

**UNACCOMPANIED CHILDREN AT THE BORDER:
FEDERAL RESPONSE AND THE WAY FORWARD**

HEARING
BEFORE THE
SUBCOMMITTEE ON
BORDER SECURITY, FACILITATION,
AND OPERATIONS
OF THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
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UNACCOMPANIED CHILDREN AT THE BORDER: FEDERAL RESPONSE AND THE WAY FORWARD

Thursday, June 10, 2021

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON BORDER SECURITY,
FACILITATION, AND OPERATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., via Webex, Hon. Nanette Diaz Barragán [Chairwoman of the subcommittee] presiding.

Present: Representatives Barragán, Correa, Cleaver, Green, Clarke, Higgins, Bishop, and Clyde.

Also present: Representatives Katko and Thompson.

Chairwoman BARRAGÁN. The Subcommittee on Border Security, Facilitation, and Operations will come to order.

The subcommittee is meeting to hear Federal Government perspectives on addressing the challenge of unaccompanied children arriving at the U.S.-Mexico border.

Today's hearing is a follow-up to this subcommittee's April hearing. We examined the care of unaccompanied children in Federal custody and received recommendations from non-governmental stakeholders on the way forward. As we heard in April, both Democratic and Republican administrations have been confronted with the challenge of unaccompanied children arriving from Mexico, Central America, and farther abroad.

Migrants, including migrant children, take the perilous journey north to escape unspeakable conditions and dangers at home. Just yesterday, CBP released its operational update for May, showing that CBP is encountering record numbers of migrants at our Southern Border. Many are fleeing from gang violence and threats to their lives, as well as natural disasters that have devastated their home countries. The pandemic has exacerbated these conditions.

While the vast majority are single adults, who attempt to enter the United States again and again, the number of families and children seeking assistance remains high. However, it is important to put these numbers into context. While more encounters are happening at our border than in previous years, CBP encountered fewer individual people last month than during the last influx in May 2019 under the Trump administration. In addition, CBP encountered about 40,000 more children and families in May 2019

than they did last month. Encounters with children and families continue to decrease.

Nonetheless, building the capacity to humanely process those arriving at our border remains a challenge. As we move forward, we must remember that the children, in particular, are extremely vulnerable. We must ensure they have access to all available legal protections here in the United States, as well as examine ways to provide protections closer to home. This is why I am pleased to have witnesses from the Department of Homeland Security and the Department of State before us to testify on the administration's efforts to provide humane care and protections for unaccompanied children.

Over the last few months, the Biden administration has ramped up efforts to quickly transfer children from Customs and Border Protection custody to the Department of Health and Human Services. The Biden administration has also rapidly built capacity at DHS, particularly CBP, to provide proper care for migrant children. Capacity building has included the hiring of dozens of Border Patrol processing coordinators to help with the care, custody, and processing of children, along with expanding the Department's medical contract and contract for child care services.

While not present today, I would also like to highlight the extraordinary work of Health and Human Services in quickly expanding their capacity to receive unaccompanied kids. Coordination has also improved across the interagency, helping expedite the processing and placement of children at our Southern Border. Finally, the Department of State has also been working to build the capacity of our neighbors to protect these children at home. Their work includes restarting the Central American Minors program that allows children to seek protections within their home country, supporting efforts to root out corruption within foreign governments, and overseeing investments into job training and other programs designed to help women and youth. However, I remain concerned with the initial delay of these efforts, which resulted in thousands of children being held in CBP custody for days, and sometimes weeks.

The Department of Homeland Security saw signs of influx building as early as April 2020. Under the Trump administration, the Department apparently ignored these warning signs and chose not to build the capacity needed to safely process and care for vulnerable migrants. Thankfully, the Biden-Harris administration has taken swift, whole-of-Government action. But we must be prepared to handle not only the current influx, but also implement long-term solutions to the challenge. We do not want to be faced with the same challenge again in 5 years.

We must work together to create humane and effective border policies that prioritize the treatment of people in Federal Government custody. It is our legal and moral duty to ensure these children, no matter where they come from, are treated humanely and have full access to protections guaranteed them under law. While we have seen impressive progress over the last few months, there is no doubt more needs to be done. I look forward to hearing today from the witnesses, from the administration on the efforts to respond to this challenge.

[The statement of Chairwoman Barragán follows:]

STATEMENT OF CHAIRWOMAN NANETTE DIAZ BARRAGÁN

JUNE 10, 2021

Today's hearing is a follow-up to this subcommittee's April hearing. We examined the care of unaccompanied children in Federal custody and received recommendations from non-Governmental stakeholders on the way forward. As we heard in April, both Democratic and Republican administrations have been confronted with the challenge of unaccompanied children arriving from Mexico, Central America, and farther abroad.

Migrants, including migrant children, take the perilous journey north to escape unspeakable conditions and dangers at home. Just yesterday, CBP released its operational update for May, showing that CBP is encountering record numbers of migrants at our Southern Border. Many are fleeing from gang violence and threats to their lives, as well as natural disasters that have devastated their home countries. The pandemic has exacerbated these conditions.

While the vast majority are single adults, who attempt to enter the United States again and again, the number of families and children seeking assistance remains high. However, it's important to put these numbers into context. While more encounters are happening at our border than in previous years, CBP encountered fewer individual people last month than during the last influx in May 2019—under the Trump administration. In addition, CBP encountered about 40,000 more children and families in May 2019 than they did last month. Encounters with children and families continue to decrease.

Nevertheless, building the capacity to humanely process those arriving at our border remains a challenge. As we move forward, we must remember that the children, in particular, are extremely vulnerable. We must ensure they have access to all available legal protections here in the United States, as well as examine ways to provide protections closer to home. That is why I am pleased to have witnesses from the Department of Homeland Security and the Department of State before us to testify on the administration's efforts to provide humane care and protections for unaccompanied children.

Over the last few months, the Biden administration has ramped up efforts to quickly transfer children from Customs and Border Protection (CBP) custody to the Department of Health and Human Services (HHS). The Biden administration has also rapidly built capacity at DHS, particularly CBP, to provide proper care for migrant children. Capacity building has included the hiring of dozens of Border Patrol Processing Coordinators to help with the care, custody, and processing of children, along with expanding the Department's medical contract and contract for child care services.

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The Department of Homeland Security saw signs of influx building as early as April 2020. Under the Trump administration, the Department apparently ignored these warning signs and chose not to build the capacity needed to safely process and care for vulnerable migrants. Thankfully the Biden-Harris administration has taken swift, whole-of-Government action. But we must be prepared to handle not only the current influx, but also implement long-term solutions to the challenge. We do not want to be faced with the same challenge again in 5 years.

We must work together to create humane and effective border policies that prioritize the treatment of people in Federal Government custody. It is our legal and moral duty to ensure that children, no matter where they come from, are treated humanely and have full access to protections guaranteed them under law. While we've seen impressive progress over the last few months, there is no doubt more that needs to be done. I look forward to hearing the witnesses' testimony on the administration's efforts to respond to this challenge.

Chairwoman BARRAGÁN. Now, I would like to recognize the Ranking Member of the subcommittee, Mr. Higgins of Louisiana, for an opening statement.

Mr. HIGGINS. Today, in this important hearing, I would like to attempt to frame this for Americans that are observing this hearing.

The current crisis at our Southwest Border is worse than the migrant surges in both 2014 and 2019. I would like to touch on appropriations. Both of those surges resulted in emergency supplemental funding from Congress. We have yet to receive such a request during this current surge and crisis, despite the fact that on trips to the border Members have heard about fast-depleting resources at Border Patrol facilities. I have serious concerns that funds appropriated by Congress for National security are being rerouted to address a humanitarian crisis at the border without being properly replenished.

Vice President Harris was appointed to lead efforts to stop the crisis at the border. However, she has yet to witness what is happening first-hand. President Biden has yet to visit the border or facilities holding unaccompanied minors, a topic of discussion for today, part of the humanitarian crisis. We will cover it in depth today. Since his inauguration, our President has not been there.

Interviews with Border Patrol agents have resulted in the reasonable acceptance of the simple fact that migrants are directly responding to the Biden administration's policies. It is why they are getting in the pipeline.

So I would like to frame this for America. The Biden campaign messages to his base became the Biden-White House policies that we are witnessing right now. The cartels began filling their pipeline to maximum capacity last year about November. We are now well into 2021. Every illegal immigrant that is in the pipeline right now has arranged their passage and paid for their passage through that pipeline, that illegal pipeline of human beings and drugs. They put themselves in that pipeline since the Biden administration was inaugurated and certainly since November of last year.

So what we are witnessing right now is layers of crisis. We are discussing the humanitarian crisis today and we will get into it in-depth, unaccompanied children. But we have a National sovereignty crisis as well. We have lost the sovereignty and control of our Southern Border. We must maintain our sovereignty as a Nation or all can be lost. The humanitarian crisis is in the focus right now, and it should be because we are a loving, compassionate, generous Nation, and we must deal with the sorrow and the pain and the extreme hardship that these children of God are facing as they come into our country illegally. But we have to do this with a balance enforcing our laws.

We have a Constitutional crisis because we have a Federal Government that is mandating to our sovereign States and interfering with the enforcement of their own laws and their own law to protect their own sovereignty. We have a criminal crisis because the percentage of getaways has increased as law enforcement has been overwhelmed at the border. These are numbers that are only estimated. They cannot be accurately assessed but our best measure is that it is higher than it has been in modern history. The illegal

immigrants that want to escape Border Patrol are the ones generally that are criminally involved with drug trafficking and human trafficking. So we have a criminal crisis that we are dealing with.

Our committee certainly has a responsibility, and let me clarify it for the people, this committee has a duty to force action from the Executive branch where we feel that its policies are lacking or injurious. This is true at any time regardless of what party is in power.

I look forward to bipartisan solutions. I respect our Chairwoman's leadership and I envision a bipartisan endeavor here that will result in actual answers for the American people because they certainly deserve it.

Madam Chair, I yield.

[The statement of Ranking Member Higgins follows:]

STATEMENT OF RANKING MEMBER CLAY HIGGINS

Thank you, Madam Chair, for holding this important hearing. I'd like to attempt to frame this for Americans that are observing this hearing.

The current crisis at our Southwest Border is worse than the migrant surges in both 2014 and 2019, both of those surges resulted in emergency supplemental funding from Congress. We have yet to receive such a request this time around, however, during a trip to the border, Members heard about the fast-depleting resources at Border Patrol facilities. I have serious concerns that funds appropriated by Congress for National security are being rerouted to address the humanitarian crisis at the border without being properly replenished.

Vice President Harris was appointed to lead efforts to stop the crisis at the border, however she has yet to go down and witness what is happening first-hand. President Biden has also yet to visit the border or facilities holding unaccompanied minors since his inauguration.

Interviews with Border Patrol agents have resulted in reasonable acceptance of the fact that migrants are directly responding to the Biden administration's policies. It's why they're getting in the pipelines.

I'd like to frame this for America. The Biden campaign's messages to their base became Biden White House policies that we're witnessing right now. The cartels began filling their pipeline to maximum capacity last year, back in November. We're now well into 2021. Every illegal immigrant that's in the pipeline right now has arranged their passage through that pipeline—an illegal pipeline of human beings and drugs. They put themselves in that pipeline since the Biden administration was inaugurated and certainly since November of last year.

What we're witnessing right now is layers of crisis. We're discussing the humanitarian crisis today. We have a National sovereignty crisis as well. We have lost the sovereignty and control of our Southern Border. We must maintain our sovereignty as a Nation or all can be lost.

The humanitarian crisis is in the focus right now and it should be because we're a loving, compassionate, generous Nation, and we must deal with the sorrow, pain, and extreme hardship that these children are facing as they come into our country illegally. But we have to do this with a balance enforcing our laws.

We have a Constitutional crisis. We have a Federal Government that's mandating to our sovereign States and interfering with their own laws and their own right to protect their own sovereignty.

We have a criminal crisis. The percentage of gotaways has increased as law enforcement has been overwhelmed at the border. The numbers are only estimated; they can't be accurately assessed, but our best measure is that it's higher than it's been in modern history. The illegal immigrants that want to escape Border Patrol are the ones generally that are criminally involved with drug trafficking or human trafficking.

This committee has a duty to force action from the Executive branch when we feel that its policies are lacking or injurious. This is true at any time regardless of which party is in power. I look forward to bipartisan solutions. I respect our Chairwoman's leadership, and I envision a bipartisan endeavor here that will result in actual answers for the American people because they certainly deserve them.

Chairwoman BARRAGÁN. I thank the Ranking Member.

I do take issue, unfortunately, with your description of an illegal pipeline of human beings and drugs, and hopefully, that will be a conversation we can have with our witnesses. These are people and these are people that are coming to make use of asylum laws that we have in this country. That is legal to do. So hopefully, Mr. Ranking Member—

Mr. HIGGINS. Will the gentlelady yield for a one-sentence response?

Chairwoman BARRAGÁN. Yes.

Mr. HIGGINS. Yes, ma'am. The pipeline, the cartel pipeline as it has commonly been referred to for a couple of decades as a human and drug trafficking pipeline. It runs from Venezuela through Colombia, the Darien Gap, Panama, Central America, Mexico, to our Southern Border. That is the pipeline. Nothing passes without paying a cartel. Human beings and drugs. So my commitment to a passionate response to the children of God that are suffering and crossing our Southern Border illegally has been well-stated.

Chairwoman BARRAGÁN. Well, Mr. Ranking Member, you and I will disagree.

Mr. HIGGINS [continuing]. Use of it as a pipeline and the description as inaccurate.

Chairwoman BARRAGÁN. Mr. Higgins, you know, I just wanted to note that, you know, I was hoping that as you mentioned at the outset of your comments this would be a productive bipartisan conversation but it does not help when we start to villainize immigrants. I think that is what I was trying to get out. So we do not have to hash it out now. Hopefully, we will get information from our witnesses today that will help that situation out.

With that said, we are going to move on.

Members are reminded that the subcommittee will operate according to the guidelines laid out by the Chairman and the Ranking Member in their July 8 colloquy.

The Chair now recognizes the Chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for an opening statement.

Is Mr. Thompson available? I do not see him here. Let's give him a second here.

Mr. CLEAVER. Madam Chair.

Chairwoman BARRAGÁN. Yes, Mr. Cleaver.

Mr. CLEAVER. He was just in another meeting so I am assuming that he is trying to get back over here.

Chairwoman BARRAGÁN. OK. Thank you.

With that, is Mr. Katko, the full committee's Ranking Member available for an opening statement? I do not see him.

Mr. KATKO. I am available. Yes.

Chairwoman BARRAGÁN. Oh, there you are. Mr. Katko, the Ranking Member of the full committee, you are now recognized, the gentleman from New York, for an opening statement.

Mr. KATKO. Thank you, Madam Chair.

I am pleased that the subcommittee is holding a hearing today on a topic all of us care deeply about, the welfare of children crossing the Southwest Border.

Some of these children arrive alone and afraid with nothing but the clothes on their backs. Others arrive with loved ones hoping for

a better life in the United States. Many children making the dangerous journey to the United States face tragic circumstances of abuse, illness, violence, and trafficking along the way. Increasingly, drug cartels use children as pawns to distract Border Patrol agents as illicit drugs are smuggled across the border.

I have now taken 2 trips to the Southern Border in the last couple of months, and I also lived on the Southwest Border as a Federal organized crime prosecutor going after cartels in the mid-1990's, so I am intimately familiar with the well-worn drug-trafficking habits, and they have not changed over the decades.

Like I said, I have taken 2 trips to the border and that is something that has not been done by either President Biden or Vice President Harris, who is tasked with trying to clean up the mess created by this administration. The stories my colleagues and I heard from the front-line men and women of Homeland Security about the dueling humanitarian security and public health crises were incredibly disturbing with CBP encountering more than 14,000 unaccompanied children and single minders at the Southwest Border in May 2021 alone, approximately 14 times the number encountered in the same month just 1 year ago. Think about that. Fourteen times more.

That is as an already strained work force continues to face a lack of capacity and resources to effectively manage this crisis.

Additionally, I am troubled that the Biden administration has reportedly removed important protections related to vetting the sponsors to whom unaccompanied children are released, while also waiving background check requirements for caregivers at migrant care facilities.

These troubling changes in policy are doubly concerning amongst recent reports of abuse at these facilities. Moreover, as we anticipate changes to enforcement of Title 42 public health authorities at the border and with the elimination of the critical Remain in Mexico policy, our front-line law enforcement officers are being undermined by their own Government's policies at a time when they need more resources, more support, not less. That is not coming from me; that is coming from them. If the President and Vice President went to the border they would be told just that.

The President's budget proposal allows for not a single additional Border Patrol agent despite a 20-year high in migrant numbers. Meanwhile, the Vice President speaks in vague, hollow terms about what the United States is doing long-term down in Guatemala while dismissing calls for her to visit the Southwest Border.

Unaccompanied children are suffering at the hands of human smugglers on a dangerous journey. In short, they are being exploited. Those that make it into the United States are often exploited by cartels and gangs.

I hope that this hearing today will be an honest examination of the conditions facing these children on the ground, as well as the challenges facing the front-line men and women of our Homeland Security who are working admits dire circumstances.

Before I close, I do want to note this: In the city of Syracuse alone, we have some of the highest concentrations of poverty in the United States of America. Those pockets of poverty exist all across this country. As an organized crime prosecutor in Syracuse, while

prosecuting gang cases, I saw first-hand the devastating effects of this extreme poverty on our communities and it often leads to a life of crime and an early death for these kids. It is tragic. Money that could be spent to help these kids, American citizen children, are instead being used to deal with a crisis at the border that this administration created on January 20. There is not an agent that works on the border that will tell you anything other than the fact that everything changed on January 20 when the President changed those Executive Orders. I really hope that we have a sober discussion about that today. This is not a Democratic issue or a Republican issue. As you all know, I am one of the most bipartisan Members in Congress. But we are doing a very major disservice to our communities by ignoring the challenges at the border.

I do want to thank our witnesses for appearing today before the committee and I yield back the balance of my time. Thank you.

[The statement of Ranking Member Katko follows:]

STATEMENT OF RANKING MEMBER JOHN KATKO

Thank you, Madam Chair. I am pleased that this subcommittee is holding a hearing today on a topic all of us care deeply about: The welfare of children crossing the Southwest Border.

Some of these children arrive alone and afraid, with nothing but the clothes on their backs. Others arrive with loved ones, hoping for a better life in the United States. Many children making the dangerous journey to the United States face tragic circumstances of abuse, illness, violence, and trafficking along the way. Increasingly, drug cartels use children as pawns to distract Border Patrol agents as illicit drugs are smuggled across the border.

I have now taken 2 trips to the Southern Border in the last couple of months to see the situation first-hand—something not done by either President Biden or Vice President Harris, who was tasked with trying to clean up the mess created by this administration. The stories my colleagues and I heard from the front-line men and women of DHS about the dueling humanitarian, security, and public health crises were incredibly disturbing. With CBP encountering more than 14,000 unaccompanied children and single minors at the Southwest Border in May 2021 alone—approximately 14 times the number encountered in the same month just 1 year ago—an already strained workforce continues to face a lack of capacity and resources to effectively manage this crisis.

Additionally, I am troubled that the Biden administration has reportedly removed important protections related to vetting the sponsors to whom unaccompanied children are released, while also waiving background check requirements for caregivers at migrant care facilities. These troubling changes in policy are doubly concerning amongst recent reports of abuse at these facilities.

Moreover, as we anticipate changes to enforcement of Title 42 public health authorities at the border and with the elimination of the critical “remain in Mexico” policy, our front-line law enforcement are being undermined by their own Government’s policies at a time when they need more resources and more support—not less. The President’s budget proposal allows for not a single additional Border Patrol agent, despite a 20-year high in migrant numbers. Meanwhile, the Vice President speaks in vague, hollow terms about what the United States is doing long-term down in Guatemala, while dismissing calls for her to visit the Southwest Border.

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I thank our witnesses for appearing before the Committee today, and I yield back the balance of my time.

Chairwoman BARRAGÁN. Thank you, Mr. Ranking Member.

I now welcome our panel of witnesses.

David Shahoulian is the assistant secretary for border security and immigration at the Department of Homeland Security Office of Strategy, Policy, and Plans. In his role, Mr. Shahoulian coordinates and develops policy for DHS headquarters and component heads.

Mr. Benjamin Cary Huffman is the executive assistant commissioner of enterprise services for U.S. Customs and Border Protection. In his role, Mr. Huffman oversees component-wide efforts to improve and increase collaboration among CBP offices that provide services to front-line operators.

Katherine Dueholm is the acting deputy assistant secretary for western hemisphere affairs at the U.S. Department of State. In her role, Ms. Dueholm is responsible for U.S. engagement with Mexico and Central America.

Patrick Lechleitner is the acting executive associate director for homeland security investigations at U.S. Immigration and Custom Enforcement. In his role, he oversees the principal investigative component of the Department of Homeland Security that is responsible for investigating and disrupting transnational, criminal organizations, and terrorist networks seeking to exploit U.S. customs or immigration laws.

Without objection, the witnesses’ full statements will be inserted in the record.

I now ask each witness to summarize his or her statement for 5 minutes beginning with Mr. Shahoulian. Shahoulian, my apologies.

STATEMENT OF DAVID SHAHOULIAN, ASSISTANT SECRETARY FOR BORDER SECURITY AND IMMIGRATION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. SHAHOULIAN. No worries.

Chairwoman Barragán, Ranking Member Higgins, Chairman Thompson, Ranking Member Katko, and distinguished Members of the subcommittee, it is an honor to update the subcommittee on what the administration is doing to address the needs at the border and specifically, the needs of unaccompanied children.

As Secretary Mayorkas has said, DHS is working tirelessly to manage the surge of migrants at the Southwest Border. Every day, the brave men and women of the Department take the steps necessary to restore safe and orderly processing across the border.

Although migrant encounters dropped at the beginning of the pandemic, encounters overall have been rising since April 2020 when public health-related restrictions were first implemented at

the border and throughout the region. Between April 2020 and January 2021, we saw a 1,000 percent increase in apprehensions along the Southwest Border. In April 2021, CBP encountered 178,000 individuals at the Southwest Border. Of these, 17,000 were unaccompanied children.

These numbers are challenging. But at the same time, we must note that they do overstate migration flows. Due to the use of Title 42 expulsion authority, the rate of repeat encounters, particularly among single adults, has been much higher than normal. Although we are seeing more encounters than in the peak of 2019, the number of unique encounters remains lower than it was then. Of course, this fact does not reduce the impact of total encounters on the Department and its personnel, it is a reminder that encounter numbers do not tell the whole story and that migration searches have varied and complicated causes.

One thing is clear. The decision made by families and children to undertake the dangerous journey does not come lightly and it underscores the need for a comprehensive regional approach to address irregular migration.

Among other things, we must deal with the factors that cause people to flee in the first place, including the on-going violence, corruption, natural disasters, and lack of basic opportunities that plague various countries in the region. We must also provide alternative, lawful avenues for migration and for finding other forms of safety in the region. We must increase the capacity of countries in that hemisphere to take displaced persons and we must overhaul and streamline our procedures for processing individuals and adjudicating asylum claims at the border. Efforts in each of these areas are already under way.

By working closely with partners in the region and with a whole-of-Government approach, we can holistically address the situation in the region and at the border. The work we have already accomplished with unaccompanied children is an example of what we can achieve. Over the last several months, Secretary Mayorkas directed various parts of DHS to support an all-of-Government effort to address the needs of children. As part of these efforts, FEMA worked with HHS to significantly expand emergency influx shelter capacity. DHS established an interagency movement coordination cell to bring together colleagues across FEMA, CBP, ICE, USCIF, and HHS to streamline operations in support of the rapid transfer of unaccompanied children from CBP to ORR custody.

USCIF provided hundreds of officers to help interview and vet potential sponsors, and DHS has provided hundreds of volunteers to assist CBP and HHS with oversight and logistics. Due to these efforts, we have completely transformed the processing of unaccompanied children.

On March 29 of this year, more than 5,700 children were in Border Patrol stations. As of June 8, there were 514. On March 29, more than 4,000 children were held over the 72-hour legal limit. As of June 8, there were none. On March 29, the average time of a child in a Border Patrol station was 133 hours. As of June 8, it was 21.

Addressing the needs of unaccompanied children is an important step but it also highlights the need for long-term solutions, includ-

ing ones that provide legal and safe alternatives to the dangerous journey that so many have decided to attempt. Unfortunately, some of these very programs were dismantled by the last administration. But this President and this administration have made it clear that we are committed to rebuilding our Nation's immigration system and reforming immigration policies in a manner that is consistent with our laws and with our values as a Nation.

As Secretary Mayorkas has said, our goal is a safe, legal, and orderly immigration system that is based on our bedrock priorities—to keep our border secure, address the plight of children as the law requires, assess asylum claims as required by law, and enable families to be together.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Shahoulian follows:]

PREPARED STATEMENT OF DAVID SHAHOULIAN

JUNE 10, 2021

INTRODUCTION

Chairwoman Barragán, Ranking Member Higgins, and distinguished Members of the subcommittee: It is an honor to appear before you today to discuss the important steps the Department of Homeland Security (DHS or Department) is taking to address the needs of unaccompanied children, as well as our overall efforts along the Southwest Border.

I am proud to serve alongside the many brave men and women of the Department who are working tirelessly to address the surge of migrants, including unaccompanied children, at our Southwest Border. Every day we take significant steps to rebuild and improve the capacity necessary to expand safe and orderly processing at our borders. DHS and the administration are committed to rebuilding our Nation's immigration system and reforming immigration policies consistent with our laws and our values as a Nation.

BORDER CHALLENGES

Challenges at the border, including surges in migration, are not new. Every administration in modern history has had to deal with significant spikes in arrivals at our Southwest Border.

The causes of such migration challenges have always been varied and complex. Over the last few years, however, a number of factors in the Northern Triangle region (El Salvador, Guatemala, and Honduras) have coincided to further exacerbate dislocation and migration in the region. These factors include corruption and political instability; persistent violence, including high rates of gender-based violence; droughts, hurricanes, and other natural disasters; and limited economic opportunity. The COVID-19 global pandemic only compounded this already challenging situation.

Although encounters at the Southwest Border plummeted at the beginning of the pandemic, when public health-related restrictions were first implemented at the border and throughout the region, encounters have steadily increased since then. Between April 2020 and January 2021, for example, the Department saw a 1,000 percent increase in apprehensions along the Southwest Border. And those numbers have continued to rise. In March and April 2021, U.S. Customs and Border Protection (CBP) encountered more than 170,000 individuals each month at the Southwest Border.

It is important to note that while recent encounter numbers are high, they also somewhat overstate migration flows, particularly among single adults. Since March 2020, the Department has been assisting the Centers for Disease Control and Prevention (CDC) in implementing a public health order temporarily suspending the introduction of certain persons from countries where a communicable disease exists (the "CDC Order") pursuant to Title 42 of the United States Code ("Title 42"). Under that authority, DHS continues to expel the majority of single adults and many families encountered at the border. In part because expulsions do not carry a legal immigration consequence, DHS is seeing significantly higher-than-normal repeated crossing attempts. In other words, the Department is often encountering the

same individual multiple times after being encountered and expelled from the United States.

Thus, although the Department is seeing more total encounters now than in May 2019 (the peak month that year), the number of unique encounters remains lower than the number of such encounters in May 2019. Of course, the high re-encounter rate does not minimize the impact of current encounters on the Department. But it does serve as a reminder that encounter numbers do not tell the whole story and that migration surges have varied and complicated causes.

It is clear that the decision made by many families and children to undertake the dangerous journey to the United States does not come lightly, and it underscores the need for a comprehensive regional approach for addressing irregular migration. There is no one single solution.

The administration's approach was first laid out by President Biden in his Executive Order on *Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing of Asylum Seekers at the United States Border*. Among other things, we must deal with the factors that cause individuals to flee in the first place, including the on-going violence, corruption, natural disasters, and lack of basic opportunities—including poverty and lack of opportunity exacerbated by gender inequality—that plague various countries in the region and that drive people to leave their homes. This is the only true long-term solution.

We must also work collaboratively with countries in the region to provide alternative avenues for migration, including access to temporary work opportunities, and other forms of securing safety, including by increasing the capacity of countries in the region to take and assist displaced persons. Until we address the root causes that push people to migrate in the first place and establish lawful, safe, and orderly pathways for people to seek protection or opportunity, we will likely continue to see an increase in unauthorized migration at our Southwest Border.

Finally, we must reform our procedures for processing individuals at the border, including adjudicating the asylum claims of those who make them. The long-standing system for adjudicating cases arising out of the border was designed years ago, when the demographic makeup of border encounters—including the percentage of individuals making asylum claims—was vastly different than it is today. The current system is simply not designed to efficiently adjudicate the cases we are seeing today, resulting in dysfunction that only exacerbates the country's migration challenges.

Efforts in each of the above areas are already under way. DHS is supporting the Department of State, the U.S. Agency for International Development, and other Federal agencies to address drivers of migration in the region, to support other countries as they work to respond to humanitarian needs and improve their respective humanitarian protection systems, and to expand lawful avenues for migration to the United States and other countries. DHS is also developing policies and procedures that promote safe and orderly processing of asylum claims at our borders, and that ensure those claims are adjudicated in a timely and fair manner.

By working closely with partners in the region, and with a whole-of-Government approach, we can holistically address the migration dynamics in the region and at the Southwest Border. The work we have already accomplished with unaccompanied children, which I address further below, is an example of what we can achieve.

COVID-19 AND TITLE 42

The global pandemic has exacerbated the challenges we face at the border. In March 2020, DHS began assisting the CDC in implementing its public health order under Title 42, and the Department has continued to work alongside the CDC to implement key safety measures and guidance. The public health and safety of border communities, U.S. Government personnel, and those we encounter remain a top priority.

DHS continues to expel the majority of single adults and many of the families it encounters. Unaccompanied children remain excepted from the CDC Order.

In certain situations, the Department may except individuals from the CDC Order, process them under Title 8 of the United States Code, and place them into immigration proceedings. As permitted by the CDC Order, such exceptions are determined on a case-by-case basis in consideration of the totality of the circumstances. In consultation with the CDC, the Department has created a streamlined system to facilitate the efficient processing of individuals in particularly vulnerable situations who may warrant such exception under Title 42. Pursuant to this process, DHS may process certain vulnerable individuals safely while protecting our National security and safeguarding public health. Addressing the situation of mi-

grants in vulnerable situations is aligned with both our National interests and our values as a Nation.

DHS employs all necessary safety precautions throughout our facilities in accordance with the CDC's public health guidance, including mandatory face coverings and social distancing to the maximum extent possible. DHS has also followed recommendations to limit the temporary holding capacity within U.S. Border Patrol facilities by up to 75 percent to allow for social distancing.

DHS will continue to assist the CDC in implementing the CDC Order while it reassess the public health need for the order. As Secretary Mayorkas has said before, the administration will not keep the Title 42 restrictions in place longer than necessary for public health and safety.

UNACCOMPANIED CHILDREN

DHS has stopped the prior administration's practice of expelling vulnerable unaccompanied children pursuant to Title 42, and the Department is working in tandem with the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS) to ensure such children are transferred to ORR custody as promptly and as safely as possible.

The Biden administration has employed a whole-of-Government approach to solve issues related to the care, transfer, and placement of unaccompanied children, and it is strongly committed to preventing the exploitation of this vulnerable population. Generally, when CBP encounters an unaccompanied child, its officers and agents are required to transfer the child to ORR custody within 72 hours of the unaccompanied child determination. Unaccompanied children are tested for COVID-19 upon transfer to ORR, which is generally responsible for placing such children with sponsors in the United States. In more than 80 percent of cases, a family member in the United States is available to sponsor the child for the duration of the child's immigration proceedings.

In partnership with HHS, the Department has taken steps to identify and create significant efficiencies in the above-described process. Among other things, the Department has assisted HHS to significantly expand its emergency influx shelter capacity; established an interagency Movement Coordination Cell (MCC) to streamline operations in support of the timely transfer of unaccompanied children from DHS to ORR custody; provided hundreds of U.S. Citizenship and Immigration Services (USCIS) officers to help interview and vet potential sponsors; and activated the DHS volunteer workforce, through which approximately 300–400 volunteers across the country are assisting CBP and ORR with oversight and logistics at any given time.

As a result of these efforts, DHS and HHS have been able to drastically reduce the number of unaccompanied children in CBP custody as well as the time such children spend in such custody. On March 29, 2021, more than 5,700 unaccompanied children were in Border Patrol stations. As of June 8, there were 514. On March 29, more than 4,000 children were held over the 72-hour legal limit. As of June 8, there were none. On March 29, the average time of an unaccompanied child in a Border Patrol station was 133 hours. As of June 8, it was 21 hours.

Currently, all unaccompanied children are screened for trafficking by CBP. Incidences of child trafficking, or suspected cases of child trafficking, are reported to Homeland Security Investigations (HSI) within U.S. Immigration and Customs Enforcement (ICE) and, as appropriate, the HHS Office of Trafficking in Persons.

BORDER SECURITY AND TRANSNATIONAL CRIMINAL ORGANIZATIONS

When an individual or family decides to make the long and dangerous journey to our Southwest Border, or makes the difficult decision to send a child alone, these actions often attract corrupt actors seeking to exploit these sensitive populations. Transnational criminal organizations (TCOs) that smuggle or traffic migrants place profit over the value of human life, often with devastating consequences. These organizations are complicit in sexual assaults, human trafficking, and abandonment of vulnerable migrants—including young children. Unfortunately, many migrants fall victim to their manipulation and abuse.

The Department, through CBP and HSI, takes these threats seriously and has long worked to disrupt and dismantle these criminal organizations. In collaboration with Federal and international partners, DHS recently announced Operational Sentinel, a counter-network targeting operation aimed at holding accountable those with ties to TCO logistical operations.

The intent of this joint effort is to disrupt the upstream and downstream logistical networks of TCOs that are directly and indirectly contributing to the surge of migrants at the Southwest Border. Operation Sentinel will leverage law enforcement

expertise and authorities to identify TCO targets, their foreign and domestic associates, and assets to employ a series of targeted enforcement actions and sanctions against them. Such actions may include, but are not limited to, denying access to travel through the revocation of travel documents; the suspension and debarment of trade entities; and the freezing of bank accounts and other financial assets tied to TCO logistical networks.

CENTRAL AMERICAN MINORS PROGRAM

In close coordination with the Department of State, DHS has been working to reinstitute and strengthen the Central American Minors (CAM) program to reunite eligible children from El Salvador, Guatemala, and Honduras with parents who are lawfully present in the United States. This important program supports family unity and diminishes the need for many unaccompanied children to make the dangerous journey to the border.

On March 10, 2021, the Department of State announced the phased reopening of this program. Interviews for phase 1, which involves the processing of previously filed applications, started on April 19. In phase 2, the program will begin to accept new applications.

Before this program was terminated under the previous administration, approximately 5,000 children were reunited safely and securely with their families. The abrupt nature of the previous administration's termination of the program left many families in the middle of the process and unable to reunify, despite having taken initial efforts to do so. It will take time to rebuild the CAM program. DHS is committed to strengthening this program and providing children with the protections they need, along with a viable, safe, and legal alternative to the dangerous journey many have attempted to reach our Southwest Border.

INCREASES IN H-2B NONIMMIGRANT VISAS

On May 25, 2021, in accordance with the authority granted by Congress, DHS and the Department of Labor published a temporary final rule increasing the numerical limit, or cap, on H-2B nonimmigrant visas by up to 22,000 additional visas through the end of fiscal year 2021. Of these visas, 6,000 are reserved for nationals of Northern Triangle countries.

This increase represents but 1 innovative approach to providing additional legal pathways to the United States for individuals in the region while simultaneously supporting the U.S. economy and businesses. By doing so, we have addressed the needs of U.S. employers who are at risk of irreparable economic harm due to a shortage of workers to fill temporary positions, while also establishing safeguards to ensure that U.S. workers are not adversely impacted. Once the temporary job has been completed, these H-2B nonimmigrant visa holders return to their home countries with wages to spend in support of struggling Northern Triangle economies, in addition to any remittances they may have been able to send while working in the United States.

MIGRANT PROTECTION PROTOCOLS

On January 20, 2021, DHS announced it would suspend all new enrollments in the Migrant Protection Protocols (MPP) program. Under MPP, approximately 70,000 individuals were forced to return to Mexico while awaiting their immigration proceedings. On June 1, 2021, as directed by the President in Executive Order 14010, Secretary Mayorkas completed his review of MPP and terminated the program.

As part of the administration's phased approach to restore safe and orderly processing at the Southwest Border, DHS began processing into the United States certain individuals who were enrolled in MPP to allow them to pursue their legal claims before the Department of Justice's Executive Office for Immigration Review. The Department worked closely with interagency and international organization partners as well as the government of Mexico. As a result of these efforts, DHS has safely and efficiently processed more than 11,600 individuals as of June 4 through 6 ports of entry across the Southwest Border, allowing them the opportunity to pursue their immigration cases in the United States.

The pandemic has underscored the importance of creating innovative procedures that prioritize the safety of those involved. Individuals who may be eligible for this process can register on-line from any location. Once registered, eligible individuals are contacted by international organizations and provided instructions for accessing designated staging locations, where they receive a health screening and are tested for COVID-19 prior to presentation at a designated port of entry. Those who test positive for COVID-19 are supported by facilitating organizations to isolate and/or seek treatment in line with the policy of the relevant local health authority in Mex-

ico. Following isolation and screening, an individual will again be eligible for facilitated arrival at a designated port of entry.

This innovative and efficient process to address certain individuals who were enrolled in MPP is a testament to our ability to process individuals into the United States in a way that is humane and efficient while still enforcing our immigration laws and maintaining border security and public health.

FAMILY REUNIFICATION

In the first weeks of the new administration, President Biden issued an Executive Order on the *Establishment of Interagency Task Force on the Reunification of Families*. The Task Force's mission is to correct the injustice of the prior administration's practice of separating children from their parents or legal guardians at the U.S.-Mexico Border, including through its Zero-Tolerance Policy.

To date, the Task Force has identified approximately 4,000 children who were victims of the Zero-Tolerance Policy and related initiatives. The Task Force is working to reunite such children with their separated parents or legal guardians.

CONCLUSION

President Biden and Secretary Mayorkas both have made clear that securing our border does not and should not come at the expense of fulfilling both our legal and humanitarian obligations. Addressing the needs of unaccompanied children and others in a safe, orderly, and efficient manner aligns with our National interest and our values as a Nation.

Thank you. I look forward to answering your questions.

Chairwoman BARRAGÁN. Thank you for your testimony.

I am seeing that the Chairman of the full committee has returned. I am going to now recognize the Chairman of the full committee, the gentleman from Mississippi, Mr. Thompson, for an opening statement before we resume witness testimony.

Mr. Chairman, the floor is yours.

Mr. THOMPSON. Thank you very much, Madam Chair. I apologize but I have 3 balls in the air at the same time so it is a little difficult. But also, I thank you for holding this hearing and your continued leadership on border security issues and for holding today's follow-up hearing on the challenges posed by unaccompanied children at the border.

People, including unaccompanied children, have been arriving at our Southern Border for decades, under both Democratic and Republican administrations. I am grateful for the Biden administration's efforts to ensure that unaccompanied children are able to receive proper care and access to protections guaranteed under United States law. DHS, HHS, and other Federal agencies are working closely with local communities and nongovernmental organizations to provide temporary shelter, essential medical care, legal services, and COVID-19 testing for unaccompanied children.

The Vice President and the State Department are also working with foreign governments, the private sector, and other organizations to bolster the capacity of our neighbors to provide youth and vulnerable populations with opportunity and protection at home. The administration is also restarting the Central American Minors Program to allow unaccompanied children to apply for protection in their home country. If they qualify, children will then be able to make a safe and orderly journey to the United States.

All of these efforts are concrete steps that will not only help children who arrive at our border, but also address many of the push factors forcing children to make the dangerous journey. Border security remains a priority for this committee. We can secure our border and process people humanely and effectively, and I am

grateful to Secretary Mayorkas and the Biden administration for leading us in that direction. Despite the claims of some of my colleagues, we do not need to return to the inhumane, cruel, and untimely ineffective policies of the Trump administration.

As we all recall, in his first year in office, President Trump piloted, and later implemented, programs that separated thousands of children from their parents. This anti-immigrant trend continued with the Trump administration instituting policies, like the Migrant Protection Protocols, that failed to address the root causes of migration and left migrants languishing in camps in Mexico. In fact, we still have a long road ahead to repair the system decimated by the Trump administration.

During the COVID-19 pandemic, the Trump administration ignored the warning signs of another migration influx and instead issued a so-called Public Health Order, also known as Title 42. Title 42 has resulted in thousands of migrants, including unaccompanied children and young families, being expelled from the United States without due process. Most were sent back to Mexico without any access to the asylum protections provided for under United States law. Many have tried to cross the border again and again, and the numbers we are seeing now are in large part due to this policy. The Biden administration rightly exempted unaccompanied children from this order. However, I remain concerned that Title 42 is still being implemented, particularly for families and other vulnerable populations.

Recently the Department improved the process for providing vulnerable individuals with exceptions to the Title 42 policy. It is a step in the right direction, but the program is still very small. Last month, the *New York Times* published a whistleblower complaint detailing how families are sending their minor children across the border alone, increasing the number of unaccompanied children in Federal Government custody. I strongly urge the administration to review Title 42 and take action to ensure that families are not faced with this terrible choice.

I am eager to hear from our Government witnesses today on ways the Biden administration is handling the challenge of unaccompanied children arriving at our Southern Border, as well as the long-term efforts being implemented and considered to address the root causes of migration. I am also interested to hear how we can better position the Federal Government to respond and manage future influxes.

Thank you, Madam Chairman, and I appreciate your indulgence while I am multitasking today. Thank you much.

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

JUNE 10, 2021

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The Vice President and the State Department are also working with foreign governments, the private sector, and other organizations to bolster the capacity of our neighbors to provide youth and vulnerable populations with opportunity and protection at home. The administration is also restarting the Central American Minors Program to allow unaccompanied children to apply for protection in their home country. If they qualify, children will then be able to make a safe and orderly journey to the United States.

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Chairwoman BARRAGÁN. Thank you, Mr. Chairman. A number of us are as well, so I appreciate that. Thank you.

Now we will resume to witness testimony. I would like to recognize Mr. Huffman to summarize his statement for 5 minutes.

STATEMENT OF BENJAMINE “CARRY” HUFFMAN, EXECUTIVE ASSISTANT COMMISSIONER, ENTERPRISE SERVICES, U.S. CUSTOMS AND BORDER PROTECTION

Mr. HUFFMAN. Good afternoon, Chairwoman Barragan, Ranking Member Higgins, and distinguished Members of the subcommittee. Thank you for the opportunity to testify today on behalf of U.S. Customs and Border Protection. It is my honor to illustrate how CBP cares for unaccompanied children (UC) in our temporary custody. Our goal is to transfer, transport, release, repatriate individuals, especially UCs, as expeditiously as possible. The best thing we can do for these children is to advocate for them to be moved quickly into the long-term care of HHS. We are committed to balancing our border security mission with providing safe and humane conditions for those who are in our temporary custody.

However, CBP facilities have always been intended for short-term, temporary holding, historically for single adults. Our legacy facilities were not designed for the increase of UCs arriving at our Southwest Border over the COVID-19 health and safety measures.

Despite the challenges COVID-19 presents, we continue to advocate for the efficient processing and expeditious transfer of UCs to HHS. But we must have our interagency partners, like ICE and HHS at the table. Collaborating with our trusted partners and other lessons learned from past searches have led us to some of our greatest improvements in our response.

This past March presented us with the highest number of UCs encountered along our Southwest Border to date. There were over 18,700 UCs encountered in March alone. By late March, the number of UCs entering CBP custody had far exceeded HHS's capacity to provide timely placement in its facilities. With this increase, we collaborate with CBP and across the interagency on multiple lines of effort. Working closely with our interagency partners helps us expeditiously transfer UCs as these movements require multiple operational decisions, many of which are outside of CBP's domain.

To streamline the transfers, the Movement Coordination Cell (MCC) was established at CBP Headquarters in late March. The MCC is a multiagency effort that mobilizes CBP, ICE, HHS, DOD, and FEMA resources to move UCs out of CBP custody and into HHS's care as fast as possible but within 72 hours. By establishing the MCC, we have been able to significantly reduce the number of UCs in CBP temporary custody and the time in custody to under 72 hours. In March, the average number of UCs in temporary CBP custody was over 4,000. Today, the average is under 700, but more importantly, the average time in custody went from 115 hours in March to just 20 hours today.

We also learned from the 2019 surge that we needed to streamline the acquisition process so we could efficiently stand up new soft-sided facilities.

We developed standardized contracts with tiered, scalable options to enable us to quickly meet our facility needs. Prior to this year, CBP awarded a blanket purchase agreement for soft-sided facilities which allowed us to swiftly stand up 6 facilities in Arizona and Texas. Almost all of these facilities include indoor and outdoor play areas with games, toys, age-appropriate food, and televisions for entertainment. We also contracted bilingual caregivers to provide personal care and basic hygiene for the children. To meet increased processing demands, CBP deployed our agents and officers from across the country to our Southwest Borders and DHS activated the volunteer force.

We also prioritized medical support and have continued to expand the scope and scale of CBP's medical support services. CBP's contract medical personnel are trained, licensed, and credentialed to care for children. We are developing additional training for intra-trauma-informed care for our front-line officers and agents.

Children who are in our temporary custody receive health intake interviews and medical assessments that include trauma-informed health considerations. These allow us to identify children's health issues that may require further attention. We constantly work to identify ways that we may further improve our medical support ef-

forts. We continue to make improvements from past migration surges, and it is my personal belief that CBP advocates for the best possible care for the children who come into our temporary custody.

We assess our performances, processes, and procedures for improvement and work to refine our whole-of-Government approach as trusted partners across the Federal agencies. I can attest to the empathy of the CBP work force. These men and women are dedicated not only to the mission but to ensuring children are cared for with compassion while they are in our temporary custody.

I am proud to be here today to represent the men and women of CBP and thank you for the opportunity to be here today. I look forward to your questions.

[The prepared statement of Mr. Huffman follows:]

PREPARED STATEMENT OF BENJAMINE “CARRY” HUFFMAN

JUNE 10, 2021

Chairwoman Barragán, Ranking Member Higgins, and Members of the subcommittee, it is my honor to appear before you today to testify about the care U.S. Customs and Border Protection (CBP) provides for unaccompanied children (UCs) in our temporary custody.

I am proud to be here representing the men and women of CBP, who serve the American people 24 hours a day, 7 days a week. CBP is absolutely committed to balancing the need for border security, protecting U.S. economic interests, safeguarding the health of the American people and our workforce, and providing appropriate safety, security, and care for those in our temporary custody. Many of CBP’s agents and officers are parents themselves, and I can assure you that, as compassionate human beings, they are committed to providing the best possible care for children who are temporarily in our custody.

Part of CBP’s mission is to enforce immigration laws, inspecting and processing those individuals who either present themselves at ports of entry (POEs) with or without appropriate travel documents or enter the United States without authorization between the POEs. Following such an encounter, CBP makes every effort to promptly process, transfer, transport, release, or repatriate individuals to minimize the amount of time spent in our temporary custody.

CBP facilities have always been intended as temporary holding for individuals in our custody. As you are aware, CBP facilities were historically constructed with holding facilities designed for short-term temporary custody of single adults. Our legacy facilities certainly were not designed for the social distancing as recommended for safety during the COVID-19 pandemic.

Surges in migration are not new for CBP, yet each one we have faced in the past has its own unique set of challenges based on the changing demographics and the migration trends. CBP has built upon the knowledge and experience we gained from each of the migration surges we have encountered.

Every surge we have faced has taught us a lot. We learned there was a need to be able to quickly expand our holding capacity through a standardized acquisition strategy. We learned to modify our operations to accommodate the special needs of children and to accommodate large numbers of children. Since then, we have established mechanisms for self-accountability, employing a proactive approach that prioritizes care for children in our temporary custody.

We continue to expel most single adults and many families to their last country of transit or country of origin—primarily Mexico—under the Title 42 authority of the Centers for Disease Control and Prevention (CDC) *Order Suspending the Right to Introduce Persons from Certain Countries Where a Quarantinable Communicable Disease Exists*. However, UCs encountered in the United States are no longer being expelled. As quickly as possible, the Department of Homeland Security (DHS) transfers custody of UCs to the U.S. Department of Health and Human Services’ (HHS) Office of Refugee Resettlement (ORR), as required under the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) and noncitizen single adults and families to U.S. Immigration and Customs Enforcement (ICE).

BACKGROUND

COVID-19 has presented unique challenges to CBP’s operations. Despite the restrictions CBP must adhere to under COVID-19 precautions, we continue to advo-

cate for the swift and efficient processing of UCs in our temporary custody to ensure they transfer as quickly as possible into HHS care. However, in order for this system to work seamlessly, we rely on a trusted partnership with our interagency counterparts—like ICE and HHS—by having them at the table. This has been one of our greatest improvements in efficiency since the fiscal year 2019 migration surge.

Back then, the surge primarily consisted of large groups of families and UCs, and in fiscal year 2020, the flow of individuals arriving at our borders slowed in part due to the COVID-19 pandemic. However, we have seen a substantial rise again in fiscal year 2021 and, with it, an increase in UCs. U.S. Border Patrol (USBP) encounters along the Southwest Border this fiscal year have increased significantly over the total for fiscal year 2020; specifically, the number of UCs, to date, has increased over 110 percent. March saw a 102-percent increase over February 2021—with 18,733 total UCs in March alone.¹ Fewer than 11 percent of encounters in March were UCs, but by the end of March, UCs accounted for almost half of all people in CBP temporary custody. By the end of March, the number of UCs entering USBP custody far exceeded ORR's capacity, precluding timely transfer in accordance with the provisions of the TVPRA, which requires DHS to transfer UCs to ORR care within 72 hours of determining that the child is a UC, unless there are exceptional circumstances. In conjunction with Federal Emergency Management Agency (FEMA), HHS began rapid expansion of ORR's housing and placement capacity through Emergency Intake Sites (EISs).

Thanks to the funding support provided by Congress through both the Coronavirus Response and Relief Supplemental Appropriations (CARES) Act, 2021 and our fiscal year 2021 enactment, CBP, to date, has been able to address emergent requirements at the Southwest Border. We have put the lessons learned in the past to good use in the current fiscal year. Through the use of standardized contracts and a blanket purchase agreement, we have vastly improved our capabilities for and efficiencies in standing up soft-sided facilities (SSFs) and have strongly augmented our medical capabilities to ensure appropriate medical care is available when needed. Congress also gave us the funding to establish new positions to be able to expand our ability to quickly process undocumented noncitizens arriving at the U.S. border.

The Flores Settlement Agreement

The 1997 *Flores* Settlement Agreement established a National policy for the detention, release, and treatment of children in our temporary custody. Under this agreement, children must be held in safe and sanitary facilities, with access to toilets and sinks, drinking water and food, adequate temperature control and ventilation, and appropriate medical assistance. Children must be appropriately supervised and provided contact with family members with whom they were apprehended.

Children require different types of care than do single adults. For example, children have different nutritional needs and require specialized medical care and screenings.

Juvenile Coordinator's Office

In 2017, the court appointed the CBP chief accountability officer as the CBP juvenile coordinator (JC) to oversee CBP's compliance with the *Flores* Settlement Agreement. The JC collaborates with multiple components across CBP to monitor ongoing compliance. He maintains situational awareness and tracks progress on critical and emerging issues related to children in our temporary custody.

In 2019, the JC established the Juvenile Coordinator's Office (JCO) to assist him in monitoring and reporting on CBP's compliance with the *Flores* Settlement Agreement and related CBP policies. The JC and JCO conduct announced and unannounced site visits across the Southwest Border to assess CBP's custodial data, medical capabilities, contract services, and holding conditions, such as temperature and safe and sanitary conditions, and conduct interviews with children and/or their parent(s) who wish to be interviewed regarding their experience in CBP temporary custody. These reviews are conducted utilizing robust protocols based on criteria from the *Flores* Settlement Agreement and CBP policy. In addition, they deliver comprehensive reports that describe monitoring activities, provide CBP statistics on children in temporary CBP custody, and/or update the court as per the requirements of the court orders. Furthermore, the JC and JCO leverage the collective expertise of multiple CBP offices to provide actionable and operationally-informed recommendations to enhance our processes and policies.

¹ CBP Announces March 2021 Operational Update, April 8, 2021, <https://www.cbp.gov/newsroom/national-media-release/cbp-announces-march-2021-operational-update> (May 26, 2021).

FISCAL YEAR 2021 ACCOMPLISHMENTS

In addition to what we have implemented as lessons learned from the fiscal year 2019 surge, we have put mechanisms in place that allow us to meet the challenges of a migration surge expeditiously and efficiently.

Soft-Sided Facilities

To accommodate the growing numbers of families and children in temporary CBP custody this fiscal year, CBP rapidly mobilized 6 SSFs at 4 locations: Yuma and Tucson, Arizona; and Eagle Pass and Donna, Texas. These SSFs have a typical capacity of up to 500 people each. They are air-conditioned and include mini pods (units) separated with clear vinyl to promote social distancing during the pandemic and to configure the space as needed to accommodate families and UCs. Designated intake and processing areas are separate from the general holding space. They include outdoor and indoor recreation and play areas with games, toys, and equipment, age-appropriate food, and televisions for entertainment. They are staffed by bilingual caregivers who provide personal care and basic hygiene. CBP also ensures there are dual-language signage and messaging for communications and directions.

It should be noted that these facilities are currently operating at a 50-percent reduced capacity to accommodate the recommended COVID-19 social-distancing precautions. To assist with SSF operations and processing, CBP deployed about 425 Border Patrol agents from across the Nation to provide additional support to Southwest Border sectors. Another 32 CBP officers were deployed to assist with processing in the SSFs in Del Rio, Texas, and Yuma and Tucson, Arizona. DHS activated the DHS Volunteer Force on March 8, 2021, giving CBP additional personnel to assist at the SSFs.

Acquisition Tools and Strategy

Another area of improvement that was identified following the fiscal year 2019 surge is associated with our acquisition strategy for responses to rapid increases in migration. We developed a suite of acquisition tools to enable us to quickly meet our material solution needs. We created contracts with standardized scopes of work, tiered and scalable options, and available capacity across the Southwest Border, enabling us to be able to design, plan, deploy, operate, and maintain the SSFs we mobilized. Prior to 2021, CBP had awarded a blanket purchase agreement for SSFs and associated wrap-around services, which we used to quickly stand up SSFs in 4 of CBP's Southwest Border sectors during the current migration increase.

Advocating for Children in Our Temporary Custody

CBP spearheaded the development of the interagency Movement Coordination Cell (MCC), bringing together colleagues from FEMA, ORR, ICE, and CBP, all of whom share a common operating picture that focuses on the rapid transfer of UCs to either HHS licensed facilities or HHS EISs. CBP has built a robust relationship with HHS to facilitate the on-going and rapid transfer of UCs into ORR care. This unprecedented interagency approach has successfully reduced the average time in custody (TIC) that UCs spend in CBP facilities, and reflects the progress made through the whole-of-Government approach that did not exist in prior migration surges.

The MCC has worked diligently to greatly improve the situation on the Southwest Border and enhance CBP's operational mission capability. This interagency coordination has increased information and idea exchanges, and we have improved efficiency by connecting competencies across our various components. We co-locate key personnel from our respective agencies and outline clear roles and responsibilities for MCC members, while encouraging constant communication and collaboration. This approach enables the MCC, as a whole, to identify process deficiencies and mitigate bottlenecks to ensure UCs move as quickly as possible out of temporary CBP custody and into ORR care.

In the month of April, the MCC developed initiatives to coordinate the movements of UCs and drive down the overall TIC for UCs in CBP temporary custody significantly to under 72 hours. From quickly working to coordinate the transfer of UCs to HHS care to standing up and executing targeted initiatives like the Top 15 TIC, which is aimed at focusing resources and efforts to move the UCs with the highest TIC out of CBP custody and into HHS care, each member of the MCC has played an important role in the collective achievements.

Because this interagency cooperation and focus supported ORR in expanding its capacity, in May the average number of children in temporary CBP custody decreased to 640 from 4,109 in March. On the morning of June 8, the number of children in temporary CBP custody was 575. In March, UCs spent an average of 115

hours in temporary CBP custody while in June so far they were held for an average of just 21 hours.

As mentioned earlier in this testimony, CBP could not have achieved any of this success without the trusted partnership and close coordination with our ICE and HHS counterparts. We depend on each other. I can personally attest that this is the first year we have felt that CBP is not alone in facing these challenges. While each agency has a unique and distinct role in the process, we have come together to coordinate and collaborate through a unified, collective approach.

Medical Support

To ensure we could continue meeting the special medical needs of families and children in temporary CBP custody, but particularly in Border Patrol custody where the majority of UCs are held, we focused on medical support as a critical line of effort for surge response planning and coordination. For example, as we planned to stand up additional SSFs, we included critical medical support coverage planning, services, and screenings, with a particular focus on pediatric care. As we have done for several years prior to fiscal year 2021, we have continued to expand the scope and scale of CBP medical support services.

The CBP medical support construct was carefully crafted over several years with extensive internal and external subject-matter expert consultation and input to tailor it to CBP's unique mission and law enforcement role. Our medical construct relies on contract medical personnel for initial assessment, basic acute care, and referral to local health systems for complex, urgent, or emergent health care and urgent or emergent mental health care needs. We provide public health and infectious disease support—including COVID-19, and medical summaries upon transfer or release from temporary CBP custody. Currently CBP's medical contract allows for up to 800 medical personnel, with close to 300 personnel providing medical support along the Southwest Border on any given day at more than 70 facilities.

Children brought into temporary CBP custody receive health intake interviews, including COVID-19 considerations and temperature checks, as well as medical assessments, including trauma-informed behavioral health considerations, to identify issues requiring further attention. Our contract medical providers are trained, licensed, and credentialed to care for children, and we have developed additional training for CBP medical providers regarding trauma-informed care and psychological triage/psychological first aid for children in our temporary custody.

We continue to incorporate trauma-informed behavioral health care considerations into our medical support efforts. The CBP chief medical officer (CMO) has worked with the DHS CMO and the *Flores* medical monitor to review and assess CBP trauma-informed care efforts and identify additional enhancements. CBP contract medical providers are trained, licensed, and credentialed to identify trauma-informed behavioral health concerns in children in custody and conduct psychological triage, psychological first aid, coordinate referral for further care, and prioritize children for transfer out of CBP custody.

CBP continues to refine and enhance its trauma-informed care efforts, in coordination with internal and external expert stakeholders, including the DHS CMO and the *Flores* medical monitor. The CBP approach is increasingly emphasizing 3 core elements: Awareness and training; trauma-informed medical support; and trauma-informed holding processes. CBP has implemented a layered approach to behavioral health support to ensure that no single point of failure exists. Agents and officers who identify urgent or emergent behavioral health issues refer or transfer children to local health systems as appropriate. CBP has added caregivers similar to daycare personnel at high-volume UC facilities to provide support to children in custody, CBP medical personnel conduct assessments, psychological triage, psychological first aid, and referral for behavioral health issues, and we have implemented the use of licensed, trained, and credentialed behavioral health advisors to provide expert consultation, reach-back, and behavioral health program support.

CONCLUSION

Much has changed in the way CBP cares for children in our temporary custody in recent years. In addition to the duties of safeguarding National security and facilitating lawful trade and travel, the men and women of CBP do their best to ensure children temporarily in our custody receive appropriate care. Implementing the lessons learned from the fiscal year 2019 migration surge and establishing process efficiencies and a trusted partnership with fellow Federal agencies has allowed CBP to embody the advocacy mentality each of our agents, officers, and interagency partners possesses to be able to streamline the processing of UCs in our temporary custody.

We will continue to assess and reassess our performance, processes, and procedures to find areas where we can further improve. We have made great strides in moving UCs out of our temporary custody and into ORR care. We will continue to refine our whole-of-Government approach as trusted partners across Federal agencies.

Based on my personal experiences over 36 years, I can attest to the humanity and compassion of the CBP workforce, and I can assure you, there is no shortage of kindness for those children, even if it is just a few moments of individual attention. I am extremely proud to be here today to represent the men and women of CBP.

Thank you for the opportunity to testify. I look forward to your questions.

Chairwoman BARRAGÁN. Well, thank you for your testimony.

I would now like to recognize Ms. Dueholm to summarize her statement for 5 minutes.

STATEMENT OF KATHERINE DUEHOLM, ACTING DEPUTY ASSISTANT SECRETARY FOR WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE

Ms. DUEHOLM. Thank you very much, Madam Chairwoman, Mr. Chairman, Ranking Member Katko, Ranking Member Higgins, distinguished Members of the subcommittee, and my fellow panelists. Thank you very much for the opportunity to be here with you today to talk about this important issue. I really welcome the opportunity to further discuss how we are managing unaccompanied children at the border.

I believe we have a common goal here, and that is how to humanely manage migration while looking after the most vulnerable among us and that is the children of our region.

I would like to use my testimony today to summarize for you the State Department's role in this process. You will have seen, of course, that we have had a lot of engagement in the region recently, including Vice President Harris's trip to Guatemala and Mexico. Last week, Secretary Blinken was in Costa Rica meeting with his counterparts from throughout the region and Mexico. Special Envoy Zuniga has made numerous trips to the region, and I had the opportunity to travel to Honduras and El Salvador just a few weeks ago where I spoke with officials, met with civil society, private sector, and others on the ground, and was able to observe some of our projects that were put in place to address some of these challenges.

Today, we have a delegation meeting at the regional meeting of the Comprehensive Refugee Response Framework in Costa Rica where they are further exploring opportunities to work collaboratively to address these issues. Our engagements are driven by the Executive Order 14010, which calls for a holistic approach to this migration challenge. What that means is that not only are my colleagues on the panel working on immigration challenges, our policy and controls at the border, but that we also need to be looking at how to manage migration flows from throughout the region, as well as getting at the factors that are causing people to seek to make that dangerous journey to begin with.

State Department is engaged in 2 strategies to address these challenges. The first that I would like to discuss is the comprehensive migration management strategy. There are 2 Ms there. We are working to collaboratively strengthen migration management throughout the region with our partners, and what that entails is focusing on fostering secure and humane order management, work-

ing to provide increased protection options, opening up opportunities for legal pathways for migration, and also providing reintegration and assistance to those who have been returned from our borders so that they do not seek to make that journey again. We are working collaboratively toward that end. We believe that those can make a real difference in addressing the migration flows.

But what we really have to do to get at what is causing that is also to look at the root causes which is our second strategy, the root causes of migration strategy. In this strategy, we are taking a whole-of-Government approach. We are looking at a community-based, targeted, focused strategy to work with communities to address the things that are causing people to leave their homes to seek a better future.

We have spoken with migrants, with would-be migrants, as well as with the communities in these countries to learn what is causing this migration flow. So we are going to be concentrating the root causes strategy on some of those key areas. That includes security concerns, lack of economic opportunity, safeguarding the rights of citizens and addressing corruption and governance challenges. I do want to underline that latter part because we recognize that addressing those challenges will be central to our ability to achieve success in any of the other areas. So we will continue to focus on corruption and transparency challenges as we move forward with both of these strategies.

Congress is a key partner in this, and we look forward to working closely with you. I welcome the opportunity to work with you in the weeks and months ahead, and I look forward to your questions and comments. Thank you.

[The prepared statement of Ms. Dueholm follows:]

PREPARED STATEMENT OF KATHERINE DUEHOLM

JUNE 10, 2021

INTRODUCTION

Madam Chairwoman, Ranking Member, and Members of the House Homeland Security Subcommittee on Border Security, Facilitation, and Operations—thank you for inviting me here today. As the Acting Deputy Assistant Secretary for Mexico and Central America, I am honored to have this opportunity to speak with you on this important issue. Keeping Congress apprised of our efforts and working with you on how best to tackle the region’s considerable challenges is a key part of my job. I look forward to discussing the State Department’s work on the Root Causes Strategy and Collaborative Migration Management Strategy (CMMS) with you, particularly as they relate to the region’s most vulnerable, its children.

We are dedicated to achieving sustainable solutions to the region’s irregular migration challenges and protecting its children, as reflected in the President’s \$4 billion, 4-year plan to address the root causes of irregular migration from Central America. Just this week the Vice President completed a trip to Guatemala and Mexico. Last week Secretary Blinken met with the region’s foreign ministers in Costa Rica. Last month, I traveled to Honduras and El Salvador with senior officials from USAID to engage with government officials, civil society organizations, and human rights leaders. At every opportunity, we are conveying the commitment of the United States to strengthen collaborative efforts to manage migration throughout North and Central America and address the root causes driving irregular migration.

STRATEGIES BACKGROUND

In order to deal with these long-standing challenges in Northern Central America, President Biden issued Executive Order 14010, directing the U.S. Government to prepare a Root Causes Strategy to identify and prioritize actions to address the underlying factors leading to irregular migration in, through, and from the region and

a Collaborative Management Strategy to identify and prioritize actions to strengthen cooperative efforts to manage migration.

ROOT CAUSES

The Root Causes Strategy will take a coordinated, place-based approach to mitigate the underlying causes that push Central Americans to migrate and “take(s) into account, as appropriate, the views of bilateral, multilateral, and private-sector partners, as well as civil society.” Our intent is that the Strategy lay out a framework to use the policy, resources, and diplomacy of the United States, as well as leverage the expertise and resources of a broad group of public and private stakeholders, to build hope for citizens in the region that the life they desire can be found at home, dissuading minors from undertaking the perilous journey and allowing parents to keep their children home.

The Root Causes Strategy will focus on the most commonly-cited factors limiting progress in Central America, particularly those related to economic opportunity, human rights, governance and transparency, and crime and insecurity.

CMMS

The CMMS is the first U.S. Government strategy to focus on strengthening cooperative efforts across North and Central America to humanely manage migration, and includes a focus on increasing access to protection, assisting and reintegrating returned persons, enhancing access to legal pathways for migration, and fostering secure and humane border management. We and our partners are already engaging on many of the lines of work in the CMMS, and this strategy will focus and expand this work around strategic objectives. The CMMS will also help guide U.S. diplomatic engagements with governments in the region and outside the Western Hemisphere, including through multilateral fora and platforms, such as the Regional Conference on Migration and the Comprehensive Regional Protections and Solutions Framework.

Together, the CMMS and the Root Causes Strategy will guide our efforts to foster a more stable region; strengthen cooperative efforts to manage migration, provide protection, assistance, and legal pathways for those who choose to migrate or are forced to flee; and, ultimately, reduce irregular migration.

RECENT GOVERNANCE CHALLENGES

As we seek to address these issues, we are confronting governance challenges in Central America, specifically in El Salvador, Guatemala, and Honduras. Democracy and good governance are central to the success of our efforts because corruption and poor governance have fueled the rise in irregular migration. Certain political actors in these 3 countries have shown an increasing disregard for the rule of law, a fully independent judiciary, and efforts to stem endemic corruption. In April, some members of Guatemala’s Congress manipulated the selection of its Constitutional Court in a non-transparent manner. Last month, Guatemalan authorities arrested several prominent former officials and anticorruption advocates critical of the government, including 2 individuals who collaborated on a corruption investigation involving former President Otto Pérez Molina. In El Salvador last month, President Nayib Bukele’s Nuevas Ideas party ousted the magistrates of the Supreme Court’s constitutional chamber and the Attorney General and used irregular means to fill those positions. In a positive development, Honduras just passed a long-awaited electoral reform bill in May, which we hope lays the groundwork for free and fair elections.

NEXT STEPS

As we approach the implementation phase of the strategies, we look forward to continuing consultations with Congress as a key stakeholder in managing migration and addressing the root causes of irregular migration and a partner in holding the region’s governments accountable to their commitments.

I’ll conclude by reiterating that we understand the significance and difficulty of the challenges ahead, and I look forward to working with all of you on these issues and look forward to your questions.

Chairwoman BARRAGÁN. Thank you, for your testimony.

I now recognize Mr. Lechleitner to summarize his statement for 5 minutes.

STATEMENT OF PATRICK J. LECHLEITNER, ACTING EXECUTIVE ASSOCIATE DIRECTOR, HOMELAND SECURITY INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. LECHLEITNER. Chairwoman Barragán, Ranking Member Higgins, and distinguished Members of the subcommittee on Border Security Facilitation and Operations, thank you for the opportunity to appear before you today and discuss the efforts of Homeland Security Investigations to secure our homeland from transnational crime and threats and to elaborate on HSI's investigative role in preventing the smuggling and trafficking of people, including unaccompanied children into the United States.

As the principal investigative arm of the Department of Homeland Security, our core mission is to protect the United States from transnational crime and threats. The crimes of smuggling and trafficking align with many of HSI's operational priorities and are a primary focus of HSI's investigations.

Human smuggling involves providing a service, typically transportation, navigation, or fraudulent documents to facilitate an individual's unauthorized entry into a foreign country. Human smuggling organizations profit by charging fees for smuggling noncitizens into and throughout the United States and by collecting transit fees when smugglers and their clients travel through territory controlled by cartels or other TCOs. These criminal networks are almost exclusively driven by money, seeing humans as just another commodity to be moved across borders for profit.

While human smuggling may constitute the initial crime facilitating the illicit movement of people, including minors to our borders, the criminality does not stop there. In some cases, migrants become victims of human or labor trafficking when criminal networks introduce force, fraud, or coercion into smuggling schemes to bring victims into forced labor or commercial sex.

If the victim is under 18, sex trafficking occurs when the victim is induced to perform commercial sex. Force, fraud, or coercion is not required. To be clear, trafficking is a crime of exploitation. It does not require movement across a border.

Additionally, HSI's investigations have determined that human smuggling often occurs alongside or can be a precursor to other transnational crimes such as gang activity, identity benefit fraud, money laundering, bulk cash smuggling, narcotics smuggling, arms trafficking, and terrorism and National security-related crime among others.

The complex transnational nature of the crimes surrounding human smuggling requires a strong and layered investigative response which HSI implements on multiple fronts. This starts abroad where HSI has the largest international investigative presence within DHS comprised of 80 offices in over 50 countries. HSI's special agents assigned to work with our foreign law enforcement counterparts to investigate and prosecute TCOs operating abroad while conducting capacity-building efforts designed to enhance the capabilities of host country partners to prevent cross-border crime at the earliest point of the smuggling event. HSI's Transnational Criminal Investigative Units (TCIUs), the Biometric Identification Transnational Migration Alert Program (BITMAP), Operation

CITADEL and the Extraterritorial Criminal Travel program (ECT) are key elements of HSI's international efforts designed to push our borders out and effectively identify and mitigate threats before they reach the United States.

HSI's efforts continue at the border and within the hundreds of domestic field offices throughout the United States where HSI's special agents respond to and investigate potential human smuggling and trafficking crimes. These investigative leads come to us in a variety of ways, including border interdictions, referrals from local law enforcement partners, confidential informants and sources of information, tip line or social media reporting, community and public outreach, criminal analysis and information gleaned from existing operations. HSI develops and receives information and leads involving human smuggling and trafficking in the same way regardless of U.S. involvement. Upon receiving information into a potential violation, we use all of our authorities and expertise to pursue, investigate, and attack all aspects of organizations responsible. These efforts are supported by the HSI Victim Assistance Program which enables HSI to take a victim-centered approach to its investigations, working with all levels of government and NGO's to provide necessary services to identified victims. Additionally, the HSI-led DHS Center for Countering Human Trafficking is another important operational support element integrating the efforts of 16 DHS component agencies and offices to centralize and coordinate diverse functions, all in support of investigations, victim protection efforts, outreach, and training activities focused on combatting the scourge of human trafficking. Together, HSI's efforts to combat cross-border crime facilitates and enhances the application of our full range of authorities and enable us and our partners to maximize the disruptive effort against TCOs engaged in smuggling and trafficking. These efforts help secure our borders and uphold the National security and public safety of the United States.

Thank you again for the opportunity to appear before you today and for your continued support of HSI and the critical investigative role it plays in investigating the TCOs that facilitate and profit from human smuggling, trafficking, and related crimes. I look forward to your questions.

[The prepared statement of Mr. Lechleitner follows:]

PREPARED STATEMENT OF PATRICK J. LECHLEITNER

THURSDAY, JUNE 10, 2021

Chairwoman Barragán, Ranking Member Higgins, and distinguished Members of the Subcommittee on Border Security, Facilitation, and Operations:

INTRODUCTION

Thank you for the opportunity to appear before you today to discuss U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations' (HSI) efforts to secure the homeland from transnational crime and threats and elaborate on HSI's investigative role in preventing the smuggling and trafficking of people, including unaccompanied children (UCs), into the United States. This statement will highlight our international efforts throughout Latin America, as well as our investigations and operations within the United States, that seek to mitigate human smuggling and trafficking, while addressing related crimes such as transnational gang activity.

THE HSI MISSION

In collaboration with strategic partners in the United States and abroad, HSI special agents gather evidence to identify and build criminal cases against transnational criminal organizations (TCOs), terrorist networks and facilitators, and other criminal elements that threaten the homeland. HSI works with prosecutors to indict and arrest violators, execute criminal search warrants, seize criminally-derived money and assets, and take other actions designed to disrupt and dismantle criminal organizations operating around the world.

HSI's core mission is to protect the homeland from transnational crime and threats, and its operational priorities serve as the foundation of HSI's investigative and operational focus—combating financial crime, investigating cyber crime, preventing crimes of exploitation, ensuring public safety, upholding fairness in global trade, and protecting National security. The crimes associated with human smuggling and trafficking, including those involving UCs, involve many of these priorities and therefore constitute a primary focus of HSI's investigations.

THE NATURE OF THE THREAT

Human smuggling involves the provision of a service—typically transportation, navigation, or fraudulent documents—to facilitate an individual's unauthorized entry into a foreign country. Over the last 5 years, nationals of El Salvador, Honduras, and Guatemala (referred to as the Northern Triangle countries), and Mexico, who migrate due to violence, poverty, limited economic opportunity, amongst other reasons, have comprised the majority of undocumented noncitizens encountered without authorization along the Southwest Border.

Extremely harsh terrains and travel conditions, combined with the potential detection by law enforcement and the threat of violence posed by cartels controlling territory along smuggling routes across Central America and Mexico, make it difficult for migrants to travel from their home countries and reach our borders without the assistance of smugglers. Criminal organizations step in and to facilitate the illegal smuggling of these noncitizens across our borders. U.S.-bound human smuggling and related criminal activities are estimated by the Homeland Security Operational Analysis Center to produce revenues of \$2 billion to \$6 billion per year.

Human smuggling organizations profit by charging fees for smuggling undocumented noncitizens into and throughout the United States and by collecting transit fees when smugglers and their clients travel through territory controlled by cartels or other TCOs. These groups are almost exclusively financially driven and see humans as just another commodity to be moved across borders. Human smuggling enterprises and cartels often maintain a symbiotic relationship, both with cartels controlling the major U.S. and foreign drug markets, while smuggling networks control the smuggling flow, otherwise known as “illicit pathways.” Cartels or other TCOs have traditionally charged a “plaza” or tariff on migrants and human smuggling organizations to transit through their territory or operate in certain border towns. However, since mid-2019, some have taken a more active approach in human smuggling, increasing and diversifying sources of income with an activity they view as low-risk.

While human smuggling may constitute the initial crime facilitating the illicit movement of people, including UCs, to our borders, the criminality does not stop there. In some cases, migrants become victims of human or labor trafficking—a crime of exploitation that does not require movement—when criminal networks introduce force, fraud, or coercion into smuggling schemes to induce victims into forced labor or commercial sex. If the victim is under age 18, sex trafficking occurs when the victim is induced to perform commercial sex—force, fraud, or coercion is not required. For example, in May, HSI identified and rescued a victim who was forced into labor after entering the United States. The victim entered the United States as a UC and was subsequently forced to work and live in substandard conditions, with minimal remuneration.

HSI's investigations have also demonstrated that human smuggling often occurs alongside or can be a precursor to other transnational crimes such as gang activity, identity and benefit fraud, money laundering, bulk cash smuggling, narcotics smuggling, arms trafficking, and terrorism and other National security-related crime.

THE HSI RESPONSE

The multi-faceted, complex, transnational nature of the crimes surrounding human smuggling requires an equally robust and layered investigative response, which HSI implements on multiple fronts. This starts abroad, where HSI has the largest international investigative presence in the Department of Homeland Security.

riety (DHS), comprised of 80 offices in over 50 countries with 41 visa security screening posts. This approach continues domestically, where HSI special agents and criminal analysts assigned to over 220 offices across the United States respond to and pursue investigations into illicit smuggling and trafficking. Both at home and abroad, HSI special agents utilize a broad range of legal authorities to identify, investigate, disrupt, and ultimately dismantle domestic and transnational criminal organizations engaged in human smuggling and human trafficking. With finite resources, HSI must employ a whole-of-Government approach to combating this threat. This strategy includes capacity building with host country partners overseas; leveraging domestic and international relationships; providing resources and technologies to create efficiencies of scale; and cross-pollinating expertise and leadership to other Federal, State, local, and international law enforcement partners. Together, this approach facilitates and enhances the application of HSI's full range of authorities and enables HSI and its partners to maximize their disruptive effect against TCOs engaged in smuggling and trafficking.

International Operations

In 2011, HSI established the Transnational Criminal Investigative Unit (TCIU) Program to act as a force multiplier in the fight against TCOs. HSI TCIUs are comprised of foreign law enforcement officials, customs officers, immigration officers, and prosecutors who undergo a strict vetting process. Upon completion of vetting, candidates must complete a 3-week International Task-force Agent Training course. HSI TCIUs facilitate information exchange and rapid bilateral investigations involving violations that HSI has the authority to investigate, including weapons trafficking and counter-proliferation, money laundering and bulk cash smuggling, human smuggling and trafficking, narcotics smuggling, transnational gang activity, child exploitation, and cyber crime. TCIUs enhance the host country's ability to investigate and prosecute individuals involved in transnational criminal activity that threatens the stability and security of the region and ultimately our homeland security. More than 430 vetted and trained foreign law enforcement officers comprise the 11 TCIUs and 2 International Task Force units. HSI special agents are uniquely positioned to partner with TCIU personnel to provide critical intelligence and resources to allow our partners to take appropriate enforcement action under the authority of the host country.

HSI's Operation CITADEL aims to identify, disrupt, and dismantle TCOs and terrorist support networks by targeting the mechanisms used to move migrants, illicit funds, and contraband throughout South and Central America. CITADEL provides resources to enhance foreign partners' investigative, intelligence, and information-sharing capabilities to counter transnational threats and organized crime. This assistance, in turn, provides HSI the ability to expand domestic and international investigations well beyond U.S. borders and to more effectively target the illicit pathways exploited by TCOs. CITADEL facilitates training and capacity-building through cross-border operations with partner nation TCIUs, undercover operations, judicially-approved wire intercepts, and document and media exploitation at ports of entry and along smuggling routes. Investigative activities also include sensitive site exploitation/evidence collection and biometric collection of extraterritorial criminal travel (ECT) subjects of special interest.

HSI's ECT program is a partnership between HSI and the U.S. Department of Justice's Criminal Division, Human Rights and Special Prosecutions Section. ECT supports the National strategy to combat terrorism and international organized crime. The program uses expert dedicated investigative, prosecutorial, and intelligence resources to target and aggressively pursue, disrupt, and dismantle foreign-based transnational human smuggling networks. ECT supports the highest priority human smuggling investigations posing the greatest National security and public safety threats. These include investigations concerning special interest noncitizens and investigations that pose a significant humanitarian concern, to include maritime smuggling events, extortion, kidnapping, and corruption, among others.

Pushing our borders out to effectively identify and mitigate threats before they reach the United States remains a priority for DHS, HSI, and our counterparts. A tool in this fight is the Biometric Identification Transnational Migration Alert Program (BITMAP). HSI trains and equips TCIUs and other cooperating foreign law enforcement officers to collect and share biometric and biographic data on suspects of particular interest, such as third-country nationals who are encountered by foreign law enforcement agencies at or along irregular border-crossing check points, illicit pathways, airports, seaports, jails, detention centers, and specialized mobile units. Foreign law enforcement partners share their collected BITMAP information with HSI, and this biometric data is used to populate United States databases and subsequently identify transnational criminals; known or suspected terrorists; gang

members; and other persons of interest. BITMAP information is also used to provide host nation law enforcement partners with actionable intelligence related to terrorist, criminal, and National security threats. Additionally, information shared by foreign partners through BITMAP supports Homeland Security Presidential Directives 24 and 6 directions related to biometric collection and information integration. The program also aligns with United Nations Security Council Resolution 2396.

Domestic Operations

To complement its international focus, HSI's efforts continue at the border and within our field offices throughout the United States, where HSI special agents respond to and investigate human smuggling schemes that are encountered or identified in the United States. These leads come to us in a variety of ways, including border interdictions; referrals from Federal, State, and local law enforcement partners; confidential informants and sources of information; tip line or social media reporting; community relations and public affairs outreach; criminal analysis/targeting; and information gleaned from existing operations. HSI develops and receives information and leads involving human smuggling in the same way whether or not the offense includes or involves UCs.

Upon receiving information into a potential smuggling crime, HSI utilizes the full breadth of its authorities and expertise to pursue the investigation and attack all aspects of the organizations responsible. HSI prioritizes its investigations based on National security threats, the involvement of TCOs in the smuggling or trafficking scheme, and the public safety and endangerment aspects of the violation.

HSI's approach to human smuggling investigations can be illustrated through ongoing investigative efforts by HSI. In late 2020, HSI identified a large-scale, international human smuggling organization consisting of a network of local load drivers, tractor-trailer drivers, stash houses, and money couriers. Through partnership and coordination with the USBP and other law enforcement partners, HSI has conducted 12 smuggling interdiction operations, resulting in over 350 undocumented individual apprehensions and the criminal arrest of multiple smuggling facilitators. The smuggling events were linked to a common organization through a combination of investigative techniques, including surveillance, interviews, confidential source information, and criminal intelligence analysis. A total of 18 minor children, 7 of whom were unaccompanied, have been encountered on various dates throughout the enforcement operations conducted in this case.

To date, the HSI investigation has led to the identification of multiple members of the smuggling organization, stash houses, load drivers, and most recently the regional head of the smuggling network. HSI and its partners continue to develop information from various sources, including financial analysis, interviews, and surveillance, in an effort to expand the network, to focus on the command-and-control structure, foreign and domestic.

HSI special agents employ similar investigative strategies and techniques every day across the United States, in the on-going fight to identify and disrupt the TCOs responsible for smuggling undocumented noncitizens. While some of the smuggling events or organizations under investigation by HSI may involve UCs, the techniques and tactics utilized by HSI to disrupt and dismantle these organizations remain the same, irrespective of whether UCs are involved or not. In fiscal year 2020, HSI initiated 2,461 human smuggling investigations, conducted 3,712 criminal arrests, secured 1,592 indictments and 1,538 convictions for human smuggling offenses.

While human smuggling is often tied to human trafficking, they are, in fact, 2 distinct crimes that HSI investigates. Human trafficking does not require crossing a border. Human trafficking victims have been exploited by their trafficker for commercial sex acts or forced labor. Human trafficking victims can be any age, race, gender, nationality, or immigration status. By contrast, human smugglers engage in the crime of bringing people into the United States, or unlawfully transporting and harboring people already in the United States, in deliberate evasion of immigration law. As referenced earlier, however, human smuggling situations may transition to human trafficking when the elements of force, fraud, or coercion are introduced into the smuggling event, or when a victim under age 18 is induced to perform commercial sex.

One of the most difficult challenges facing law enforcement officers is distinguishing between the incidents of human trafficking and human smuggling. Parts of the modus operandi of trafficking and smuggling are very similar—which makes it harder for law enforcement officers to separate the 2 types of crime. It is very difficult to detect trafficking in transit and at border points; in many cases, it may not be possible to distinguish between trafficking and smuggling until the transportation phase has ended and the exploitation phase has begun. Prior to this, there may be little noticeable difference between a group of trafficked persons and a group

of smuggled migrants; in fact, one “shipment” of individuals could include persons destined for exploitation (trafficking victims) and persons who are being moved from one country to another for financial or material benefit (smuggled migrants).

When UCs are encountered, it is exceedingly difficult to determine if the child is being exploited or destined to be a forced labor or sex trafficking victim because normally, the crime has not yet occurred, and the UC would not know that forced labor or sex trafficking awaits them. In some cases, the victimization may have begun in one country and then continues in the United States but only once it occurs in the United States does it fall under HSI’s jurisdiction. Additionally, most foreign national human trafficking victims enter the United States on a visa, via various official ports of entry, as opposed to presenting at the Southwest Border. However, when UCs are encountered along the Southwest Border, typically U.S. Customs and Border Protection and the Department of Health and Human Services’ Office of Refugee Resettlement are the U.S. agencies involved in identifying victims. There is no data that suggests UCs crossing the Southwest Border are any more vulnerable to human trafficking than they are to other forms of exploitation and crime. It should be noted that HSI maintains a robust Victim Assistance Program, poised to work with all levels of government and NGO’s to provide necessary services to identified victims. Further, The HSI-led Center for Countering Human Trafficking (CCHT) integrates the efforts of 16 DHS component agencies and offices and establishes an organizational mechanism to harmonize, leverage, centralize and coordinate diverse functions to support Federal criminal and civil investigations, victim protection efforts, intelligence analysis, and outreach and training activities to combat human trafficking.

If there is a U.S. nexus, HSI special agents are charged with conducting criminal investigations into the TCOs responsible for the trafficking. Similar to HSI’s human smuggling cases, human trafficking leads come from a variety of sources, including partner agencies, and HSI utilizes multiple investigative techniques to pursue the case and hold offenders responsible. HSI’s human trafficking investigations are conducted by investigative groups in each of HSI’s Special Agent in Charge field offices, many of whom have agents that participate in almost 90 human trafficking task forces Nation-wide consisting of Federal, State, and local law enforcement, as well as victim service providers. These investigations have a two-fold mission. First, to proactively identify, disrupt, and dismantle domestic and transnational human trafficking organizations and minimize the risk they pose to National security and public safety. Second, to employ a victim-centered approach, whereby equal value is placed on the identification, rescue, and stabilization of victims as well as the investigation and prosecution of traffickers. In fiscal year 2020, HSI initiated 947 human trafficking cases, reported 1,746 criminal arrests, 400 convictions, and identified and assisted 418 victims of human trafficking.

Another aspect of HSI’s efforts to investigate crimes affiliated with human smuggling involves transnational gangs and investigations into their members and operations in the United States. HSI’s National Gang Unit (NGU) has not observed specific gang recruitment, membership, or affiliation associated with the recent surge in UC encounters along the Southwest Border. However, with any increase in unauthorized migration from the Northern Triangle, it is possible that transnational gangs such as La Mara Salvatrucha (MS-13) or 18th Street could capitalize on any vulnerabilities in the process.

To mitigate any future or potential risks, HSI and partners continue to focus efforts on the command-and-control structure of MS-13 and 18th Street, conducting large-scale, complex, proactive domestic and international investigations. These investigations, worked in collaboration with State, local, Federal, and international counterparts serve a strong deterrent effect to those that may seek to exploit our Nation’s laws. Further, enhanced training of foreign and domestic counterparts, as well as integrating foreign vetted-unit police officers in select HSI field offices serves to cross-pollinate expertise across a broad programmatic spectrum. This integration of efforts will aid in increased cooperation and unity of effort across all levels of government, domestic and abroad.

CONCLUSION

Thank you again for the opportunity to appear before you today and for your continued support of HSI and the critical investigative role it plays in investigating the TCOs that facilitate and profit from human smuggling and related cross-border crimes. HSI remains committed to its mission to secure the homeland from transnational crime and threats and to uphold the National security and public safety of the United States. I look forward to our questions.

Chairwoman BARRAGÁN. Thank you.

I want to thank the witnesses for their testimony. I will remind the subcommittee that we will each have 5 minutes to question the panel. I will now recognize myself for 5 minutes.

Yesterday, CBP released its operational update for May 2021 which showed a record number of encounters at the Southern Border.

Mr. Shahoulian, can you put this number into perspective and describe who is presenting at the border and the trends that DHS is observing?

Mr. SHAHOULIAN. Sure. Thank you for the question. I would be happy to, Chairwoman.

So we are seeing very high numbers of encounters, as you indicated. We saw 180,000 in May. We are seeing that it is marginally led by single adults and that there is a high level of repeating counties amongst single adults and what we are seeing is that basically half of the encounters that we are seeing, of total encounters, are unique encounters. So there is essentially a 50 percent repeat encounter for single adults.

What we have seen in May is that the trend for decreased numbers of unaccompanied children and families did continue. So we are seeing a continued downward trend in those numbers. So I think what we can say is that although the numbers, again, I think just that we are going to compare these numbers, and I know to, for example, prior surges like the surge in 2019, although we have, again, higher numbers of total encounters, the number of unique encounters is lower.

Chairwoman BARRAGÁN. OK. Thank you so much for that.

Mr. Huffman, over the last few months, CBP has worked to quickly build its capacity to handle unaccompanied children. This includes standing up multiple soft-sided facilities, deploying volunteers to help with processing, and expanding child care services contracts. What additional efforts is CBP undertaking to support the care and custody of unaccompanied children they encounter?

Mr. HUFFMAN. Thank you for that question. I appreciate the opportunity to address that because it has been from my perspective and my years of experience, this has kind-of been a big success for us because we have had to deal with surges of unaccompanied children before and it has not been as successful at moving them out of our custody.

I think what is important to understand is that how we manage unaccompanied children is a whole-of-Government effort. It is not just CBP's challenge; it is HHS's challenge and those who help as well. So the thing that we did differently this time was when we stood up—we applied more of a whole-of-Government approach this time that when we stood up the MCC and we got FEMA in the room, we got HHS in the room, and us in the room, and ICE in the room, we were able to come up with better solutions to move these folks out. We did several things. We had to move large volumes of people. FEMA assisted them in setting up to build their capacity. But you build capacity 2 ways. You build capacity by increasing your real estate and you build capacity by increasing your efficiencies. So we tapped it both ways. We were able to stand up capacity to move large groups of kids out, but at the same time we fine-tune our efficiencies so we could focus on folks that were dif-

difficult to move. We started an initiative where every day we would [inaudible]. We would start with the top 15 children in our custody that have been there the longest and personalize each one of those children until we could get them moved out. Find out what unique problems we were having getting them into HHS custody and we did that. We did it by developing what we call an advocacy mentality for each child in our custody and driving those numbers down to move them out. So I think the best thing we did in addition to the medical services you mentioned, the food and the care and those things, was to get out a process to get them out of our custody as fast as possible and into the hands of child care professionals at HHS. I still think and so to this day that is the best thing we can do is maximize our process and our efficiencies to move them onto those who are truly trying to deal with them.

Apart from that fact, we did increase our capabilities with caregivers, medical contracts, medical services, and all those things across.

Chairwoman BARRAGÁN. Thank you. Thank you, sir.

Ms. Dueholm, to address the challenge at our Southern Border, the Biden administration instituted a whole-of-Government and whole-of-community effort. It brought in hundreds of Federal Government volunteers according with local government and organizations to help provide care for migrants. Similarly, a global approach will be needed to address the root causes of migration.

Please describe what outreach the Biden administration has done to other foreign governments or international organizations to help address the root causes of migration.

Maybe you can touch a little bit on how the efforts have been impacted by the pandemic.

Ms. DUEHOLM. Sure. Thank you very much, Madam Chair.

We have been doing a great deal of outreach to the governments in the region. I mentioned earlier some in-person visits that we have had, but we also, of course, have our embassies in the region continuously engaging with our partners out in the region. We also engage very regularly through our missions with communities, and we have undertaken as part of the root causes strategy a very deliberate process of outreach to the communities. One thing that is kind-of interesting about the pandemic is in some ways, while it is difficult to bring people together in person, I have had the opportunity, for instance, to speak with groups in the countries, both youth groups and faith groups and civil society groups via the miracle of virtual meetings. So we have conducted a number of those sorts of meetings, as well as with civil society here in the United States.

From the State Department, just as part of this root causes strategy, we have consulted over 35 different civil society organizations and some of those are umbrella groups that include dozens of different civil society groups. So, we really are focused on getting as broad a range as possible of consultations to best understand the challenges that are driving this and the solutions that can present themselves.

Chairwoman BARRAGÁN. Thank you so much. I apologize; my time has expired. I am looking forward to hearing more from your testimony with other questions from the other panelists.

I now would like to recognize the Ranking Member of the subcommittee, the gentleman from Louisiana, Mr. Higgins, for questions.

Mr. HIGGINS. Thank you, Madam Chair. Again, I thank our witnesses for being here today.

Madam Chair, obviously, a massive increase in illegal border crossings is going to include a massive increase of unaccompanied children illegally crossing the border. This should not be a surprise. We are dealing with historically high illegal crossings at our Southern Border. It is a simple fact that we have to get our head wrapped around here. My numbers, my research has us at about 1.1 million illegal crossings. The official numbers are less, around three-quarters of a million. My numbers include law enforcement, boots on the ground, estimates of getaways. It is from a very reasonable perspective. We are dealing with over a million illegal crossings. We are trending to have 2 million illegal crossings this year. We cannot allow this to happen. We will lose the sovereignty of our Nation. It is our duty, our sworn oath and responsibility as Congressional representatives in the People's House for the United States of America to serve the American citizen and to protect the sovereignty of our country. We must just take an objective viewpoint of this. It is very clear what is happening. I mean, what changed? What changed since last year and the year before? Why we had historic highs is obviously because of policies. You know, what happened? January 20 happened and then Executive Orders happened. So we are dealing with the results of that and we have got to force action out of our Executive. We cannot just cover for them with scripted speeches. We must force action.

Mr. Shahoulian, I hope I quoted you correct, sir. You said, I took in my notes that you said that, "There are complicated causes, various and complicated causes for the illegal surge of immigrants we are facing at historic levels at our Southern Border. I mean, what do you mean by that? We had the same 1,954 miles of Southern Border that we had under President Trump. We had the same agents on the ground. The same sectors of command-and-control across SSR Southern Border. We have got the same boots on the ground. What has changed? In your opinion, why are we facing historic highs here?"

Most Americans get it that it is because we had a change in the Executive. Can you not just admit that and let's look at policies of the previous administration and try to fix this thing? I will give you the floor, good sir.

Mr. SHAHOULIAN. Thank you, sir. Thank you for the question.

I am just going to start off by saying that I respectfully disagree. Again, the causes of migration surges which every administration from the Bush administration, the Clinton administration, the Trump administration, the Biden administration have all experienced. The causes of those surges generally are primarily based on push-back. There are people that are fleeing deteriorating conditions. Given COVID, the deteriorating conditions in the sending countries have gotten worse.

Mr. HIGGINS. You would not think the surge would have anything to do with the invitation from the President of the United States? Come on, man.

Mr. SHAHOULIAN. I will point out—

Mr. HIGGINS. Get away from the talking points. Give American an answer.

Mr. SHAHOULIAN. I am going to give you one. In May 2019, we saw higher numbers of encounters. In fact, more unique encounters than we are seeing now. That was after 2 years of Trump administration policies. Was that because of the Trump administration policy? We are seeing decreased levels of unaccompanied minors and families—

Mr. HIGGINS. No, we gradually got it under control. We gradually got it under control over the course of 4 years working with President Trump. We had everything under control. We are facing historical levels of crossings. That is the simple fact. It has never been this high. America is looking for answers.

Madam Chair, I cannot see the clock but I suspect that my time has expired.

Chairwoman BARRAGÁN. Thirty-seven seconds, sir. Thirty-seven seconds.

Mr. HIGGINS. OK. I am going to give my remaining time, in the interest of solidarity, with the President's administration and his senior staff, I give the floor back to Mr. Shahoulian. You have my remaining 20 seconds, sir.

Mr. SHAHOULIAN. I will just say that the empirical evidence is that people are fleeing deteriorating conditions. Until we address those and we provide alternative pathways, I mean, I will say that I am a son of a Cuban refugee. I grew up in Miami. As a child, when I was 9 years old, I remember the Mariel boat lift and that the city of Miami had 10 cities all around with Cuban refugees. Then we experienced an issue with Cubans taking to the high seas and risking their lives and lots of death at the high seas. The way that we addressed that was not just by clamping down. What we did was we entered the Migration Accords in the 1990's where we provided 20,000 legal admissions a year. It was by creating a lawful pathway that Cubans who were seeking freedom could invest their hopes. We were able to bring down the number of people who sought to regularly cross through the Florida straits. So we need a comprehensive strategy that does look at various different avenues. That is what we are attempting to do now. Thank you, sir.

Mr. HIGGINS. Thank you, Mr. Shahoulian. God bless you, sir. Let's talk more.

Madam Chair, I yield.

Mr. HIGGINS. Thank you for those questions and that testimony.

The Chair will now recognize other Members for questions they may wish to ask the witnesses. As previously outlined, I will recognize Members in order of seniority, alternating between the Majority and Minority. Members are reminded to unmute themselves when recognized for questions.

The Chair recognizes for 5 minutes the gentleman from California, Mr. Correa.

Mr. CORREA. Thank you very much, Madam Chair, for holding this most important hearing. I, like all of us in this committee, my heart goes out to those unaccompanied children. As a father, I pray for those children, and like many of you, I was in El Paso, Texas, looking at those children. I had the opportunity to meet Una and

Garlias, a 2-year-old and a 5-year-old sisters that were thrown by smugglers over the 10-foot wall. If it were not for those border officers that were alert, they were able to see those children, not in a desert, they would have perished.

I also had the opportunity to go to Tijuana to see and interview a lot of the deported families under Section 42. This is an interesting challenge. It is a challenge that I agree with my colleagues. Nothing has changed in a long time. I would say for the last 40 years this has been an issue. I have been going to visit refugee children probably for the last 15 years. So my question as an American and as a Congress Member trying to address public policy here long term, how do you fix the push factors? I agree, when you have 2 hurricanes, one in a lifetime situations happening one after another, when you have COVID-19, you go hungry. When you have corruption, you cannot figure out how to run these economies efficiently.

So Mr. Shahoulian, if I can ask you a couple of questions. Recently, Vice President Harris announced that the United States would provide \$310 million of increased assistance to the Northern Triangle. She announced that she would be working with 12 companies and organizations to invest these American dollars, Guatemala, Honduras, and El Salvador.

My concern is we have been doing this for 40 years. What is it that we can do to assure that this money does not end up in a Swiss bank account? What do we do to make sure that it is not spent on overhead, on bureaucracy? What do we do to make sure that this money is invested where it needs to go? Thank you.

Mr. SHAHOULIAN. I appreciate the question, Congressman. I would hope, if I could, to defer to my State Department colleague, Deputy Assistant Secretary Dueholm, who I think, I mean, they are leading on these efforts along with USAID if that is OK.

Mr. CORREA. Ms. Dueholm. Yes, Ms. Dueholm.

Ms. DUEHOLM. Yes. Thank you very much, Congressman.

Certainly, we agree with you that this is an incredibly important question as we go forward, and we are very focused on being responsible stewards of the taxpayers' money. We very much want to make sure that the money that is allocated to these ends achieve the goals. So for that purpose we have very strict end-use monitoring in place. We also are looking at having someone directly from the OIG appointed for USAID to be monitoring those spending related to the Northern Triangle. We work very closely with those in the field through our embassies and missions, through USAID, to monitor all of the spending, and we work very closely to try and achieve the best possible results—

Mr. CORREA. I hear what you are saying. Ms. Dueholm, I hear what you are saying. My concern is strict accountability. Does that mean 50 cents out of every dollar is then going to be spent on overhead?

Ms. DUEHOLM. That is a real challenge, Congressman. I would say that we have 2 issues. One is if we want the accountability, we need organizations that are able to provide that sort of monitoring and accounting and that often does come with a cost. But I share your interest in making sure that the maximum amount gets to those that we are seeking to benefit. We are constantly re-

evaluating and trying to get that balance right and we will continue to do that.

Mr. CORREA. Thank you. Finally, ma'am, I would say a follow-up question here which is I think as Americans, we do not look south of the border until we see smoke. We only act when we see fire. Forty years in my opinion of failed policy south of the border. We will spend a trillion dollars in Afghanistan and we do not even look south of the border when this is our backyard. We have to manage it and make sure if things are not going right, we step in. As a legislature, I think we have just got to say to folks south of the border, we are going to be watching you and we are going to hold you accountable because what you do affects us. You taking care of your citizens is not only your job; it is our job as well. So I just look forward to working with you and trying to figure out a way for us to address these issues holistically and make sure as legislators we force ourselves to always be looking south of the border.

Thank you very much, and Madam Chair, I yield.

Chairwoman BARRAGAN. Thank you, Mr. Correa.

The Chair now recognizes for 5 minutes the gentleman from North Carolina, Mr. Bishop.

Mr. BISHOP. Thank you, Madam Chairman.

Among the several hundred thousand border enforcement encounters over the 4 complete months since the inauguration of President Biden, I think I have got the number of about 59,000 roughly were unaccompanied children. Of course, everybody understands that they are staying in the United States. It would appear to me, and as I listen to testimony in this hearing in the questions, the Biden administration policy is all aimed in the direction of speeding the passage of UCs from CBP to the Department of Health and Human Services, Office of Refugee Resettlement. Of course, then they have a stay in an influx care facility and then they are sent throughout the country to take up residence with some family member or a guardian or a sponsor I guess you call it.

Mr. Shahoulian, in your testimony you spoke of the top priority being to address the needs of children, and you said that the Biden administration has expanded capacities of agents to speed up the processing and the placement of unaccompanied children. Mr. Huffman cited what he called a success, moving unaccompanied children out of CBP custody faster, both by adding facilities and improving efficiency. Mr. Shahoulian, again, in your comments you touted what has been done as having completely transformed border processes. Apparently, again, it is all aimed at eliminating overstays of unaccompanied children with the CBP.

I would submit that this is unfortunately cruelly naive. Here is the distinction. The Trump administration policies the Ranking Member referred to were continually adapted to attempt to attenuate the flow of illegal crossings. But Biden policies, including all of those Mr. Shahoulian referred to and touts as a success do not even make an attempt to attenuate the flow. The success you tout is increasing the bandwidth, moving people in faster. This tunnel vision is so bad that one of the policy changes that HHS has made is to waive criminal background checks for occupants who live in

the households of sponsors of unaccompanied children placed by HHS. There is a *Bloomberg* article I saw from yesterday during the Energy and Commerce hearing. I understand that the impact of this is that you are limited to basically internet search engines to try to determine who we are talking about you are placing people with, and we have been told by the CBP that the cartels dominate the crossing process and they are throughout the United States engaging in trafficking, sex trafficking, indentured servitude enforcement, and we have dropped our guard to that degree.

Mr., and I cannot say your name, is it Lechleitner? Is that what it is called? What is your name, sir?

Mr. LECHLEITNER. Yes, sir. It is Lechleitner. That was right.

Mr. BISHOP. Thank you. Can you speak to that? I mean, given what is happening, are we not subjecting all of these children to the risk of criminality? As Andy Biggs said it, they are making the U.S. Government the logistics arm of the cartels. I mean, that seems horrible to me.

Mr. LECHLEITNER. Well, sir, thanks. That is a good question. We are the investigative arm of Homeland Security as it relates to the transnational crime. I cannot speak to whether or not there may be crimes that are going to be committed, but if HHS comes across those crimes or if other of our partners do come across those crimes and report them to us, then we are going to follow up on that. We follow up on all of these very seriously. We are victim-centric as it relates to this vulnerable population. I can say from 2020 to 2021, our stats, probably partly due to COVID. You know, unfortunately, it is complicating things, they train down a little bit. I can say that but that is partly due to the COVID situation. But quite frankly, sir, we do not know the unknown. We do not even know what has been put before us, and I really cannot speak to more than that.

Mr. BISHOP. Well, I get that. But the problem is that we do know. I think it is sort-of a bureaucratic shortsightedness if you will forgive me to just say, well, we are doing great. We are moving them through faster. Yes, we do not know who we are sending them to. We know MS-13 is out there. We know there is trafficking going on. We know that people are being sold or put into indentured servitude right here in our country and the cartels are active everywhere. Then we pat ourselves and say that is humanity. That is blinkered beyond belief. It is a classic example of heart over mind. It is not a rational policy. There is not humanitarian in the slightest.

Madam Chairwoman, I yield back.

Chairwoman BARRAGÁN. I thank the Member for his questions.

The Chair now recognizes the gentleman, rather, the Chair now recognizes for 5 minutes the gentleman from Missouri, Mr. Cleaver.

Mr. CLEAVER. Thank you, Madam Chair. I appreciate you very much you holding this hearing. I think it is obviously timely. My friend, Mr. Correa, Representative Correa, from California, said that failed policies for 40 years. As somebody who was born and raised in Texas, who has been to every little town along the border, I can tell you that it has been longer than 40 years with those problems and mismanagement of immigration. It does not stop with my upbringing and growing up in Texas. With the Tennessee Southern Railway here in my district, actually, going from Canada

all the way through to Mexico, right now they go to Laredo and then all of the Americans get off the train and then the Mexicans get on the train and it goes to finish its delivery.

So Henry Cuellar and I have been working a long time. I am just prefacing my questions with this comment that we have serious problems. I think there seems to be a great interest in trying to make sure that we are successfully getting the other side looking bad as opposed to trying to get the policy straightened out. One of the things that I am concerned about, and I have been to all the borders. I think it is a childish question to raise to everybody. Have you been to the border? Like if you have been to the border, somehow you should get, you know, like some cookies or milk or, you know, some dog biscuits. I am not sure. But I think the issue is the policy, not visiting the border.

But let me go on. Mr. Huffman, you know, the trends in migration are cyclical. I have seen it all of my life and during the spring and then decreasing when the weather starts getting too hot for travel, like around this time, and certainly in July and August you are going to see a falling off. So it has been at record levels in the past few months and the questions about whether the immigrants will continue to rise into the heat of summer. But what I want to know is what is DHS and CBT doing to better position themselves to treat these migrants more humanely than they have been treated previously, while at the same time processing them in an efficient manner?

Mr. HUFFMAN. Thank you, sir. I appreciate the opportunity to address that.

So we have learned a lot of things over the years as we have trends over the years to see more unaccompanied children that come into our custody. As we mentioned previously, historically, our facilities were designed for a single adult population because that was the historical trends over the years that we dealt with. So we have had to adjust how we staff our folks, the type of cells we have used and increased the capacity. So now in these types of surges when we stand up soft-sided facilities, they are specifically designed for unaccompanied children and family units with how the pods are laid out, air conditioning involved, opportunities to have the medical examinations done on regular basis, the medical care we provide to the children there, the ability to have observations of any psychological issues and challenges they may be facing as well. We have established a medical contract. We have got like \$481 million in medical contracts established of which we spent \$160 million already just providing these medical services alone. So that alone in itself makes a big difference in how they are treated and what they say. We have adjusted the nutrition of the meals to address these things. We have a much better oversight, both internally ourselves with our juvenile coordinator office, plus oversight from the floors monitors as well that helps make sure we are in compliance with those guidelines. It helps make sure that we are at the best standard of care that we can give for those guidelines. Basically, and I will say this again, for us, the best thing we can do is move them out of our facilities onto professional child care specialists. Those efficiencies gained there allow us also to put our officers and agents back on the line quicker to be doing border and

apportionment missions as opposed to being confined in these facilities caring for children as well.

So there is a two-fold effort for that. It is not just it helps the kids but it also makes us more operationally efficient as well. It does not diminish our operational capacity as much in doing so.

I see I am out of time so I will stop.

Mr. CLEAVER. Am I out of time, Madam Chair?

Chairwoman BARRAGÁN. Yes.

Mr. CLEAVER. Thank you for the time.

Chairwoman BARRAGÁN. Thank you. Mr. Cleaver yields back.

I have to say I agree with you, Mr. Huffman. When you talk to the men and the women of the Border Patrol, they will tell you day in and day out that they are in the law enforcement business, not in the business of caring for children and so they actually appreciate having the children processed out to HHS.

With that, the Chair recognizes for 5 minutes the gentleman from Georgia, Mr. Clyde.

Mr. CLYDE. Thank you, Madam Chair and Ranking Member for holding this important hearing.

Since Inauguration Day, President Biden, by Executive Order, has acted to dismantle our Nation's immigration system, spurring the crisis we are witnessing at the Southwestern Border. According to figures released this past May, CBP has encountered over 530,000 along the Southwest Border since January 21. That is a 20-year high, while deportations are at the lowest levels our country has seen in 20 years. CBP has also arrested over 5,800 individuals with criminal convictions and that is only the number of people that we have caught. In fiscal year 2020 through April, there were 21,045 unaccompanied alien children but this year, fiscal year 2021 through April, same similar time frame, there have been 65,825 unaccompanied alien children. That is a 3 times increase.

In rolling back successful Trump-era immigration policies, it is no secret the administration has emboldened the cartels to continue making billions of dollars trafficking narcotics and people, many of which are children, across our border. Truly, the Biden administration has made our Federal Government the last link in the chain of the human smuggling of children and this is shameful.

So Mr. Shahoulian, in your testimony you say the Biden administration has employed a whole-of-Government approach to solve issues related to the care, transfer, and placement of unaccompanied children and it is strongly committed to preventing the exploitation of this vulnerable population. However, there are reports, and my colleague, Mr. Bishop, mentioned one from *Bloomberg* that said that unaccompanied children are being released before their sponsor's background checks have been completed and that certain requirements for background checks for caregivers have been waived at HHS emergency influx sites. Can you speak to those reports, sir?

Mr. SHAHOULIAN. So I do not know the content of those reports. You know, I do think those are questions that are better directed to HHS. I am happy to go and make sure that we can provide answers after consultation with HHS but I am not aware of the things that you are mentioning, sir.

Mr. CLYDE. OK. Well, but you mentioned a whole-of-Government approach; right? I mean, numerous ones of you have mentioned a whole-of-Government approach. Ms. Dueholm, Mr. Huffman were all talking a whole-of-Government approach. Should that not mean that your agency is aware of and is helping to coordinate these efforts? You know, should not the Department of Homeland Security have visibility into the vetting of children's sponsors? You care about that; right?

Mr. SHAHOULIAN. Absolutely, sir. Absolutely, we care about that. I will say that we have sent to HHS to help them Federalize the work force in these efforts. We have sent our most experienced asylum officers with deep experience in interviewing individuals, vetting people, running background checks, determining credibility and determining family relationships. We have sent our best officers over to HHS to help them improve that process. The stories mentioned, I am unaware of those so I cannot really speak to them just yet, but I am happy to get back to you on those.

Mr. CLYDE. So you then do not have confidence that the unaccompanied children being released, that the background checks of their sponsors have been fully completed and vetted; is that correct then?

Mr. SHAHOULIAN. Sir, again, I am just going to say I do not lack confidence in our Government's efforts or the work that our Federal employees are doing, either at DHS or at HHS. What I am saying is that of the news articles of which you speak I have not read. I would like to confer back with HHS, and I am happy to provide an answer to this question.

Mr. CLYDE. OK. All right. I would appreciate you getting back to us and letting us know whether or not we are cutting corners on background checks for the sponsors of these people. Thank you.

The current crisis and surge of illegal aliens at the border have clearly enriched the transnational criminal organizations through their human trafficking and smuggling operations. So the next question I have is for Mr. Patrick Lechleitner, I believe I said that correctly, from HSI.

Mr. LECHLEITNER. That is correct.

Mr. CLYDE. By the way, I have been to the border twice and I commend your efforts at the border. You guys really do a fantastic job there, I think, from what I saw, and I really appreciate it. These cartels need to be held to account.

So in your opinion, has the human smuggling of children increased in the last 5 months?

Mr. LECHLEITNER. No, sir. We do not have appreciable data from our records that the smuggling of children has been increased, but we only know what is referred to us. So I would defer to CBP and what they are seeing at the border. But as far as encountered or referrals for investigations for us, we are seeing I would say a slight, if any, increase. But I cannot speak to what is going on at the border for interdictions.

Mr. CLYDE. OK. Some estimates have placed human smuggling and related activities at a billion dollars a year industry. Would you agree with that?

Mr. LECHLEITNER. Yes, I would.

Mr. CLYDE. OK. So have the cartels changed their operations along the Southwestern Border to maximize their profits and minimize their risk when it comes to human smuggling?

Chairwoman BARRAGÁN. I am going to let the witness respond but his time has expired. Mr. Lechleitner, would you like to respond?

Mr. LECHLEITNER. Yes, ma'am. The cartels have adapted and they recognize that there is a profit motive and increased profit to be seen from human smuggling. So when I am speaking about the transnational criminal organizations, the cartels, the traditional drug organizations, they have seen that there is a profit motive there so they have been adapting and utilizing some different techniques. Instead of just taxing their way through, they are facilitating them in other ways and also partnering with them. So we have seen some of that. But it is not unusual for transnational criminal organizations to do this. They care not for the commodity. They just care for the profit and they will find whatever way it is to make that profit and make more of it. They are bound by no law.

Chairwoman BARRAGÁN. Thank you, sir.

The gentleman's—

Mr. CLYDE. OK. Thank you, and I yield back.

Chairwoman BARRAGÁN. Thank you. The gentleman yields back. The Chair recognizes for 5 minutes the gentleman from Texas, Mr. Green.

Mr. GREEN. Thank you every so much, Madam Chair. I greatly appreciate the opportunity to be heard, and I greatly appreciate you hosting this hearing.

Madam Chair, when Cubans were coming to this country by the thousands, we did not turn them back if they could reach our land, our shore. We adopted something called a "wet foot, dry foot" policy. If you could get one foot on dry land and the other foot remained in the water, we welcomed you. In fact, it became an invitation for Cubans to come to this country and you could stay because of the "wet foot, dry foot" policy.

Mr. CLYDE. That was a terrible policy.

Mr. GREEN. I heard someone, dear brother, I hope you will allow me to continue without interruption.

We were Good Samaritans at that time it seems. We did not ask what will happen to us if we allow the Cubans. We were asking what will happen to them if we do not allow them. This is what a certain person said with reference to persons who were moving along a certain dangerous route and this person was injured and beset upon by thieves. What will happen to the person who is hurting if we do not help?

But let me go further because this is what is really important. In October 1980, we had something called the Mariel boat lift. At that time, 125,000 Cubans came to this country between October 15 and October 31. Here is what is really interesting about the 125,000 refugees I might add. Many of them were released from jails. Many of them were released from mental health hospitals. Check the empirical evidence. What I say is true. Released from jails and mental health hospitals. We did not call them illegal aliens. We called them refugees. I am not the guy who is going to see a baby thrown over a wall and dropped and then walk over and

pick the baby up and throw it back over the wall. I am not. By the way, I do not think you would either. Any of the persons on this committee, I do not think you have that kind of heart.

But my point is this. If we can have "wet foot, dry foot," if we can find a way to accommodate others, if we could allow the jails to be open and not call them illegal aliens, can we not be as courteous and kind to these babies who are coming and not call them illegal aliens? That is just from my heart to everybody else's. If your heart rejects my thoughts, I understand. But I see these as babies. As children. Trying to get to a better life. Their parents do not send them because they want their children to travel along the Jericho Road from deep South American to the United States. They want their children to have a better life.

So I would ask this of Mr. Shahoulian. I believe you are the person who brought up the "wet foot, dry foot" policy without saying it. Is what I said correct, sir?

Mr. SHAHOULIAN. About the "wet foot, dry foot" policy, sir?

Mr. GREEN. Yes, sir. Yes, sir.

Mr. SHAHOULIAN. Yes, I will say, I mean, you are, yes, there was a period of time, and we do have the Human Adjustment Act that allows people who are paroled in to adjust status after a year, but yes, for many, many years there was a policy that basically allowed human nationals to stay if they reached dry land. Yes.

Mr. GREEN. Yes. The policy was known as "wet foot, dry foot" because if you had one foot on dry land and one in the water you had the right to take that other foot out of the water, walk on in, and the invitation was such that you could become an American citizen. True?

Mr. SHAHOULIAN. Sir, if you made it, on whether you had to have one foot or not, I am not 100 percent sure of those facts, but I will say that if you were paroled into the United States, I mean, there were some people that were denied.

Mr. GREEN. Yes, the people who were denied were called persons from Haiti. Haitians did not have the benefit of "wet foot, dry foot."

Mr. SHAHOULIAN. Well, there were some people, I mean, we determined that individuals pose a public safety risk. I mean, there were some people who were—

Mr. GREEN. Well, those who were released from the jails, did they pose a public safety risk?

Mr. SHAHOULIAN. Sir, there were, from the Cuban Mariel boat lift there were about 3,000 individuals who were determined to pose a significant public safety risk and were held excluded. So not everyone was allowed to stay.

Mr. GREEN. But some of those who were from jails were. What about the mental health hospitals?

Mr. SHAHOULIAN. Sir, again, there were a number of, I mean, I am saying there were a number of individuals that were held at the border and determined to be excluded because of the public safety issue. Not everyone stayed. I just want to be clear about that. Of the Cuban—

Mr. GREEN. I do not agree with you. Not everyone stayed, but of the 125,000, my dear sir, you and I both know that the overwhelming majority of them stayed.

Mr. SHAHOULIAN. The overwhelming majority—

Mr. GREEN [continuing]. Exceptions and say some did not stay. Some of them with mental health issues stayed and some of those who were out of jail stayed. True?

Chairwoman BARRAGÁN. Mr. Green, your time has expired.

Mr. GREEN. You have been more than generous, Madam Chair. Thank you very much. Thank you.

Chairwoman BARRAGÁN. Sure. Thank you. The gentleman yields back.

The Chair recognizes for 5 minutes the gentlewoman who has been waiting very patiently, from New York, Ms. Clarke.

Ms. CLARKE. I would like to thank you, Madam Chair, for really bringing this very timely hearing to the American people. I think we all need to take a deep breath and, you know, search our souls as Congressman Green has said about our collective humanity. When we can look at children and see them as a threat to our National security and all they are seeking and their parents are seeking are an opportunity to bring them to safety, to connect them with loved ones in this Nation as the conditions of their homes of origin continue to deteriorate and we cannot look at ourselves and say we would sacrifice the same way for our own children then clearly there is some soul searching that needs to be done. Let me just put it that way.

But my first question is for Mr. Shahoulian. While most unaccompanied children arriving at our border have family in the United States, a number of these children arrive at the border with close family members such as a grandparent, aunt, or an uncle. Yet, DHS policy only recognizes a parent and child relationship despite the fact that a grandparent or an uncle would qualify as a sponsor for the child.

Is DHS considering a change in policy to help keep these families together and expedite processing of children in your custody?

Mr. SHAHOULIAN. Thank you, Congressman, for that question.

So I will say that it is more than DHS policy; it is the law. Right? Under the Trafficking and Victim Protection Reauthorization Act of 2008, a child who is not accompanied by a parent or a lawful, sorry, a legal guardian and for whom a parent or legal guardian is not willing to show up to pick them up, that individual, by law, is an unaccompanied child and by law we are to transfer them to HHS. That said, we have been in discussions with HHS to look at things that we can do to prevent family separation as much as possible but by law we are required to treat such children as unaccompanied minors and to send them to HHS.

Ms. CLARKE. So I understand that in limited circumstances these family units have been released together when it was in the best interest of the child. What actions can DHS take so that more of these family units are released together while ensuring children can still receive sufficient legal protection?

Mr. SHAHOULIAN. So again, we are in conversations to look at what can be done. We have been in conversations with HHS about co-locating in certain facilities. You know, we do, when we have unaccompanied children who are encountered with other family members we do try to ensure that there is contact with those other family members. But again, by law, we are required, we cannot by law

release them. We must transfer them to HHS. It is HHS's legal responsibility to find a suitable sponsor for those children.

I think some of the stories you are mentioning are some individuals who are provided parole through ports of entry and there may be situations, but this by and large is not a practice for individuals when encountered inside the United States.

Ms. CLARKE. Thank you.

Ms. Dueholm, in order to address the root causes of migration, we must ensure that there are legal avenues for individuals to come to the United States. Can you please expand on the administration's efforts to increase these legal options, including reinstating the Central American Minors Program?

Ms. DUEHOLM. Thank you, Congresswoman. Certainly, I would be happy to.

There are, I would say, 3 main areas that we are working to expand legal options for residents of Central America to be able to come to the United States legally. As you mentioned, the Central American Minors program is one of those for families who have parents legally in the United States to be able to petition for their children to join them through the Central American Minors Program as part of the U.S. Refugee Assistance Program. When that program was closed in 2018, we had about 5,000 applications and we have begun reprocessing those. We look forward to hopefully expanding that in the near future to be able to accommodate other folks with legal status in the United States to be able to bring their children. We are also expanding to seasonal visas and we are also working to increase processing time for immigrant visas that are backlogged within the realm of our COVID limited processes.

Ms. CLARKE. So under the Central American Minors Program, how many cases have been completed under this administration, and how many cases were pending a decision when the Trump administration terminated the program?

Ms. DUEHOLM. Sure. So under the current administration, we have processed so far a little over 1,000. There had been, I believe, 5,000 pending at the time.

Ms. CLARKE. Very well. Very well.

When can we expect for the new administration to accept new applications for the program?

Ms. DUEHOLM. I believe we will be seeing an announcement imminently, Congresswoman.

Ms. CLARKE. Very well. Let me thank you all for your expert witnessing here today, your testimony. With that, Madam Chair, I yield back.

Chairwoman BARRAGÁN. Thank you. Thank you, Madam Representative.

I want to thank the witnesses for their valuable testimony and the Members for their questions. The Members of the subcommittee may have additional questions for the witnesses and we ask that you respond expeditiously in writing. The committee record shall be kept for 10 days.

I apologize. I wanted to give more ending remarks but I have been called for a vote in my mark-up. I want to thank our Members and everybody for participating. Without objection, the subcommittee stands adjourned.

[Whereupon, at 3:36 p.m., the subcommittee was adjourned.]

