruption in the countries of El Salvador, Honduras, and Guatemala, while also arguing that "strengthening institutions, in particular the police and court systems" should be a priority for the United States. Are you confident that law enforcement, courts, and other government institutions in those countries possess the necessary accountability to prevent waste or misuse of any assistance provided by the United States?**

The U.S. needs to identify key players in the government, private, and non-profit sector in order to target aid in the most effective way. It should identify government officials that have a track record of not only collaborating with the U.S., but of not engaging in corruption and of being to establishing a proper framework of governance in the country. The highest standards of accountability are essential.

In the private sector, the U.S. should identify business owners that have contributed to the development of communities and the creation of jobs, and that also engage in sustainable development projects around the country.

In the non-profit sector, the U.S. should identify organizations that have successfully implemented community building and poverty reduction strategies, particularly those that work at high-risk communities or at the communities that are sending the largest numbers of unaccompanied minors.

Post-Hearing Questions for the Record
Submitted to Eric L. Olson
From Senator Tom Coburn

"Challenges at the Border: Examining and Addressing the Root Causes Behind the Rise in Apprehensions at the Southern Border"

July 16, 2014

1. What measures can be taken in the immediate term to stem the flow of unaccompanied alien children (UACs) and their families from their country of origin?

RESPONSE: I start from the assumption that the principal cause (or driver) of the exodus of children is extreme violence and grinding poverty in their communities. Actions that might have an immediate impact on this problem should be community focused and specific to the dynamics surrounding the children. Here I would focus on 3 things: 1) expanding prevention programs beyond the current focus on at-risk youth (which should be maintained) to include more direct intervention with youth gang members who are engaged in extortion and exploitation at the community level. There are some good faith-based programs that have succeeded in engaging with gang members and providing them with life alternatives that have helped them escape the gang networks. But whether they are faith-based or not, programs that engage gang members can have an impact on violence in a community and make it a more livable/survivable place; 2) Improve trust in local police/authorities by focusing on greater transparency and accountability. Current law enforcement programs focus too much on police presence and insufficiently on working with the community to identify and dismantle criminal networks. People do not see the police as a trusted ally because they are often abusive, distant from the community, or integrated into the criminal enterprise. Focusing on anti-corruption measures and holding people accountable will increase the public's confidence in the police and help make them a more effective crime fighting tool; 3) Focus specialized law enforcement efforts on human smuggling and trafficking networks. Trafficking and smuggling migrants to the U.S. is an enormous logistical undertaking and requires networks of support and organization. Efforts to disrupt these should be a priority. I would especially like to see some under cover or sting operations that would allow authorities to identify trafficking networks and dismantle them.

   a. If we were to change the law of the TVPRA to allow DHS to immediately return UACs from non-contiguous countries, do you think that would deter them from coming? Why or why not?

RESPONSE: I am afraid that any answer here would be speculative in nature. We really don't know. My guess is that it would have a marginal impact, at best, because most Central American migrants are only generally aware of the law and it is not a major motivation for migration.

2. The number of UACs apprehended at the border has increased steadily over the past three years with 24,403 entering in FY2012, 38,759 in FY2013, and 47,021 in FY2014 as of June 26.

   a. What do you feel is the trajectory of this trend if no changes occur in current U.S. policy?

      RESPONSE: Again, this is speculative but my guess is that the trend will lessen for a few months until it drops from U.S. headlines and the public's attention, and traffickers believe the risks of renewing their criminal activity have returned to an acceptable level. There is already some evidence of declining numbers of UAC's reaching the U.S. border, and this occurred before much changed in U.S. policy. It leaves one with the impression that the decreased number of arrivals may be due to normal seasonal downturns and the public attention given the matter that has scared off the traffickers for now. Whether this trend is sustainable without significant policy changes is questionable in my opinion.

   b. Are there other gathering trends in illegal immigration on the horizon that will affect the U.S. border? Please explain.

      RESPONSE: I only follow Latin America and, absent any unexpected shock – external or internal, man-made or natural – I don't see any other gathering migratory trend in the region that would be cause for concern. There has been an uptick in Cuban migration through Central America and Mexico since Cuba loosened its visa requirements for those leaving the country but, again, absent a major catastrophic event, I don't see this mushrooming into a major crisis for the U.S. Likewise, if economic and political instability in Venezuela were to worsen significantly this could also lead to a new migratory push that could potentially impact the U.S. because of the large number of Venezuelans already living in the U.S. and the desire for family reunification.

   c. Were you aware of the growing problem of unaccompanied alien children attempting this dangerous trip north to the border as it was occurring? When did you become aware of this problem; in 2012, 2013, or 2014? Earlier?

      RESPONSE: I became aware of the growing phenomenon of Central American migration as the number of Mexicans returning home became more pronounced. This was in 20011 and 2012. I did not know then that it would continue to escalate as homicides also escalated, especially in Honduras.

   d. If you were aware of the problem prior to its current level of crisis, did you make your concerns known to anyone within the Department of Homeland Security or the Administration?

      RESPONSE: I did not discuss this with anyone in the Administration.

i. If yes, what was their response to your expressed concerns? Was any action taken that you are aware of to correct the problem?

e. Are there other root causes (beyond the crime-push and policy-pull) that you feel play an important role in this crisis?

RESPONSE: Two others: Historic migratory patterns from Central America mean that the desire for family reunification is an important pull factor for many children. In many instances, children already have family in the U.S. With conditions worsening in Central America and hopes for immigration reform in the U.S. fading, divided families have become more desperate and decided to take the chance in reuniting event if it means undertaking the perilous journey through Central America and Mexico. .

Additionally, there is evidence that smugglers and traffickers were spreading false rumors about U.S. treatment of UACs. Central American families are generally unaware of the finer points of U.S. immigration law, and the traffickers were not interested in explaining it honestly, so many got the mistaken idea that they would be welcomed with open arms. The traffickers were obviously only interested in making money at the expense of the families and children.

3. What steps can be taken now that the UAC issue has become a crisis? In the immediate term? Medium term? Long term?

RESPONSE: I already outlined in #1 what should be done in the immediate term. In the medium and long term much more focus should be placed on reforming and strengthening the institutions of government – especially police, prosecutors, judges, and prisons. This is a difficult process that the U.S. has not done very well in Central America, Iraq or Afghanistan. One reason we've failed thus far is that our efforts are undermined by corruption, and economic and political elites in these Central American countries who are not committed to reform. They prefer to protect their privileges than build government institutions that will hold everyone accountable. To overcome this problem the U.S. needs to make this a top priority and demonstrate the kind of leadership that will bring about change.

Another important medium to long-term challenge is how to create opportunities and life alternatives for at-risk and criminally active youth. Here I believe a major effort is needed to forge public-private partnerships to reform education systems and link future demand for labor to an education system that can train the workforce for which there is demand. Additionally, the U.S. should consider using preferential access to its markets as leverage to ensure Central American countries adopt policies that will be beneficial to investments in technical education and job creation for Central America's youthful population.

4. In your written testimony you note the U.S. has a framework for addressing security concerns in Central America called CARSI, but it lacks an overall framework that sets priorities, measures outcomes and ensures that programs are complementary rather than working at cross purposes.

   a. How much money has the U.S. invested through CARSI to-date? How much of that was specifically directed toward Guatemala, Honduras and El Salvador? Do we know if any of these investments worked?

      RESPONSE: The U.S. Congress has appropriated approximately $803 million for CARSI programs since FY 2008. There are no publically available breakdowns of the specific money each country has received but we have some rough percentages. Guatemala has received approximately 22.5 percent of CARSI money, Honduras 17.3 percent, and El Salvador 16.3 percent. There is also a regional fund so presumably each country has received more money from that fund but I do not know the exact breakdown of that fund.

      There have been isolated successes but, in general, evaluations of the program have been inadequate or non-existent. See the Government Accountability Report (**GAO-13-771**) entitled, "**Central America: U.S. Agencies Considered Various Factors in Funding Security Activities, but Need to Assess Progress in Achieving Interagency Objectives.**"

      This and our own forthcoming report reach the same conclusion that there are few program evaluations and where they exist they are generally inadequate for measuring outcomes. For example, evaluations tend to focus on inputs (how many people were trained) not whether the training actually had any impact and changed behaviors or outcomes – like reducing crime.

      USAID has done a better job of developing a more rigorous evaluation process by contracting Vanderbilt University's Latin America Public Opinion Program (LAPOP) to design and carry out more extensive evaluations of their crime prevention programs, but the results of these evaluations have not been presented in full and there are still questions about the value of the results. It's a positive step but needs further refinement.

   b. How could U.S. efforts in these countries be adjusted so that we use current frameworks and levels of funding to address the UAC crisis?

      RESPONSE: The focus needs to be much more rooted in the communities where violence, risks, and economic needs are greatest. The U.S. tends to focus on broad national reform efforts, which have a useful place, but there should also be a community focus to both reduce violence and increase the government's capacity to meet the needs in those communities.

c. How can CARSI be better organized so that it fixes the problems you note in your testimony?

RESPONSE: As I have written, U.S. security assistance in Central America should focus on reducing violence, fighting corruption, and expanding economic opportunities for at-risk and criminally active young people. To accomplish this the U.S. should consider naming a senior coordinator with sufficient capacity to enforce the strategy among U.S. government agencies – to ensure they are not competing and undermining each other – and to hold recipient governments accountable for their commitments to implement reforms and fight corruption. One of the first tasks of the senior coordinator would be to negotiate a signed agreement with the Central American countries on specific steps they will take to lessen violence in communities, prosecute corrupt officials, and improve educational and economic opportunities in the target communities.

I am convinced that this approach will be more successful and less costly in the long run than increasing the U.S. border presence, expediting hearings with more judges, hearing officers, and expanding detention facilities and hearing facilities.

5. In your written testimony you note the U.S. can do more to discourage the migration, but it must do so by safeguarding those who have a legitimate claim to protection.

a. What additional measures, both domestic and foreign, would you recommend the U.S. take in order to discourage the current UAC migration?

RESPONSE: In addition to the suggestions I've already made, I would encourage the U.S. to engage more fully with Mexico on the pressing regional issues that are contributing to this crisis.

b. What process would you recommend to allow those with legitimate claims for protection to be identified and processed? How would you secure this system so it cannot be gamed by criminals and those without legitimate claims?

RESPONSE: Continue to follow the procedures already in place. The only difference might be to have those preliminary hearings sooner rather than the current 12 – 18 month wait. This would require more resources for hearings, asylum officers and immigration judges as well as facilities. One could also consider moving some of this to the countries as an incentive to stay in their home countries while their case is heard, but this will not "solve" the UAC issue, just make it more manageable.

6. In your testimony you state that the agenda going forward should be to reduce violence and build community resilience; fight corruption; demand more from Central America's political and economic elite; empower Civil Society; and make economic opportunity part of the security strategy.

a. Can we implement such an agenda at a cost that is acceptable to the American taxpayer?

RESPONSE:: Yes, I believe we can and it probably won't take a great deal more than what we already spend. It is more important to refocus and redirect what the U.S. is currently doing and establish specific measures of success that will help policy-makers evaluate whether additional resources are warranted. The U.S. role should be limited to enabling the countries in question to carry out these programs, providing the technical resources they need, and "holding their feet to the fire."

b. How much do we need to give to these three Central American countries to solve the problem? What amount will actually solve this crisis?

RESPONSE: To reduce the flow of migrants, especially minor children, issues of crime, violence, and lack of opportunity must be addressed at the community level. These are not problems that will ever be solved, as you suggest, but they can be reduced, minimized, and become less of an incentive for migration. Furthermore, I do not believe that the missing ingredient is money. Resources are always important, and change cannot happen without resources, but more resources will not necessarily address these problems if the strategy and priorities are not correct and rigorously pursued.

In Fiscal Year 2014 the Administration requested about $160 million for the eight CARSI countries. In the past, Guatemala, Honduras, and El Salvador have received roughly 56 percent of CARSI moneys, so if we assume a similar breakdown these three countries would together receive about $90 million in FY 2014. (The State Department has never provided a public breakdown by country, hence the estimates.) If the U.S. is spending $90 million for these three countries – 3 of the world's 5 most violent countries struggling with enormous corruption and government failure, and the countries of origin for the majority of the unaccompanied children arriving at the southwest border – then the current resources are probably insufficient. However, getting the strategy right, focusing on corruption and community level projects that are designed for local circumstances are equally important.

Put another way, the bill passed by the U.S. House on August 1st would cost approximately $694 million and did not include money to address any of the issues driving the migration from Central America. My guess is that for a third of that amount and some re-prioritization of the strategy along the lines I have proposed, the U.S. could actually begin to have a major lasting impact in these three countries that would do much more to reduce the flow of migrants than simply deporting them back to deplorable conditions.

c. How would you go about enacting such a strategy and what resources do you feel would be necessary in order to do so?

RESPONSE: Before spending a dime I would negotiate specific binding agreements with host countries outlining the steps they will take and how they will be evaluated. These agreements should be signed by the heads of state and disbursements of money should be contingent upon meeting specific benchmarks. These benchmarks need to go beyond passing new laws, building new facilities, and purchases (or transfers) of weapons and equipment. It needs to address implementation questions. How many prosecutions are completed, and how many people are held accountable for corruption and abuse of power have to be central to the reform process, and are necessary if the recipient countries are going to build the capacity to take on these issues on their own in the future.

d. Given the historical corruption in many layers of the governments of these countries, how do you suggest we conduct oversight of these programs and funding?

RESPONSE: As you have noted, I believe fighting corruption should be a top priority. To fight corruption the U.S. should focus on strengthening justice systems to be independent of the political and economic elite; and building professional, and fully transparent institutions . Law enforcement and justice systems in particular like to shield themselves from public scrutiny and sometime for good reason – to maintain political independence. However, where high levels of corruption and institutional capture by criminal networks exist, we must take a second look at traditional mechanisms that contribute to secretive processes, and lack accountability mechanisms.

I would start with giving each government a list of 5 or 10 high profile cases where the U.S. has high confidence that corruption or direct links to criminal networks exist. These should be viewed as test cases for prosecution to evaluate the seriousness with which each country approaches this vital, albeit sensitive task.

7. **Violence:** In your testimony, you note that widespread violence "has convulsed the region since the early 1980s...." In addition, statistics show that Guatemala, for example has experienced a reduction in violence in recent years. The National Review Online recently highlighted several headlines in American media about violence in Central America, but they were all published between 1987 and 2007. Thus, the violence, while reprehensible, is not a new problem in these countries.

Furthermore, we have a problem with violence in our own country. For example, over the July 4th holiday, Chicago saw a severe outbreak of violence in which 82 people were shot in an 84-hour window. Fourteen were dead by the Monday morning after the 4th, and that included two young boys, ages 14 and 16. Chicago was the nation's murder capital in 2012. One article notes, despite any relief from violent crime the city may have

seen in recent years, it still remains riddled by gang-violence. In fact, the same bloody outbreak occurred last year over July 4th.[1]

Some of the main principles I use when evaluating government programs are 1) is it the proper role for the federal government under our Constitution, and 2) before the federal government gets involved in a particular area, whether the proper role or not, it should get its own house in order before telling states or private businesses how to operate. I believe the same is true for how we interact with foreign governments.

According to the FBI's Uniform Crime Report for 2012, the United States had a violent crime rate of 386.9 per 100,000, which was virtually the same in 2011. In states with our larger cities, such as Michigan and California, those rates are higher at 454.5 and 423.1, respectively.[2] At the city level, the murder rate was 62 per 100,000 in Flint Michigan, 54.6 in Detroit, and 53.2 in New Orleans.[3] In 2012, in the United States, there was one murder every 35 minutes.

a. Based on these statistics, do you believe the United States has successfully reduced crime and violence in our own cities and states through federal programs? Why or why not?

b. Do you believe there is any room for improvement in our own cities?

RESPONSE: I respect your perspective but I am not an expert on U.S. domestic crime reduction programs and am not in a position to evaluate the efficacy of U.S. federal and state efforts in the U.S.

I would simply offer the following ideas as context. Homicide rates in El Salvador and Guatemala are around 40/100,000 inhabitants, and 90/100,000 in Honduras. According to the UN anything over 20/100,000 is considered epidemic violence and in my estimation a figure double, or in the case of Honduras 4.5 times higher is near war-like violence with terrible consequences for all of society. By way of comparison, the U.S. homicide rate has been declining over the last decade and is now at 4.7/100,000. This does not negate the problems of violent crime, but offers some comparison on the homicide front.

The kind of long-term and chronic violence in Central America's Northern Triangle has devastating impacts on children, society, government, and ultimately the country's stability. The U.S. can choose to ignore these dynamics but I believe firmly that to do so would represent real

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[1] Josh Voorhees, *Blood on the Fourth of July*, SLATE, July 10, 2014, *available at* http://www.slate.com/articles/news_and_politics/politics/2014/07/chicago_july_4_shooting_spree_the_police_department_undercounts_murder_and.html.
[2] FBI Uniform Crime Report, 2012, Table 5.
[3] Pew Research Center and FBI Uniform Crime Data, *available at* http://www.pewresearch.org/fact-tank/2014/07/14/despite-recent-shootings-chicago-nowhere-near-u-s-murder-capital/.

risks for the U.S. that go beyond humanitarian concerns. Chronic violence, government institutions captured by organized crime and corruption can lead to failed states, mass migration, and threats of ungoverned spaces that can be attractive to even bigger threats such as terrorists. I do not believe we have gotten to that point yet in Central America, but there should be a sense of urgency about what's going on there and efforts made now to reduce violence and strengthen the capacity of Central American countries to confront these challenges on their own.

Post-Hearing Questions for the Record
Submitted to Eric Farnsworth
From Senator Tom Coburn

"Challenges at the Border: Examining and Addressing the Root Causes Behind the Rise in Apprehensions at the Southern Border"

July 16, 2014

1. What diplomatic tools and leverage can the U.S. bring to bear in order to encourage the governments of Mexico and the Central American countries to curb illegal immigration into our country?

The United States has an enormous stake in the well-being of Central America, given our history of engagement there and meaningful economic and political support, and we maintain significant tools to work with the region's leadership to address illegal immigration into our country. From their side, the governments of Mexico and Central America have called for aggressive cooperation with the United States to curb the violence and poverty that is primarily driving the migration of unaccompanied minors. As the United States strengthens its diplomatic voice by encouraging regional governments to arrest human smugglers and improve law enforcement, it can also engage in a conversation on a longer-term effort to invest in citizen security and economic-development initiatives, including police professionalization and training. In this regard, Central Americans themselves can and must do more to mobilize resources domestically—by increasing the tax base—and applying them toward these issues.

The promise of U.S. assistance represents Washington's principal pragmatic leverage point, which we should use not just to help address the immediate crisis but also to encourage the three nations of the Northern Triangle (El Salvador, Guatemala, Honduras) and the other nations of Central America to work more closely together on law enforcement and economic initiatives. The United States should also leverage security cooperation with Colombia and Mexico to benefit Central America while encouraging greater support for Northern Triangle countries among Latin American governments more broadly. At the same time, we must seek to avoid activities which could inadvertently make matters worse, for example through trade policy decisions that could undercut certain advantages of the CAFTA-DR trade agreement and eliminate jobs, particularly in textiles and agriculture.

Given the issues at stake and the long-term policy interests of the United States in Central America, Congress should consider the establishment of a high-level commission to study U.S. interests in the region and to report back on specific, actionable recommendations for bipartisan consideration, much as the Kissinger Commission did during the 1980's, providing a useful tool for policy response.

2. Based on the high amounts of remittances flowing from the U.S. to individuals and families in Central America, many of which comes from those illegally present in the U.S. and the corruption in Central American governments, what incentive do those governments have to actually ensure U.S. investments flow to those who need it most and actively crack down on the illegal migration of their citizens to the U.S.?

Human capital is one of the most valuable national development resources in any country. One of the worst aspects of the Central American migration story is that countries are losing a generation of their potentially most valuable workers. The longer term development answer for El Salvador, Guatemala, Honduras, and others in the Caribbean Basin is not to rely on remittances generated from workers abroad but rather to generate sufficient employment at home, developing local human capital that otherwise migrates to the United States and elsewhere. The primary incentive for economically rational leaders in Central America would be to see remittances not as an economic benefit but rather as an indicator of the significant work that needs to be done to build economies at home. That necessarily leads to a discussion of business conditions, investment climate attractiveness, personal security, and governance, which are all topics with which Central American leaders must grapple effectively if they are to successfully build their own economies.

3. Based on your work in this region, is the flow of UACs driven by economic and security needs, or by a perception, whether true or false, that the U.S. is accepting all minor children into the country?

Each personal decision to attempt the difficult journey to the United States is unique to the individual. Nonetheless, the primary factor appears to be desperate personal security circumstances and the perception among families that they are unable to guarantee the safety of their own children. Additionally, the effective marketing by "coyotes" as to the likelihood that unaccompanied minors will be able to remain in the United States, at least temporarily, has played an important role in the recent surge of UACs. Desperate to protect their children from pervasive gang violence and general lawlessness, many parents want to believe the misinformation spread by smuggling networks. More broadly, the lack of economic opportunity and good jobs across Central America, in El Salvador, Guatemala, Honduras, and also Nicaragua, as well as a rebounding U.S. economy, directly contributes to the desire by those of working age to seek improvement in their own personal circumstances in the United States.

4. Other than actions that are within the control of the U.S. government – like the immediate deportation of UACs after they are apprehended – what measures can be taken to stem the tide of minor children flowing to the U.S. border?
   a. What suggestions do you have for what the U.S. can do on our side of the Southern border?

In the first instance U.S. public diplomacy should aim to dissuade UACs from taking the dangerous journey through Mexico while providing accurate information about U.S. immigration law. In addition to public information campaigns and public service announcements, the United States must work together with community leaders both in Central America and also within the United States itself to provide timely information through trusted channels including community centers, schools, and faith-based organizations including churches. These informal networks are where many intending migrants gain information and insight, which sometimes proves to be inaccurate. The United States should also coordinate with Mexico both at the federal and state levels to focus on people trafficking as a law enforcement and rule of law issue.

There will be no quick fix, however, as long as families cannot guarantee the basic safety of their children nor imagine the possibility of a better life under current circumstances. A solution will take a much larger and integrated response to address the core economic development and security needs of the Northern Triangle in coordination with Central Americans themselves.

On our side of the border, the United States should redouble efforts to reduce demand for illegal drugs, which has fueled the drug-related violence in the region. We should look to coordinate better with receiving nations the deportation of criminals including gang members so that we do not inadvertently contribute to the gang culture within Central America. And we should look to find ways to prevent illegal leakage of guns and other weapons from the United States to the region, a number of which are used in the commission of criminal acts.

5. It has been recently reported that the governments of Mexico and Guatemala came to an agreement that would make it "easier and safer for Central Americans, including unaccompanied minors, to enter the United States illegally." The article states both countries "agreed on July 7, in a presidential-level meeting in Mexico, to make it legal and safe for Central American immigrants, including unaccompanied minors, to cross Mexico's border with Guatemala and transit Mexico en route to the U.S. border at the Rio Grande."
   a. As shown by the recent agreement between Mexico and Guatemala, many of these countries would rather help these children illegally migrate to the U.S. than to expend the funds and manpower to assist in returning them to their home countries. How can the U.S. government coordinate policies with Mexico and the Central American countries when their governments are making minimal to no effort to interdict minors transiting their borders?

I do not have information concerning any such agreement between Mexico and Guatemala. Nonetheless, Mexico plays a critically important role as a transit nation and effective coordination between Washington and Mexico City is essential, as it is with Central American and Caribbean capitals, to address migration pressures from the Caribbean Basin. Intelligence sharing and enhanced law enforcement cooperation with trusted interlocutors are two areas for consideration.

Post-Hearing Questions for the Record
Responses
Submitted by Richard Jones
to Senator Tom Coburn

"Challenges at the Border: Examining and Addressing the Root Causes Behind the Rise in Apprehensions at the Southern Border"

July 16, 2014

1. In your testimony you cite several factors compelling migration; violence, forced recruitment into gangs, displacement by the cartels, police corruption, and endemic poverty and family disintegration. But in surveys conducted, UACs have stated that family reunification, educational opportunity, and other factors, including the belief that they will be able to successfully enter the U.S. and remain here without fear of deportation, play an important role in their decision to migrate.

   a. Have you or CRS conducted any ***formal*** analysis to determine what factors are driving people from the "Northern Triangle" countries to migrate to the United States? What were the results?
   Catholic Relief Services' evidence is based on decades of experience in the region and working with people who have been repatriated and those who have family who have migrated or fled. It is anecdotal, and corroborated by formal analysis conducted in the region, namely by the UNHCR and research done by Elizabeth Kennedy. It is based on our experience in the region and with families, and takes into account the entire context of individuals' lives and complex decision-making.

   The Senator has previously cited studies conducted by the US border patrol, suggesting that perhaps children say one thing in the region and something else upon arrival. Often children are fed information along the route by smugglers. However, Elizabeth Kennedys research is once they have been deported and where there is little pressure or motive to give a response other than their real motivation. Her interviews continue to point out that over 60 percent of children are fleeing violence in El Salvador.

   b. What efforts, if any, are being made by the source countries to stop the flow of young people out of their countries?

   All three Central American Countries have conducted publicity campaigns to raise awareness about the risks of migrating to the United States and that there are no guarantees that people will be allowed to stay. These include television and radio spots.

   c. Is there recognition by these governments of the extent of the problem and the factors causing it? To what do the source countries attribute the current crisis?

Yes. The governments have all recognized the surge in UACs and families fleeing. The government of Honduras has created and inter-institutional commission to manage the reception of UACs and families overseen by the First Lady. In meetings with CRS, the First Lady of Honduras recognized that the causes including gang violence, drug violence and to a lesser extent, traditional push factors of poverty and family reunification.

In El Salvador, the Government has responded by increasing funding for receiving deportees and recognizes that violence, unemployment and family reunification all are structural factors contributing to this problem. They also recognize the roll of the smugglers in stimulating flight. The Minister of Foreign Relations in Guatemala also recognized that this flight from Guatemala is largely driven by structural factors of poverty and lack of opportunities in the western highlands and confirmed the role of smugglers in seeking new markets to maintain profits, not due to policies from the Obama administration.

2. Violence and corruption in this region are a decades-old problem. But the current influx is only a recent phenomenon. In fact, a recent article in the National Review Online began with a paragraph of headlines from American media about violence in Central America, but the catch was all of the headlines were very old, ranging from 1987-2007. This does not mean there are not terrible conditions in Central America, but it is not exactly a new problem.

   In fact, a recently released July 7th intelligence assessment report from the El Paso Intelligence Center (EPIC) was entitled, "Misperceptions of U.S. Policy Key Driver in Central American Migrant Surge." The report stated the significant increase was driven by "Traditional migration factors exacerbated by misperceptions of recent U.S. immigration policies…." In fact, of 230 migrants interviewed, 219 cited the primary reason for migrating…was the perception of U.S. immigration laws granting free passes…."

   Furthermore, the report discusses the *lack of correlation between violence rates in Central America and the current border crisis.* It states, "EPIC assesses homicide trends and migrant interviews suggest violence is likely NOT the principal factor driving the increase in UAC migration. While CBP data from early fiscal year 2011 indicates a steady increase in OTM and UAC migration, United Nations Office on Drugs and Crime statistics—within this same time frame—show a decline in per capita homicide rates in these three countries…."

   a. If violence and high levels of murder and other crime have been a fixture in these countries for years, with some experiencing a recent decline in violence, why did the recent surge in UACs only begin in 2012?

Homicide rates alone do not explain the desperation of families and the push to flee. What we have seen is changing dynamics of violence during the past few years. These changes include recruiting children as young as 8 by gangs and drug cartels to be lookouts, couriers and foot soldiers; secondly the gangs have increasingly targeted children in elementary and high school age boys and girls. This is a new dynamic. In Honduras in 2013 over 2,000 children abandoned elementary school because they were threatened to join gangs. This is a new dynamic. Similar recruitment and changes in targeting boys in high school has happened in El Salvador. So while the overall homicide rate has not changed –who is being targeted and threatened has.

Children who refuse to courier drugs or undertake other activities under coercion by gangs are threatened. They fear for their lives. One of CRS' participants in our Youthbuilders program lost three of his brothers to gangs, and has been told that he will be killed next.

Also while the homicide rate dropped slightly in El Salvador, the threat of violence and extortions continued unabated. Its also important to mention that the homicide rate in El Salvador begun to rise in 2013 and by June 2014 has begun to reach pre gang truce levels. Together these factors represents a change in who is being targeted, not necessarily reflected by the aggregated numbers in the homicide rates.

Additionally, drug trafficking has increased in the region in recent years. Narcotraffickers arrive to communities and extort land or taxes from innocent civilians. They have made it all but impossible to survive and provide for one's family. The desperation felt by families, and indeed the accumulation of pressure over so many years, has simply become too much. Making matters more complicated, narcotraffickers have increasingly subcontracted gangs and have increased activity in kidnapping, human trafficking, and other illicit activities.

The violence, threats and changing of who is being targeted create the desperation and need to flee for safety. The smugglers simply provide the opportunity by offering reduced rates. The smugglers offer of reduced rates is driven by their decreasing profit margins. Since fewer people were migrating from Mexico, the smugglers went further south to increase business. This is the dominant logic of the smugglers behavior, and does not appear to obey US policies regarding child migrants. Together, the motive of violence combined with the opportunity of reduced costs provided by smugglers best explains the spike in the number of children arriving in the United States. Returning children to these circumstances will not be likely to produce a change in either of the driving factors.

b. If violence is not the *primary* factor, what other factors, whether in the U.S. or in these countries, could account for the sudden push of minor children to take the harrowing ride to the U.S. southern border?

CRS does believe that violence is the primary factor driving children to flee; it is the proverbial straw that breaks the camel's back. People fear they have no other option.

As the Congressional Research Service notes, the global recession since 2008 has exacerbated poverty in the region. Because many of these families have sent someone to the US to contribute income, families have been separated, making those left behind more vulnerable to gangs. A natural response to the threats is to send the threatened family member north.

CRS has also met with farmers and others to help them build their businesses or improve livelihoods and been told that these families don't want to be too successful because then the gangs will target and extort them. If the head of a household cannot take the initiative to provide for his/her family because of fear of death and extrotion, then he/she truly has no other option. That family member is likely to send their young children away because they are the individuals most likely to be recruited and threatened by the gangs.

This desperation, combined with the reduction in pricing by coyotes (from about $7,000 per person to $4,000 in El Salvador and $10,000 to $5,000 in Honduras) is what is driving the push.

3. In your written testimony you state that Catholic Relief Services strongly urges the United States government to invest in programs to respond to the many factors compelling flight. However, the U.S. already invests significant resources in the "Northern Triangle". In a May 6, 2014 report, the Congressional Research Service states, "Between FY1993 and FY2007, U.S. economic and military assistance to Central America averaged $450 million…annually…Of the security-related assistance…following the end of the Cold War, a substantial portion was dedicated to U.S. Agency for International Development (USAID) rule of law programs…."[1] Footnote 100 states those programs began in El Salvador in 1984, in Honduras in 1985 and in Guatemala in 1986, among other Central American countries.[2] Furthermore, "from FY2008 to FY2014, Congress appropriated $803.6 million for the countries of Central America under…CARSI…The Obama Administration has requested $130 million…in FY2015."[3] In fact, CRS notes "a slight majority of the resources Congress

[1] Peter Meyer and Clare Seelke, "Central America Regional Security Initiative: Background and Policy Issues for Congress," Congressional Research Service, May 6, 2014, R41731, at 20.
[2] *Id.*
[3] *Id.* at 22.

has appropriated for CARSI have been allocated to the northern triangle nations of el Salvador, Guatemala, and Honduras."[4] So, the U.S. government has been funding programs for these three countries for decades.

a. What effect have these investments had to-date? What effect would more investment have?
A significant portion of the funding referenced in the Congressional Research Service report are for mostly for public security and law enforcement, especially to drug enforcement, police and for equipment and to a much lesser degree for economic and social development or to interrupting violence I nthe communities where it is taking place.

There is initial evidence in USAID sponsored program in Honduras that gang reduction and violence interruption strategies are beginning to work. These programs need to be expanded. Almost no funds are directed to supporting families to address domestic violence, family dysfunction or economic support. While some discretionary funds have supported economic and social development, but at a small scale and in an ad hoc fashion. Some conditional cash transfer programs in El Salvador have had only mixed results, expecially when it came to creating skills and entering into the local labor market or starting their own business. These kinds of cash transfer must learn from and include workforce development programs that are done in conjunction between government, private employers and civil society.

It would also be worth understanding what amount of those USG sponsored funds was used for grants and cooperative agreements to address development programs such as education, water and sanitation, vocational training, rural revitalization, lending programs, and family-strengthening programs. CRS suggests a broad, regional strategy to address the challenges at greater scale and including civil society oversight to ensure transparency. Our program ACORDAR in Nicaragua succeeded in part because of CRS' role coordinating public and private partners, including the local governmental actors.

In CRS' experience, investments in the region could go a farther if they were more strategically implemented. The regional plan should be coordinated with other donors. Simultaneous, coordinated, and co-located programs in affected areas can help communities to interrupt violence. We have witnessed a security program in one area, and economic development program elsewhere, and judicial reforms in a third place. By focusing in affected areas with a concerted investment over the longer term, we can achieve greater results.

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[4] *Id.*

More investment would enable us to help more families. For example, the education program referenced in section C and my testimony could be scaled up throughout Honduras. Increasing school attendance and the quality of education could have an enormous impact throughout the country. Investing in more vocational and workforce training such as that provided by Youthbuild would help children to find hope for their lives. As Jesuit Greg Boyle, SJ, has said about gang-affected youth in Los Angeles, "Nothing stops a bullet like a job." CRS believes that interrupting violence through programs that prevent it and provide alternative livelihoods will go a long way towards helping children and youth thrive in their home countries.

b. What level of investment do you think the U.S. should make in programs that respond to factors compelling flight?

The Government of El Salvador has developed a list of 21 things it would have to do to help the youth in country – just emphasizing those who may be deported. The US government and other donors should work with the government to determine the costs of implementing these programs, and then consider how it may be scaled up to address marginalized youth who have not fled. It will be important to avoid providing programming to only those who fled; the USG should avoid creating a perverse incentive for flight.

The UN has stated that in El Salvador alone, as many as 50,000 youth enter the labor market every year. Investments to prepare these youth to succeed – through educational strengthening, vocational training, and other interventions – could go a long way towards building the economy and preventing gang violence. Similar targeting to youth in Guatemala and Honduras would help to determine an appropriate level of investment.

As we know, a significant portion of the population in the Northern Triangle is youth. An investment in child protection services could be based on effective programs in the United States, accounting of course for the different economic reality in the region. Significant investment in basic infrastructure such as education is a low-cost, high-reward investment in countries in which a high percentage of the population is youth. CRS' program in Intibuca, Honduras, costs a mere $111/child.

c. How do we know these programs are working? Do you believe there has been adequate oversight of these funds? Why or why not?

Catholic Relief Services has asked Congress to request a study by the GAO of the effectiveness of programs in Central America. Five Members of the House did just that and have requested initial findings by mid-September. In CRS' experience, assistance programs (as opposed to acquisitions) which are community-based, can have impressive results. Our program called

ACORDAR, funded by USAID to the tune of $53 million over 5 years helped more than 7,000 farmers in Nicaragua to form cooperatives. They now sell to the likes of Wal-mart and have increased their coffee incomes more than 250%. With an investment in these farmers and their farms, they can now compete in the globalized marketplace. Such agricultural investments will be critical to address the coffee leaf rust in the region, which has led to the lowest level of coffee production in 100 years.

Our program called Youthbuild has also helped more than 80% of participants in El Salvador to either enroll in education or find work. Our Food for Education program in Intibuca, Honduras, has an attendance rate of 90%, well above the national average. These kinds of programs can be scaled up. Also, to address assessment, CRS encourages USAID to include more funding in its programs for impact evaluations in order to better determine their effectiveness.

Post-Hearing Questions for the Record
Submitted to Bryan Roberts
From Senator Tom Coburn

"Challenges at the Border: Examining and Addressing the Root Causes Behind the Rise in Apprehensions at the Southern Border"

July 16, 2014

1. In your testimony, you explain that the crime-push hypothesis cannot explain why the surges from El Salvador, Guatemala, and Honduras began when they did. All three surges began in 2012, but there was no change in murder rates in 2012 that can explain why UACs began to dramatically increase in that year. In El Salvador, the murder rate fell significantly in 2012. In Guatemala, there was no change in the murder rate. In Honduras, crime and violence had risen substantially well before 2012. You also note that economic factors do not explain the onset.

   a. What is the most plausible explanation for why the surge of UACs from Honduras, El Salvador, and Guatemala began in 2012?

2. In your opening statement you ask three very important questions that are germane to the wider debate about border security as well as to this hearing regarding root causes:

   a. Has U.S. border enforcement become more effective over time, and has it deterred people from migrating illegally to the United States?

   b. Is the fall in illegal migration from Mexico to the United States due to economic developments or to the border enforcement buildup? Has one factor been more definitive than the other?

   c. What are the key long-term factors influencing illegal migration to the United States, and how will they develop in the future?

   d. What implications do these answers have for finding solutions to the current UAC question?

3. What do the answers to questions one and two tell us about the current illegal migration of UACs? To what solutions do these answers point?

4. If Congress allocates more domestic funding, what is the best allocation of increased spending on enforcement programs at the border and in the interior?

5. As you note in your opening statement, U.S. policies toward unaccompanied alien children has "played a role in creating the potential for surges." What can the U.S. government now do in policy terms in order to stop the illegal migration of UACs?

6. What historical precedents do we have in order to judge potential responses to the current UAC crisis? What do these precedents suggest will be appropriate and effective measures to address the problem?

Responses to these Questions for the Record were not received at time of printing.

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