

EXAMINING DHS'S FAILURE TO PREPARE FOR THE TERMINATION OF TITLE 42

HEARING BEFORE THE SUBCOMMITTEE ON BORDER SECURITY AND ENFORCEMENT OF THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

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EXAMINING DHS'S FAILURE TO PREPARE FOR THE TERMINATION OF TITLE 42

Tuesday, June 6, 2023

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

The subcommittee met, pursuant to notice, at 2:14 p.m., in room 310, Cannon House Office Building, Hon. Clay Higgins [Chairman of the subcommittee] presiding.

Present: Representatives Higgins, Guest, Greene, Luttrell, Brecheen, Correa, Thanedar, Garcia, and Ramirez.

Also present: Representatives Pfluger, Crane, Clarke, and Green.

Chairman HIGGINS. I thank my colleagues for joining us today. Welcome to the Subcommittee on Border Security and Enforcement hearing on Title 42 and the preparations leading up to Title 42.

The purpose of today's hearing is to examine the Department of Homeland Security's—what we perceive as a failure to prepare for the termination of Title 42. We are going to discuss that today.

I welcome our witnesses and I very much appreciate their professionalism and taking their time to be with us today. However, I am very disappointed that the Department of Homeland Security declined our request for a third witness, that being someone from senior chain with ICE, Immigration and Customs Enforcement, and we are going to discuss why we believe that particular witness was withheld.

I am also concerned that the witnesses' testimony, written testimony, was not made available to this committee until late in the evening yesterday, rather late at night, well after normal business hours, despite the deadline for written testimony being last Friday. We are going to inquire about that during the course of today's hearing, because what we seek, the truth, on this committee, requires transparency and cooperative effort. When we have a deadline for written testimony, that is when we expect to receive the written testimony. I suspect that our panelists provided that testimony, but it was slow rolled by the Department. We will see. We will dig into that today.

So, despite what Secretary Mayorkas and other officials at DHS are advising the American public regarding the numbers being down, what we have come to observe is rather a shell game in the way numbers are actually documented and reported. The numbers of human beings crossing into America without appropriate documentation are indeed still at the record levels that we saw prior to the end of Title 42. But the classification of those human beings

and the way they are brought into the country has been very cleverly changed by the administration, and we seek clarity on that today. We will ask questions extensively from both sides of the aisle, again seeking truth. There is no benefit to any of us to conceal the actual numbers and the truth regarding immigration, both legal and illegal.

So to reclassify illegal entry as those that have entered by a legal pathway and then tell the American people the numbers are way down, we have this thing under control, this is misleading by design, and we are going to dig into that today.

The CBP One app is being used as a type of asylum application very broadly, allowing those who register with it to move to the front of the line at ports of entry, be processed quickly into the United States as an asylum seeker without the normal asylum process and vetting. These migrants would have attempted to enter the United States between ports of entry and would have been considered illegal aliens and intercepted or encountered by Border Patrol between the ports of entry, but they are being pushed back. If they make it through the NGO's in Central America and Mexico, where many, many are being intercepted and quite effectively redirected through the ports of entry using a CBP One app. The ones that make it to the border are being turned around. Steady increase in what referred to as voluntary return. They are being sent back deeper into Mexico where they are received by NGO's, and they are assisted to fill out the CBP One app and then they are being bussed to the ports of entry and they are entering in that manner through what the administration is calling a legal pathway. So then they tell America that the numbers of illegal migrants are down. It is a shell game. We are going to expose it today. We are going to do so respectfully, but quite aggressively.

I appreciate the opportunity to have presented this opening statement.

I yield the balance of my time.

[The statement of Chairman Higgins follows:]

STATEMENT OF CHAIRMAN CLAY HIGGINS

Good afternoon and welcome to the Subcommittee on Border Security and Enforcement hearing on Title 42. The purpose of today's hearing is to examine the Department of Homeland Security's failure to prepare for the termination of Title 42. I would like to welcome our witnesses from the Department of Homeland Security for being here today. While I appreciate the Department for making both these witnesses available for today's hearing, I am incredibly disappointed that the Department did not fulfill the committee's request for a third witness from Immigration and Customs Enforcement.

Title 42 was a highly effective tool used to expel illegal aliens on public health grounds stemming from the COVID-19 pandemic. While my colleagues and I knew the emergency authority would not be in effect indefinitely, the Biden administration had plenty of time to prepare for its ending, enforce existing immigration laws, and implement tougher restrictions to combat the continuing monumental increase of aliens presenting at the Southern Border.

Days before the Biden administration's catastrophic end to Title 42, U.S. Customs and Border Protection (CBP) agents encountered more than 10,000 illegal aliens for at least three consecutive days—a historic record! In addition, front-line Border Patrol agents saw a record number of known gotaways, as more and more aliens attempted to cross the U.S. and Mexico border and evade detection, including an increase in the apprehensions of individuals on the terrorist watchlist.

While it is true that the number of alien apprehensions between ports of entry have fallen since Title 42 expired, per U.S. Border Patrol Chief Ortiz, that number is expected to rise again. As media reporting suggests, there are more than 25,000

aliens in shelters and makeshift encampments living in Mexico. Alarming, an estimated total of 657,000 individuals are either living, traveling, or intending to travel from other countries in the Western Hemisphere and are on track to reach the Southwest Border any day. Moreover, CBP is funneling aliens to ports of entry as evidenced by the rise in CBP's Office of Field Operations Nation-wide inadmissible numbers, which were 82,288 in February 2023—in comparison to the Trump administration pre-COVID, where the inadmissible number was at 24,269 in February 2020.

Mere days after the termination of Title 42, the administration proudly proclaimed that its policies were highly effective in curtailing illegal immigration for the first part of 2023 by creating arguably illegal parole programs. What the administration does not want to publicly acknowledge is that most aliens claiming asylum will lose their claims in U.S. immigration courts. Thanks in large part to the Biden administration's de-prioritization of interior enforcement, many, if not the majority, of these aliens will not be removed or deported from the United States, despite breaking U.S. immigration law and being ordered removed by courts of law. The administration undoubtedly has the necessary tools available to deter and repel aliens coming to our borders and it outright refuses to utilize them, setting the United States up for an infiltration of illegal aliens into American communities.

By failing to sufficiently prepare for the end of Title 42, the administration has announced to the world, and most significantly, our adversaries, that the United States is more vulnerable than ever before, as is evident by the increase of gotaways and those on the terrorist watchlists. Instead of accepting responsibility for their failure to secure the border, the Biden administration would rather play a dangerous game with American's sovereignty and safety. The administration's refusal to adequately respond to the border crisis will no longer be tolerated in a Republican-controlled Majority—enough is enough.

With that, I yield back the balance of my time and look forward to hearing from our witnesses.

Chairman HIGGINS. I recognize for his opening statement my friend and colleague, Ranking Member Correa.

Mr. CORREA. Chairman Higgins, first of all, let me thank you very much for holding this most important hearing. What we want to do is get down to the facts and make sure we know what is going on at the border.

As policy makers on both sides of the aisle, we have to recognize the challenges we have as a Nation. It is important to start by looking back over the last few years and what we have seen to look forward as to what we can expect.

Mr. Chairman, we have dealt with COVID-19, and America spent trillions in fighting COVID-19, and we did pretty well. In fact, our economy is doing better than any other economy in the world today. Record unemployment, worker shortages, and this is happening while, sadly, the rest of the world, the rest of all economies are really crumbling. Even the great China economy is having trouble getting back on its feet.

I would like to submit, without objection, this article from *The Wall Street Journal*, talks about "China's fading recovery reveals deeper economic struggles."

Chairman HIGGINS. Without objection.

[The information follows:]

ARTICLE SUBMITTED BY RANKING MEMBER J. LUIS CORREA

CHINA'S FADING RECOVERY REVEALS DEEPER ECONOMIC STRUGGLES

BALLOONING DEBT, TEPID CONSUMPTION AND WORSENING RELATIONS WITH THE WEST
TO WEIGH ON GROWTH, ECONOMISTS SAY

By Stella Yifan Xie and Jason Douglas

May 30, 2023 12:01 am ET

China's era of rapid growth is over. Its recovery from zero-Covid is stalling. And now the country is facing deep, structural problems in its economy.

The outlook was better just a few months ago, after Beijing lifted its draconian Covid-19 controls, setting off a flurry of spending as people ate out and splurged on travel.

But as the sugar high of the reopening wears off, underlying problems in China's economy that have been building for years are reasserting themselves.

The property boom and government overinvestment that fueled growth for more than a decade have ended. Enormous debts are crippling households and local governments. Some families, worried about the future, are hoarding cash.

Chinese leader Xi Jinping's crackdowns on private enterprise have discouraged risk-taking, while deteriorating relations with the West—exemplified by a new campaign against international due diligence and consulting firms—are stifling foreign investment.

Economists say these worsening structural problems are hobbling China's chances of extending the growth miracle that transformed it into a rival to the U.S. for global power and influence.

Instead of expanding at 6 percent to 8 percent a year as was common in the past, China might soon be heading toward growth of 2 percent or 3 percent, some economists say. An aging population and shrinking workforce compound its difficulties.

China could drive less global growth this year and beyond than many business leaders expected, making the country less important for some foreign companies, and less likely to significantly surpass the U.S. as the world's biggest economy.

"The disappointing recovery today really suggests that some of the structural drags are already in play," said Frederic Neumann, chief Asia economist at HSBC.

China's economy expanded at an annual rate of 4.5 percent in the first quarter, boosted by the end of Covid-era restrictions.

Yet more recent signals suggest the revival is ebbing. Retail sales rose 0.5 percent in April compared with March. A bundle of data on factory output, exports and investment came in much weaker than economists were expecting.

More than a fifth of Chinese youths aged 16 to 24 were unemployed in April. E-commerce companies Alibaba and JD.com reported lackluster first-quarter earnings. Hong Kong's Hang Seng Index, dominated by Chinese companies, is down 5.2 percent year to date, and the yuan has weakened against the U.S. dollar.

Most economists don't expect China's problems to lead to recession, or derail the government's growth target of around 5 percent this year, which is widely seen as easily achievable given how weak the economy was last year.

McDonald's and Starbucks have said they are opening hundreds of new restaurants in China, while retailers including Ralph Lauren are launching new stores.

A boom in electric-vehicle production allowed China to surpass Japan as the world's largest exporter of vehicles in the first quarter. Beijing's industrial policies and China's manufacturing prowess mean it is still finding ways to succeed in some major industries.

"We still have confidence in the long-term growth story of China," said Phillip Wool, head of research at Rayliant Global Advisors, an asset manager with \$17 billion under management. He said the country's transition to one that relies more on domestic consumption instead of exports will help keep it on track.

Still, many economists are growing more worried about China's future.

The big hope for this year was that Chinese consumers would step up spending, as the main drivers of China's past growth—investment and exports—languish.

But while people are spending somewhat more after almost 3 years of tough Covid-19 controls, China isn't experiencing the kind of surge other economies enjoyed when they emerged from the pandemic.

Consumer confidence is low. More important, some economists say, is that Beijing hasn't been able to meaningfully change Chinese consumers' long-running propensity to save rather than spend—a response to a threadbare social-safety net that means families must sock away more for medical bills and other emergencies.

Chinese household consumption accounts for around 38 percent of annual gross domestic product, according to United Nations data, compared with 68 percent in the U.S.

“Consumer-led growth has always been a bit of an aspirational target” for China, said Louise Loo, China lead economist in Singapore at Oxford Economics, a consulting firm. Now, it might be even harder to achieve, she said, given how cautious Chinese consumers are coming out of the pandemic.

Although Beijing is trying to make it easier to borrow this year, lending data indicate households prefer to pay down debt than take on new loans.

In March, Zi Lu dipped into her dowry and paid off the remaining 1.2 million yuan, equivalent to about \$170,000, on her mortgage for an apartment she bought in Shanghai 2 years ago. Working for an e-commerce retailer, she said sales have been underwhelming this year. Lu said she is anxious and wants to reduce her debt burden.

“I’m scared of getting laid off out of the blue,” she said.

Also looming over the economy is its massive debt pile.

Between 2012 and 2022, China’s debt grew by \$37 trillion, while the U.S. added nearly \$25 trillion. By June 2022, debt in China reached about \$52 trillion, dwarfing outstanding debt in all other emerging markets combined, according to calculations by Nicholas Borst, director of China research at Seafarer Capital Partners.

As of last September, total debt as a share of GDP hit 295 percent in China, compared with 257 percent in the U.S., data from the Bank for International Settlements shows. Viewing the debt buildup as a threat to financial stability, Xi has made deleveraging a centerpiece of his economic policy since 2016, weighing on growth.

To help deflate the country’s housing bubble, regulators imposed strict borrowing limits for property developers from late 2020. Property development investment fell 5.8 percent in the first quarter of this year despite policy efforts to stem the pace of the slide.

Two-thirds of local governments are now in danger of breaching unofficial debt thresholds set by Beijing to signify severe funding stress, according to S&P Global calculations. Cities across the country from Shenzhen to Zhengzhou have cut benefits for civil servants and delayed salary payments in some cases for teachers.

These problems are deepening when China’s appeal as a destination for foreign firms is waning, data show, as tensions rise with the U.S.-led West.

Foreign direct investment into China tumbled 48 percent in 2022 compared with a year earlier, to \$180 billion, according to Chinese data, while FDI as a share of China’s GDP has slipped to less than 2 percent, from more than double that a decade ago.

Competition for investment with countries including India and Vietnam is heating up as firms seek to diversify supply chains, partly in response to the risk of disruption from conflict between the U.S. and China.

Jens Eskelund, president of the European Union Chamber of Commerce in China, said uncertainty over China’s long-term economic prospects is another factor in companies’ investment decisions.

“Naturally, it dampens the willingness to go out and invest in additional capacity if you are not super optimistic about the economic outlook,” he said.

Reforms to foster more productive, private-sector activity have stalled under Xi, who is placing greater emphasis on security than economic growth. Beijing has tightened regulation of sectors including technology, private education and real estate, leaving many business owners unwilling to invest more.

In the first 4 months of this year, fixed-asset investment made by private firms grew 0.4 percent from a year earlier, compared with 5.5 percent growth in the same period in 2019.

Chinese leaders have dialed up rhetoric to reassure entrepreneurs and investors. Li Qiang, China’s No. 2 official and new premier, said in March that China will open further to foreign players, and told Communist Party officials to treat private entrepreneurs as “our own people.”

Economists are split over whether policymakers, who have held off on launching large-scale stimulus as they did in 2008 and 2015, will resort to more aggressive stimulus now. Some, including economists from Citigroup, expect China’s central bank to cut interest rates in the coming months to lift sentiment.

Others say that Beijing’s restraint stems from fear of compounding already-high debt levels, and that more stimulus might do little to trigger demand for credit anyway.

Jeff Bowman, chief executive of Cocona, which makes temperature-regulating materials used in apparel and bedding, said he is still optimistic about China. He said that during a recent 2-week business trip to Taiwan and China, customers who were

focused on China's domestic market were far more upbeat than their counterparts exporting to the U.S. or Europe, who he said "are hurting for sure."

He said that Cocona, based in Boulder, Colo., plans to set up a subsidiary in China to expand its business there.

But many analysts still wonder where the growth will come from.

"The big question is, have we reached the point where awareness of the structural slowdown is becoming a near-term issue for confidence? Then it's a bit of a vicious cycle," said Michael Hirson, head of China research at 22V Research, a New York-based consulting firm.

Mr. CORREA. Thank you, Mr. Chairman.

What we now have is a world-wide economic crisis that has led to world-wide economic crisis. There has never been more misplaced individuals probably in the last 100, 200 years in this world. World War II, 60 million individuals on the move. Today we have confirmed it, a greater number of individuals moving throughout the world displaced. This chart, if I can, from the U.N. Refugee Agency, shows the number of displaced persons, those in need of international protection and asylum seekers just in the Americas. As you can see from this chart, countries around the region, in this region, are suffering the challenge of refugees. Mexico is dealing with the refugee crisis within its borders, struggling. Guatemala is struggling. Europe, of course, is also feeling the stress. Further south in Colombia, not only is it hosting 2.5 million Venezuelan refugees, but others as well. Of course, these refugees are facing terrible conditions as they move north, looking for safety and opportunity.

This next picture I am going to show you is of a little girl struggling to continue north across the Darién Gap. She is separated from her mother and is being helped by another refugee trying to survive in that very dangerous region as they move north. If those refugees are willing to take that journey north, you know there is desperation.

So when we look at the post-COVID-19 world, we have to look at the challenges as a Nation. Let me start by saying Title 42 was a pandemic policy that was supposed to end when COVID ended as well. The party in charge of the House Representatives voted to end the COVID-19 pandemic and in doing so, voted to end or lift Title 42. I have to say I agree with them because Title 42 is an issue dealing with pandemics, health issues, and not an immigration instrument tool.

Looking forward to hearing from our witnesses today about the recent encounters at the border. I ask again that you talk about the numbers. As you do, you keep in mind the current challenges and the upcoming challenges, because this refugee challenge is not going away.

I have been to Central America and those nations, their infrastructures are devastated, and it is going to take a lot to get them back on their feet.

Also nearby, I visited all the CPB facilities that I could over the last few months on our Southern Border in the months leading up to the lifting of Title 42. I have also visited San Diego before and after 42. On every trip I would take, I would ask our officers at the border, are we prepared for May 11? Are we ready? They would say, yes, we are, to the best of our ability and based on assumptions that we have made on the numbers of individuals we are as-

suming will be here. You know what? They did a really good job. It wasn't just CBP, it was DHS, State Department, the administration, they did a good job.

In those first few days after Title 42 ended, the encounters dropped at the border by more than half. In fact, if you look at this next chart, those are the numbers reported by Border Patrol Chief Raul Ortiz showing more than a 50 percent drop in encounters since the ending of 42. These numbers continue to remain lower than what they were seeing earlier this spring, despite the fact that there is usually a normal increase at this time of the year, that is a seasonal increase.

Let me just repeat some of the things the administration did. They opened up regional processing centers in which CBP agents told me that they were very helpful in managing the capacity of processing individuals at the border, the administration created legal pathways for Venezuelans, Cubans, Haitians, and Nicaraguans to enter the United States legally, the administration sent active-duty military personnel to help with the logistics and expected surges at the border. By the way, California sent the National Guard and Texas sent the National Guard as well.

While I disagree with some of the consequences put in place at the border, some of the penalties in place at the border following the end of Title 42, they appear to be part of what has happened at the border today. I would say that as a body, as a legislative body, we have got a lot of work to do. The refugee crisis is not going away. It has got to be addressed with on a continent basis. South of the border, these are our neighbors, they are not going to move, they are going to be hanging out for a while. We have to address the challenges south of the border.

I would welcome the Chairman and others to visit with me countries south of the border to address the root causes of migration, to make sure that we prepare for the long-term. We can fight each other, point at each other, but we are talking about solutions in our continent, in our backyard. Though we roll up our sleeves and figure it out, we are going to continue to bicker and fight amongst each other and nothing is going to get done long-term.

So today, from our witnesses, I look forward to hearing your testimony. What you think has led to this—Mr. Chairman, I am not going to say a decline—but management of the border, was there a decline, what were the solutions you put in place, and what we can expect going forward?

Again, I don't believe this chapter is over in this refugee crisis. COVID-19 is still with us, it has devastated the continent, the world, and we are the only game in town. Like it or not, we are the greatest, strongest economy in the world.

With that, Mr. Chair, I want to thank you for my time and I turn over to you.

[The statement of Ranking Member Correa follows:]

STATEMENT OF RANKING MEMBER J. LUIS CORREA

JUNE 6, 2023

It's important to start by looking back over the last few years to see where we've been. And we need to look at where we are and look forward to see what we need to prepare for.

Chairman, we've dealt with COVID-19. America spent trillions in fighting COVID. And as a Nation, we have done pretty well in the aftermath.

In fact, our economy is doing so well that we have a record low unemployment rate and worker shortages. This is happening while the rest of the world's economies are stumbling. Even China, the second-largest economy in the world, is stumbling. I'd like to submit for the record one article talking about China and its post-COVID-19 pandemic woes.

What we have now is a world-wide refugee crisis, like the world has never seen. There are more displaced individuals than there were in World War II—about 60 million then. Today, the number is much greater number.

This chart from UNHCR, the U.N. Refugee Agency, shows the number of displaced persons, those in need of international protection and asylum seekers in the Americas. You can see countries across the region are experiencing unprecedented numbers.

This is not America's problem, it's the world's challenge.

Mexico is dealing with refugees within its borders. Canada has issues as well. Guatemala is feeling the stress of refugees. Europe is also feeling the stress. Further south, Columbia is hosting about 2.5 million Venezuelan refugees. Refugees are braving terrible conditions to find safety and opportunity.

I'd like to show this picture of a little girl struggling to continue on in the Darién Gap to show just some of the conditions refugees are willing to overcome to find safety.

If they are willing to endure this, we can only imagine what home must be like. So, when we look at the post-COVID world, let's look at challenges ahead of us as a Nation.

Let me start by saying that Title 42 was a pandemic policy supposedly intended to protect the public from COVID-19. The party in charge of House of Representatives voted to end the COVID-19 pandemic health emergency. Thus, my Republican colleagues voted to lift Title 42. And let me say, I agree with them. Title 42 should not be used as an immigration or border management tool.

I'm looking forward to hearing from our witnesses about recent encounter numbers. I ask that as you talk about the numbers, you keep in mind the current challenge of world-wide migration. This is not going away and this issue will require a long-term perspective.

While we heard a lot of fear about what might happen post-Title 42, the numbers of migrants we are seeing at the border actually dropped. We were told just last week that there is now significant capacity available in Border Patrol facilities. It's clear this administration has taken extensive steps to prepare for the end of Title 42.

I visited CBP facilities across the Southern Border in the months leading up to end of Title 42. And I visited the border in San Diego just days after it ended.

On every trip I made I would ask the officers and agents "Are we prepared for May 11? Are we prepared for when Title 42 ends?"

They would say "Yes we are prepared. But there is the great unknown and we continue to prepare for all possible scenarios."

They did the best they could, and they were ready.

It wasn't just CBP. It was DHS, the State Department, and this administration more broadly. And it looks like they did a pretty good job.

In those first few days after Title 42 ended, encounter numbers dropped by more than half. In fact, if you look at this chart, these are the numbers reported publicly by Border Patrol Chief Raul Ortiz showing more than a 50 percent drop in encounters since the ending of Title 42. That significant drop in the chart is when Title 42 ended.

Numbers remain significantly lower than what they were seeing earlier this Spring, despite the fact that numbers normally increase at this time of year. Yet this hearing is entitled "Examining DHS's Failure to Prepare for the Termination of Title 42." It's an interesting title. I'd like to recap some of the actions this administration took to prepare.

The administration is opening Regional Processing Centers, which CBP agents have told me will be incredibly helpful in managing the capacity and processing individuals at the ports of entry.

The administration created legal pathways for Venezuelans, Cubans, Haitians, and Nicaraguans to enter the United States legally.

The administration sent active-duty military personnel to help with logistics and surged additional resources from DHS to manage increased encounters.

The administration expanded access to the CBP One app and increased efforts to combat misinformation and stop transnational criminal organizations and smugglers from taking advantage of vulnerable migrants and those who seek to traffic drugs

into the United States. While I disagree with some of the consequences put in place, our border was not overwhelmed following the end of Title 42. Again, we've seen a significant decrease in encounters at the border.

There is still more we can do to improve our border security and reform our immigration system. We need to be prepared if numbers do increase in the future. Because this isn't a short-term challenge. We need to come up with more incentives for refugees to apply for admission to the United States before approaching our borders. We have to refocus on the economies of the world that have been devastated, with particular attention to our North American continent, and our neighbors to the south. And of course, we have to address immigration reform, and the demand for workers by an economically vibrant American economy.

Chairman HIGGINS. I thank my friend, Ranking Member Correa.

Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

PREPARED STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JUNE 6, 2023

We are here today to discuss the Department's readiness for the end of Title 42. Despite this hearing's title, the administration did, in fact, prepare for the end of Title 42. And that preparation has been successful. But let's start by acknowledging that Title 42 was a pandemic-era policy. And that Republicans in the House voted to end the public health emergency, which means they voted to end Title 42.

Under Title 42, hundreds of thousands of migrants were denied due process and access to the lawful asylum system. Migrants have the legal right to request protection under U.S. law, and I am glad to see we have transitioned back to regular immigration policy that allows for those laws to be followed. Nevertheless, terminating Title 42 was a complex undertaking that required significant planning.

DHS and the Biden administration instituted a whole-of-Government approach more than a year-and-a-half ago to prepare for the end of Title 42. DHS and the administration surged resources, increased efficiencies, administered consequences for unlawful entry, bolstered capacity, disrupted criminal organizations, and collaborated with international and Federal partners to prepare for the end of Title 42.

While my Republican colleagues may be disappointed with the lack of chaos at the border, the administration's actions led to a dramatic decrease in encounters with migrants at our Southwest Border following the end of Title 42. While the decrease in encounters is encouraging, we know that numbers may increase in the future.

Our immigration system has been broken for decades and we must continue to work to address the problems that plague this system. This committee should help ensure the Department has the personnel and resources it needs to process migrants in an orderly and humane manner. Democrats have worked to ensure the Department has the resources needed to process migrants humanely and efficiently.

Instead of helping the Department prepare and manage encounters on our Southwest Border, Republicans recently voted against authorizing the 1,700 CBP officers needed to increase capacity at our ports of entry. They also voted to cut 2,400 CBP officers and agents. And yet now, despite decreased encounters and the fact that they voted to end Title 42, they are trying to claim that the Department did not adequately prepare.

I look forward to hearing from the witnesses on the state of the border post-Title 42, as well as the Department's extensive efforts to prepare for its termination.

Chairman HIGGINS. I am pleased to have a distinguished panel of witnesses before us today on this very important topic and I ask that our witnesses please rise and raise your right hand.

[Witnesses sworn.]

Chairman HIGGINS. Let the record reflect that the witnesses have answered in the affirmative.

Thank you gentlemen, please be seated.

I would like to now formally introduce our witnesses.

Mr. Blas Nuñez-Neto has been serving as the assistant secretary for border and immigration policy since October 1, 2021. Mr.

Núñez-Neto has nearly 20 years of homeland security experience and previously served as the chief operating officer at U.S. Customs and Border Protection.

Mr. Benjamin "Carry" Huffman is the acting deputy commissioner for U.S. Customs and Border Protection, where he oversees the daily operation of CBP's expansive mission, including matters related to trade, travel, and national security. Mr. Huffman entered duty with the U.S. Border Patrol on February 3, 1985 as a member of the Border Patrol Academy Class 173.

I thank our witnesses for being here today, and I now recognize Assistant Secretary Núñez-Neto for 5 minutes to summarize his opening statement.

STATEMENT OF BLAS NÚÑEZ-NETO, ASSISTANT SECRETARY FOR BORDER AND IMMIGRATION POLICY, OFFICE OF STRATEGY, POLICY AND PLANS, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. NÚÑEZ-NETO. Chairman Higgins, Ranking Member Correa, and distinguished Members of the subcommittee, I appreciate the opportunity to appear before you today.

DHS led a comprehensive planning effort for more than 18 months to prepare for the end of Title 42. This effort included record deployments of personnel, infrastructure, and resources to support our front line. We also developed a series of policy measures intended to disincentivize unlawful entries at the land border while incentivizing migrants to use safe, orderly, and lawful processes and pathways to come to the United States.

The end of Title 42 on May 12 allowed DHS to once again impose consequences at the border. Unlike an expulsion under Title 42, removal under Title 8 carries with it a minimum 5-year bar to re-entry and the potential to be prosecuted for repeated re-entries. In the weeks since May 12, DHS has overseen a whole-of-Government effort that has reduced unlawful entries between our ports of entry by 70 percent. We did so even as Congress appropriated less than half of the \$4.9 billion that DHS requested to prepare for the end of Title 42.

As part of these efforts, we strengthened the consequences for those who are apprehended crossing the border unlawfully through the new Lawful Pathways Rule. This rule places common-sense conditions on asylum eligibility for migrants who do not use the lawful pathways and processes that we have dramatically expanded over the last year. Since May 12, USCIS has conducted a record number of credible fear interviews, more than 13,000, for migrants placed in expedited removal. We have repatriated over 38,400 single adults and families to more than 80 countries, including over 1,400 nationals of Cuba, Haiti, Nicaragua, and Venezuela who were returned to Mexico under our Title 8 authorities. This is the first time in our bilateral history that the government of Mexico has allowed the repatriation of non-Mexican nationals at the border under our Title 8 authorities.

DHS has made clear through these efforts that there are serious consequences for unlawful entry. However, consequences are by themselves not sufficient to deter migration. To be most effective, the consequences we enforce must be paired with incentives for mi-

grants to use lawful processes. This administration has overseen a historic increase in access to lawful processes for migrants to come to the United States in a safe and orderly manner that takes them out of the hands of the drug cartels and the coyotes. These processes include supporter-based parole processes for nationals of Cuba, Haiti, Nicaragua, and Venezuela, which have significantly reduced unlawful entries at the border, they include a 300 percent increase since 2019 in temporary work visas available for migrants in the region, and a dramatic expansion of refugee resettlement in the Western Hemisphere. The recently-announced Safe Mobility offices in Guatemala and Colombia will also allow migrants to be referred to legal pathways, not just to the United States, but to other partner countries, including Canada and Spain, that are participating in this effort. We have also significantly expanded orderly access to our land border ports of entry through the CBP One mobile application, which allows us to process almost four times our pre-pandemic average of individuals at our land border ports of entry each day.

Once again, the end result of this comprehensive effort has been a 70 percent decrease in unlawful entries between ports of entries since May 12. However, we know that the conditions in the hemisphere that are driving the unprecedented movement of people, not just to our country, but to countries throughout the region, are still present, and that the cartels and the coyotes will continue to weaponize disinformation to put migrants' lives at risk for profit.

I'd like to conclude by noting that these surges in migration have now become a regular occurrence for more than a decade, under both Republican and Democratic administrations. Presidents of both parties have attempted to use their Executive authorities to address these challenges as we have. This, in turn, has invited litigation from both sides of the political spectrum and has resulted in courts across the country dictating border and immigration policy. It is abundantly clear that Executive action alone cannot solve the entrenched challenge of irregular migration in our region, and neither party can address its impact on our border by themselves. Until and unless the U.S. Congress comes together in a bipartisan way to address our broken immigration and asylum system, we will continue to see these surges in migration at our border.

Thank you for the opportunity to appear before you today and I look forward to your questions.

[The prepared statement of Mr. Nuñez-Neto follows:]

PREPARED STATEMENT OF BLAS NUÑEZ-NETO

JUNE 6, 2023

INTRODUCTION

Chairman Higgins, Ranking Member Correa, and distinguished Members of the committee, I appreciate the opportunity to appear before you today to discuss the Department of Homeland Security's (DHS or Department) on-going efforts to secure and manage our Nation's borders.

I have been serving as the assistant secretary for border and immigration policy since March 26, 2023, having previously acted in this capacity since October 1, 2021. Prior to this role, I served as the chief operating officer at U.S. Customs and Border Protection (CBP), as well as the vice chair for the Secretary of Homeland Security's Southwest Border Taskforce.

For more than 3 years, starting in March 2020, DHS enforced the public health order that the Centers for Disease Control and Prevention (CDC) issued, under Title 42 of the U.S. Code, in response to the COVID-19 pandemic. On May 11, 2023, at 11:59PM ET, the public health emergency officially expired and the pandemic-era Title 42 public health order came to an end.

DHS led a planning effort for more than 18 months to prepare for the end of the Title 42 public health order. This effort included record deployments of personnel, infrastructure, and resources to support our front-line personnel as well as the development of a series of policy measures intended to disincentivize unlawful entries at the land border while incentivizing migrants to use safe, orderly, and lawful processes and pathways to come to the United States. In the weeks since May 12, DHS has executed on this plan by leading a whole-of-Government effort to ensure the safe, orderly, and humane management of the Nation's borders and the continued enforcement of U.S. immigration laws. We did so even as Congress failed to adequately fund these efforts, appropriating less than half of the \$4.9 billion that DHS requested to prepare for the end of Title 42.

The end of the Title 42 Order allowed DHS to fully return to processing all non-citizens under its long-standing Title 8 immigration authorities. DHS has strengthened the consequences for those who are apprehended crossing the border unlawfully, who are now subject to the Circumvention of Lawful Pathways rule on asylum eligibility. Migrants who do not use the expanded lawful pathways and processes to come to the United States in a safe and orderly manner are subject to a rebuttable presumption of asylum ineligibility unless they meet an exception or are able to rebut the presumption.

The result of this comprehensive planning effort has been a significant reduction in unlawful entries between ports of entry along our Southwest Border (SWB), which have decreased by more than 70 percent since May 12. The plan we put forward is working. We are cognizant, however, that the conditions in the hemisphere that are driving unprecedented movements of people are still present and that the cartels and coyotes will continue to spread disinformation about any potential changes to policies at the border in order to put migrants' lives at risk for profit. We will remain vigilant and continue to execute our plan, making adjustments where needed.

Surges in migration have been a regular occurrence for more than a decade under Republican and Democratic administrations. Presidents of both parties have attempted to use their Executive authorities to address these challenges—as we have. This, in turn, has invited litigation from both sides of the political spectrum and has resulted in courts across the country dictating border and immigration policy in ways that are contradictory and detrimental to our ability to manage the border. It is abundantly clear that Executive action cannot solve the entrenched challenge of migration in our region, and that neither party can address its impact on our border by itself. Until and unless Congress comes together in a bipartisan way to address our broken immigration and asylum system, we will continue to see surges in migration at our border.

CONTEXTUALIZING MIGRATORY FLOWS

There are more people displaced throughout the world today than at any other time since World War II. Violence, food insecurity, severe poverty, corruption, climate change, the fall-out of the COVID-19 pandemic, and dire economic conditions have all contributed to a significant increase in irregular migration around the globe. In the Western Hemisphere, failing authoritarian regimes in Venezuela, Cuba, and Nicaragua, along with an on-going humanitarian crisis in Haiti, have driven millions of people from those countries to leave their homes. Moreover, violence, corruption, and the lack of economic opportunity—challenges that are endemic throughout the region—are driving many others from countries as diverse as Colombia, Ecuador, Guatemala, Honduras, and Peru to make the dangerous journey to our border.

Transnational criminal organizations encourage and facilitate these migratory flows, spreading disinformation about what individuals will encounter along the route and at our border, so they can exploit migrants as part of a billion-dollar criminal enterprise. The increasing role that drug cartels are playing in human smuggling throughout the region is particularly concerning given their complete disregard for human life, which has led to tragedies in the United States, Mexico, and other countries.

The increased migratory flows at our border are a direct result of global trends that have been building for many years. Historically, encounters along the SWB in the 1980's and 1990's consisted overwhelmingly of single adults from Mexico, most

of whom were migrating for economic reasons and regularly crossed back and forth across the border. Until the early 2000's, annual encounters routinely numbered more than a million. In the early 2010's, after three decades of bipartisan investments in border security and strategy, encounters along the SWB reached modern lows, averaging fewer than 400,000 per year from 2011 to 2017. However, even during this period of relatively low encounters, DHS faced significant surges in migration by unaccompanied children in 2014, and family units in 2016, which strained our operations given the unique challenges posed by those demographics. Between 2017 and 2019, encounters along the SWB more than doubled, and—following a significant drop during the beginning of the COVID-19 pandemic, which shut down travel across the world and depressed migration—continued to increase in 2021 and 2022.

In fiscal year 2021, encounters at the SWB reached levels not seen since the early 2000's, with a total of 1.7 million encounters. In fiscal year 2022, DHS reached a high-water mark for encounters at the SWB with 2.4 million total encounters. A surge in migration of nationals from Cuba, Haiti, Nicaragua, and Venezuela (CHNV) accounted for more than two-thirds of the increase in encounters from fiscal year 2021 to fiscal year 2022. DHS encountered more than 626,000 CHNV nationals in fiscal year 2022 comprising 26 percent of total encounters and 35 percent of unique encounters—by far the highest proportion these groups had ever accounted for. This surge was largely driven by deteriorating conditions in these countries, as well as DHS's general inability to impose immigration consequences on nationals from these countries that were encountered at the border because of the requirement to implement the Title 42 public health order. Venezuela does not allow repatriations via charter flights, which significantly limits DHS's ability to remove Venezuelan nationals. Nicaragua and Cuba have historically placed restrictions on the number of charter flights that DHS can operate. DHS has, however, recently restarted removal flights to Cuba, conducting two individual flights on April 24 and May 10—the first since the onset of the COVID-19 pandemic in 2020. While DHS does continue to operate removal flights to Haiti, the deteriorating security, economic, and political situation on the ground there, including the security situation at the Port-au-Prince airport, has raised operational challenges in doing so at particular times.

These historic challenges were exacerbated by the unpredictable impacts that the application of Title 42 at the SWB had on migration in our hemisphere. Because Title 42 expulsions had no immigration consequence for migrants, these expulsions did not have the same impact as traditional Title 8 processing. Unlike a Title 42 expulsion, a removal under Title 8 carries with it at least a 5-year bar to admission, among other legal consequences such as potential criminal prosecution for repeated entries. The application of Title 42 at the border—which DHS was required by a court order to continue to implement after the CDC initially determined it should have been ended in April 2022—may have actually increased border encounters, particularly for single adults expelled to Mexico. This is due to the significant increase in recidivism—or multiple encounters of the same person—observed for individuals processed under Title 42 as compared to those processed under Title 8 authorities. From the start of the pandemic and the initiation of Title 42 expulsions through December 31, 2022, 39 percent of all Title 42 expulsions were followed by a re-encounter of the same individual within 30 days, compared with a 30-day re-encounter rate of 9 percent for Title 8 repatriations. Similarly, the 12-month re-encounter rates were 51 percent for Title 42 expulsions versus 20 percent for Title 8 repatriations. Overall, in April 2023, 26 percent of encounters at the SWB involved individuals who had at least one prior encounter during the previous 12 months, compared to an average 1-year re-encounter rate of 14 percent for fiscal year 2014–2019.

A WHOLE-OF-GOVERNMENT APPROACH TO MANAGE AND SECURE THE BORDER

DHS led a comprehensive all-of-Government effort to prepare for the end of the Title 42 public health order that lasted more than a year-and-a-half. In the Fall of 2021, DHS began contingency planning efforts that included building an operational plan and conducting regular interagency tabletop exercises. Through the Southwest Border Coordination Center (SBCC), formally launched in February 2022, DHS leveraged its components, including CBP, U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), U.S. Coast Guard, and the Federal Emergency Management Agency (FEMA), in coordination with interagency partners across the Federal Government, to strategically position resources and accelerate processing efficiencies that enable DHS to better manage the operational environment along the SWB. DHS is also working closely with the De-

partment of State (DOS) to engage partners in the region to streamline repatriation processes, increase removal flights, and address migratory flows downstream.

In April 2022, Secretary of Homeland Security Alejandro N. Mayorkas issued the DHS Plan for Southwest Border Security and Preparedness, laying out a six-pillar plan to manage an increase in encounters once the Title 42 Order was no longer in effect. DHS updated this comprehensive plan in December 2022, and continues to build upon the impact DHS has seen as a result of these efforts, which include: (1) Surging resources, including personnel, transportation, medical support, and facilities to support border operations; (2) increasing CBP processing efficiency and moving with deliberate speed to mitigate potential overcrowding at U.S. Border Patrol (USBP) stations and to alleviate the burden on the surrounding border communities; (3) administering consequences for unlawful entry, including removal, detention, and prosecution; (4) bolstering the capacity of non-governmental organizations (NGO's) to receive noncitizens after they have been processed by CBP and are awaiting the results of their immigration proceedings; as well as ensuring appropriate coordination with and support for State, local, and community leaders to help mitigate increased impacts to their communities; (5) targeting and disrupting the transnational criminal organizations (TCOs) and smugglers who take advantage of and profit from vulnerable migrants, and who seek to traffic drugs into the United States; and (6) deterring irregular migration south of the border, in partnership with the DOS, other Federal agencies, and nations throughout the Western Hemisphere, to ensure responsibility sharing. This robust plan leverages a whole-of-Government approach to prepare for and manage potential increases in encounters of noncitizens at the SWB.

At our current funding level, DHS has:

- Surged personnel to reinforce the more than 24,000 USBP and Office of Field Operations (OFO) personnel at the border, with approximately 1,000 law enforcement officers from across the DHS network, as well as other Federal agencies, thousands of contract personnel, 1,500 active-duty military personnel, and hundreds of volunteers from across DHS and interagency partners.
- Dedicated and retrained more than 1,000 USCIS officers to conduct credible fear interviews of migrants encountered at the border, allowing DHS the ability to more quickly provide relief to those who are eligible and expeditiously remove those who are not.
- Enhanced surveillance capacity by adding 81 new autonomous surveillance towers since the start of fiscal year 2022 for a current total of 223. The President's fiscal year 2024 budget also requests more than \$500 million in border technology.
- Expanded CBP temporary holding capacity at the border by nearly 50 percent, from 13,230 in January 2021 to over 19,000 today.
- Made available several thousand detention beds in the ICE network by updating guidelines to reflect the latest CDC guidance regarding congregate settings in detention facilities.
- Increased contracted medical personnel by 75 percent since the start of fiscal year 2022.
- Arrested nearly 10,000 smugglers and disrupted thousands of human smuggling operations, such as raiding smuggler stash houses, impounding tractor trailers that are used to smuggle migrants, and confiscating smugglers' information technology.

We have also been working closely with the DOS and countries throughout the hemisphere—including Mexico, Guatemala, Costa Rica, Colombia, Ecuador, and Panama—to expand efforts to counter human smuggling organizations, humanely secure borders, increase labor mobility, and expand protection and lawful pathways for intending migrants. A key part of this coordination with foreign partners has been working to increase our capacity to remove individuals who do not establish a legal basis to remain in the United States. These efforts have included significantly increasing the number of flights that ICE is able to operate to countries throughout the hemisphere—with the number of removal flights doubling or tripling for some countries—while streamlining the requirements that countries place on operating those flights, and generally making it easier to repatriate individuals. As an example, we have increased the number of weekly flights that we can operate to countries such as Ecuador and Colombia from 2 and 1 in 2021, to 8 and 12 today, respectively.

Through this planning effort and intensive international negotiations, DHS has repatriated—through removals, returns, and expulsions—record numbers of noncitizens over the past 2 years. Since January 2021, DHS repatriated 3.4 million individuals to 146 countries, including a record 1.5 million individuals in fiscal year 2022.

NEW MEASURES TO EFFECTIVELY MANAGE AN ORDERLY AND HUMANE IMMIGRATION
SYSTEM

In addition to coordinating an all-of-Government response and surging personnel, infrastructure, and other resources to the border, DHS has taken a number of innovative policy steps that seek to change the calculus for intending migrants. These measures impose new consequences on individuals who cross the border unlawfully and do not qualify for an exception, while significantly expanding lawful pathways to incentivize noncitizens to use safe, orderly, and lawful pathways to come to the United States without having to put their lives in the hands of drug cartels and smugglers. As part of these efforts, we have also overseen the largest expansion in lawful pathways in decades even as we have set records for repatriations.

As described above, most of the increase in encounters from fiscal year 2021 to fiscal year 2022 was driven by a surge in migration from CHNV nationals—countries for which the United States had limited ability to impose consequences on unlawful entry. In the fall of 2022, Venezuelan migrants began to take the extraordinarily dangerous path to our border in increasing numbers—a journey that goes through the most dangerous border crossing in the world, the Darién region, a jungle between Colombia and Panama. By early October 2022, DHS was encountering more than 1,100 Venezuelan migrants a day between ports of entry (POEs) and Panama was encountering roughly 4,000 a day exiting the Darién. In response to this challenge, DHS developed—in close coordination with the government of Mexico—an innovative approach that provided Venezuelans with a safe, orderly way to come to the United States and imposed new consequences on those who crossed unlawfully. Venezuelans who did not use this new process and were encountered at the land border would, for the first time, be returned to Mexico. As part of this process, U.S.-based supporters provide financial support for Venezuelan nationals who can be authorized to travel directly to the interior of the United States—after clearing national security and public safety vetting—to seek a discretionary grant of parole based after a case-by-case determination.

The Venezuela process significantly reduced irregular migration to the border, and throughout the entire hemisphere. Two weeks after the announcement, encounters of Venezuelan nationals between POEs had declined to under 200 per day. This significant reduction continues today with a daily average of 162 the week ending June 2. Panama has seen a similarly dramatic decline in Venezuelans exiting the Darién, reflecting a paradigm shift in regional migratory flows.

In November and December 2022, DHS began to see a surge in migration from nationals of Cuba and Nicaragua, with CHNV encounters between POEs peaking at 3,644 encounters on December 10. On January 5, 2023, DHS announced the expansion of the Venezuela process to Cubans, Haitians, and Nicaraguans. Encounters of CHNV nationals between POEs at the SWB immediately declined, from a 7-day average of 1,231 on the day of the announcement on January 5, to a 7-day average of 205 2 weeks later. The reduction occurred even as encounters of other noncitizens began to rebound from their typical seasonal drop and represented a decline of 94 percent from the early December 10 peak; and CHNV encounters between POEs are even lower today, averaging 182 per day the week ending June 2, down 95 percent from the December peak.

The significant decrease in unlawful entries after the implementation of the CHNV enforcement processes—a decrease that holds months later—demonstrates clearly that migrants will wait to utilize a safe, lawful, and orderly pathway to the United States if one is available, rather than putting their lives and livelihoods in the hands of ruthless smugglers.

It is also true that smugglers will look for any opportunity to deceive migrants about U.S. law and immigration policies at the border in order to drive migration. We saw this phenomenon play out in the weeks leading up to the end of Title 42, when smugglers weaponized misinformation to convince migrants in Mexico that the United States was no longer returning Venezuelan nationals at the border and used the promise of heightened consequences starting on May 12 to convince migrants to part with their money and risk their lives to attempt to enter unlawfully before that date. This resulted in an increase in encounters of Venezuelan nationals to their highest levels since the implementation of the parole process in October 2022—even as encounters of Cubans, Haitians, and Nicaraguans remained at historically low rates. Encounters of Venezuelans once again declined precipitously with the resumption of Title 8 processing and the implementation of stricter consequences for non-citizens who unlawfully cross the border into the United States. As noted above, after May 12 CHNV encounters declined precipitously once again, to an average of fewer than 182 per day the week ending June 2.

On May 12, 2023, after a robust regulatory process that included responding to more than 50,000 comments from the public, DHS and the Department of Justice began implementing the Circumvention of Lawful Pathways rule, which is designed to build on the success of the CHNV enforcement processes. The rule is designed to cut the transnational criminal organizations that prey on migrants out of the process, making migration safer and more orderly. Its provisions incentivize migrants to use the new and existing lawful processes that DHS has established and disincentivize dangerous border crossings by placing a common-sense condition on asylum eligibility for those individuals who fail to do so, and who do not otherwise qualify for an exception.

Under the rule, individuals who circumvent the expanded lawful, safe, and orderly pathways into the United States—including the CHNV processes, the significant expansion in refugee and temporary work visas, and use of the CBP One mobile app to schedule a time and place to arrive at a port of entry—and also fail to seek protection in a country through which they traveled on their way to the United States, are subject to a rebuttable presumption of asylum ineligibility in the United States unless they meet specified exceptions. Individuals who cannot establish a valid claim to protection under the standards set out in the rule are subject to prompt removal under Title 8 authorities, which carries at least a 5-year bar to admission to the United States and the potential to be criminally prosecuted for repeated unlawful entry.

To implement the rule to the maximum extent possible, DHS has surged resources, including training more than 1,000 USCIS officers to support an unprecedented increase in credible fear interviews for those placed into expedited removal proceedings. This ambitious plan included adding more than 600 private interview spaces in CBP and ICE facilities to provide noncitizens in our custody who wish to consult with legal services providers the opportunity to do so—if legal service providers are available.

Since May 12, USCIS has conducted more than 13,000 credible fear interviews—a record number of interviews conducted by USCIS personnel during a 3-week period.

DHS has made clear through these efforts that there are consequences for unlawful entry. From May 12 to June 2, 2023, DHS repatriated over 38,400 noncitizens under Title 8 authorities, including single adults and families, to more than 80 countries. This includes over 1,400 noncitizens from Cuba, Haiti, Nicaragua, and Venezuela who were returned to Mexico under Title 8 authorities—the first time in our bilateral history that the government of Mexico has allowed the repatriation of non-Mexican nationals at the border under Title 8 authorities.

Consequences are, by themselves, not sufficient to deter migration. Migrants have, time and time again, shown that they are willing to endure unfathomable suffering for an opportunity to come to the United States. And our Nation has, for generations, been made stronger by those migrants that have come. To be effective, the consequences we apply must be paired with incentives for migrants to use lawful processes. This administration has overseen a historic increase in access to lawful processes for migrants to come to the United States in a safe, orderly, and lawful manner.

The CHNV processes described above have allowed more than 130,000 individuals who have U.S.-based supporters and have passed the requisite national security and public safety vetting, to come directly to the United States. We have significantly expanded the number of temporary work visas available for migrants in the region, especially in Northern Central American (NCA) countries of El Salvador, Guatemala, and Honduras, through the H-2A and H-2B programs. As of May 11, 2023, 11,991 H-2B visas were issued to nationals of El Salvador, Guatemala, Honduras, and Haiti. This is almost double the number of H-2B visas issued for these populations last fiscal year and a 300 percent increase compared to the entire fiscal year 2019.

We have also dramatically expanded refugee resettlement in the Western Hemisphere, working in conjunction with the DOS. We resettled 2,485 individuals in fiscal year 2022, a 521 percent increase over fiscal year 2021 and an 8-year high for the region. As of April 30, 2023, we have already resettled 2,826 refugees from the Western Hemisphere—a nearly 20 percent increase over the total fiscal year 2022 with 5 months left in the fiscal year. With the establishment of Safe Mobility Offices in South and Central America, we will significantly increase the number of individuals processed for refugee resettlement in the coming months and years.

We have also significantly expanded access to our land border ports of entry. The CBP One mobile app, which is available to download for free to a mobile device, allows individuals of any nationality who are in Central or Northern Mexico to schedule an appointment to present at a POE along the SWB in a safe and orderly man-

ner. The advance biographic and biometric information captured by the app allows CBP to significantly streamline its processes at the border, which in turn has allowed CBP to greatly increase its ability to process inadmissible individuals at land border POEs compared to its 2014–2019 pre-pandemic average. On June 1, CBP expanded the number of available daily appointments to 1,250 per day—almost 4 times our pre-pandemic average. These individuals have presented in a safe and orderly manner at a port of entry each day during their scheduled appointment time. Since its launch on January 18, 2023, more than 125,000 noncitizens have successfully scheduled an appointment to present at a designated POE through the CBP One app, and more than 109,000 of those appointments have been processed thus far at POEs along the SWB. This app, available in English, Spanish, and Haitian Creole, effectively cuts out the smugglers, decreases migrant exploitation, and improves safety and security in addition to making the process more efficient.

We also recognize that the United States cannot address this issue on its own. As endorsed by the 21 countries that signed the Los Angeles Declaration on Migration and Protection in June last year, it is our collective responsibility to address the factors causing irregular migration throughout our hemisphere. A key pillar of these efforts includes DHS and DOS are continuing to deliver on our commitments by establishing Safe Mobility Offices in South and Central America, starting with Guatemala and Colombia, which formally announced their participation on June 1 and June 5, respectively. Safe Mobility Offices enable eligible individuals to begin the process of accessing protection and other lawful pathways to the United States or other partner countries including Canada and Spain.

We have also seen governments in the region step up their enforcement measures since May 12. For instance, The GOM is also undertaking an unprecedented migration management effort on its Southern Border with Guatemala, and along key transit routes, and along our shared border. For its own sovereign reasons, the GOM continues to be a leader in the region when it comes to innovative and balanced efforts to manage migration. The government of Guatemala (GOG) has also taken important steps to address migratory flows. In addition to our work together to establish safe mobility offices, the GOG has augmented its border control activities by deploying military and law enforcement personnel on its own Southern Border. And finally, recognizing that the unmonitored flow through the Darién region has increasingly been managed by transnational criminal organizations, is dangerous for the migrants who use it, and contributes significantly to the volume of irregular migratory flows in the region, the governments of Colombia and Panama are, for the first time, working together to attack transnational criminal networks operating in the Darién. Finally, throughout the region, DHS and DOS are working bilaterally with numerous partner countries to encourage the strengthening of visa policies, better and more targeted screening of individuals flying into the hemisphere, and enhanced capture and exchange of biometric data. All these efforts, when taken together, represent significant strides forward in managing the extraordinary migration challenge that is facing this hemisphere.

CONCLUSION

The bottom line is that this approach is working. Since the CDC's Title 42 public health order ended and the Biden-Harris administration's comprehensive plan to manage the border went into full effect on May 12, 2023, encounters between POEs at the border have decreased by more than 70 percent compared to the 48 hours preceding the end of Title 42, with CBP averaging 3,400 USBP encounters in between POEs per day and less than 300 non-CBP One OFO encounters at POEs per day.

Our message has been clear—there are safe, lawful pathways to come to the United States, and consequences for those who do not use them. Those who come lawfully will be able to stay and work in the United States for the time that they are authorized to be here, while those who come unlawfully will be subject to strengthened consequences and quickly removed.

DHS is encouraged by this progress, but we recognize that the underlying conditions prompting historic migration across the Western Hemisphere remain, and smugglers will continue to weaponize disinformation to put migrants lives at risk for profit. DHS remains vigilant and will continue to deliver the strengthened consequences that have been put in place at the border for migrants who fail to take advantage of the historic increase in lawful pathways to come to the United States. We will continue to work with our foreign partners, including the GOM, to coordinate enforcement efforts and provide lawful pathways for migration throughout the Hemisphere.

We have demonstrated our commitment to work innovatively within our statutory authorities, and using the resources made available by Congress, to address the challenges we are facing at our border and in the region—challenges that have led to repeated surges in migration over the past decade years under Presidents of both political parties. However, it is clear that there is no lasting solution to these challenges that does not include the U.S. Congress working on a bipartisan basis to update our hopelessly outdated immigration laws—laws that have not been touched in decades, and that were created to deal with a dramatically different migratory challenge. The fact that DHS's efforts continue to be the subject of on-going litigation—from both sides of the political spectrum, and often on the same issue—clearly demonstrates the need for Congressional action. Neither party can solve this problem on its own, and letting the courts continue to dictate immigration and border policy is simply untenable.

The Department remains eager to work with this committee and other Congressional leaders, on a bipartisan basis, to update the United States' immigration framework, including by modernizing the asylum system. Until that happens, DHS will continue to utilize every tool currently at its disposal and within DHS's authorities to secure the border and create a safe, orderly, and humane immigration system.

I am proud of the work that DHS and the men and women on the front lines have been doing to address these challenges. The best way for Congress to support them is by once and for all fixing our outdated, broken immigration system.

I look forward to working together and to answering your questions. Thank you.

Chairman HIGGINS. Thank you, sir. Appreciate your opening statement.

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

STATEMENT OF BENJAMINE “CARRY” HUFFMAN, ACTING DEPUTY COMMISSIONER, CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. HUFFMAN. Good afternoon, Chairman Higgins, Ranking Member Correa, and distinguished Members of the subcommittee. It is an honor to testify today on behalf of U.S. Customs and Border Protections work force and discuss our preparations for the termination of Title 42 Public Health Order.

Before I cover those preparations, however, I want to take a moment to state how proud I am of the CBP work force and how time and again they rise to meet any challenge thrown their way. I would also be remiss if I didn't point out that last month, the U.S. Border Patrol celebrated their 99th anniversary since their establishment in May 1924. I've had the privilege of serving within their ranks for over 38 of those 99 years.

CBP operates in an ever-evolving and dynamic environment, which is complex, demanding, and dangerous. The 64,000 men and women who make up CBP work in this environment under extreme stress, stress not only is a result of the mission itself and the expectations of the Nation we serve, but also acute personal stress. The last 3 years have been particularly difficult, exhaustive, and taxing while extending our work force to extreme limits. This period of time has required enormous sacrifices, the greatest of which has been the cost of the lives of our work force—64 line-of-duty deaths since 2020, of which 55 were attributed to COVID-19 and, tragically, another 36 employees who died by suicide. The leadership of CBP recognizes the stress and the well-being of our employees as a CBP's top priority. I am thankful for the support Congress has provided us for our dedicated work force.

Whether we're talking about the Southwest Border before, during, or after Title 42, CBP has seen considerable operational demands. Today, I would like to first highlight some of those challenges and second, discuss how CBP prepared for the end of Title 42.

First, the Southwest Border environment is immensely complex and can be dangerous. To that end, CBP continues to counter the threat of sophisticated transnational criminal organizations that profit from ruthless human and drug smuggling. When it comes to drugs, such as illicit fentanyl, CBP is increasing our detection capabilities and working with our partners to dismantle production and trafficking. These efforts have led to results. In April, we surpassed the amount of fentanyl seized during all of fiscal year 2022. Special multi-agency operations, such as Operation Blue Lotus and Four Horsemen, amplified our efforts. In just 2 months these operations led to the seizures of more than 5,700 pounds of fentanyl and 250 arrests.

CBP is also responding to the historic flows of irregular migration as transnational criminal organizations take advantage and mislead migrants. In the course of combating these ruthless organizations, CBP regularly performs life-saving rescues and provides initial emergency medical care to those in distress in often the extreme environments. As a result, CBP officers and agents have conducted nearly 3,700 rescue operations this year alone and provided life-saving assistance to more than 24,000 migrants.

Which brings me to my second point. CBP, along with our DHS partners, have been planning and preparing for the end of Title 42. Our preparations align with CBP's overall strategy, prioritize and strengthen National and border security, enforce the rule of law, including human and civil rights, while implementing Executive branch policies, provide for the safe, humane processing of migrants, and ensure the continued flow of lawful trade and travel.

In anticipation of increased migration flows, CBP surged resources to encounter migrants crossing between ports of entry and to safely and thoroughly conduct immigration processing. This is done with a persistent focus on maintaining national and economic security, with all of our preparations considering how to care for and alleviate the stress upon our most important asset, our work force. As we have done throughout our history, CBP has resumed fully using Title 8 immigration authorities. Title 8 provides meaningful consequences for unlawful border crossings, including expedited removal, a 5-year ban on U.S. admission, and criminal prosecution.

In the days preceding the lifting of Title 42, CBP encounters with non-citizens between the ports of entry reached historic highs, approximately 10,000 a day. In the weeks since, the numbers have dropped by approximately 70 percent. At our ports of entry we've recently been encountering over 1,250 non-citizens a day who have made appointments through the CBP One app mobile application.

In closing the border has always been a dynamic and complex environment, and as always, the CBP work force will be prepared for any challenges that may come up. CBP will continue to do our part enforcing the law, ensuring our work force and individuals in our

custody are properly cared for, and being a trusted partner to all others in this effort.

Thank you for the opportunity to appear here today, and I do look forward to your questions.

[The prepared statement of Mr. Huffman follows:]

PREPARED STATEMENT OF BENJAMINE “CARRY” HUFFMAN

JUNE 6, 2023

INTRODUCTION

Chairman Higgins, Ranking Member Correa, and Members of the subcommittee, thank you for the opportunity to discuss the conditions along the Southwest Border and U.S. Customs and Border Protection’s (CBP) critical role in securing our borders and facilitating lawful trade and travel. I am honored to represent the dedicated men and women of CBP who operate on the front lines to ensure our national and economic security.

The emergence of the COVID–19 pandemic and the March 2020 implementation of the Centers for Disease Control and Prevention’s (CDC) public health order, commonly referred to as Title 42,¹ transformed the Southwest Border environment and significantly altered CBP’s operations. From March 2020 until the order terminated at 11:59 p.m. ET on May 11, 2023, CBP assisted in enforcing Title 42, which suspended the right to introduce into the United States certain non-citizens arriving at the land and adjacent coastal borders to protect against the spread of COVID–19.

Throughout the pandemic, CBP and our partners responded to high levels of migrant encounters, simultaneously upholding civil and human rights, securing our borders, and protecting the health and safety of surrounding communities, our personnel, and the noncitizens we encounter. The COVID–19 outbreak in early 2020 and the resulting worldwide pandemic was particularly hard on the men and women of CBP. While many people retreated to the safety of their homes and telework, CBP remained on the front line directly confronting this deadly virus in continuance of our border security mission and keeping the Nation’s economic engine running and viable. This was at extreme cost to the agency with tens of thousands of employees contracting the virus—resulting in 55 deaths directly attributed to contracting the virus in the line of duty.

While the Title 42 Order was effective in helping CBP quickly expel certain covered noncitizens as part of our national efforts to prevent the spread of the virus, the order carried no legal consequences for attempts at unlawfully crossing the United States border and, as a result, repeat encounters increased significantly.²

As a critical component of the Department of Homeland Security (DHS) planning effort, CBP made numerous preparations for the end of the Title 42 order. Our response focused on the application and enforcement of immigration authorities and regulations and was supported by the deployment of technology and infrastructure; increased levels of personnel; improved processing efficiencies and security; and coordination with our partners.

Leveraging experience and expertise gained during previous migration surges, CBP, together with our partners, prepared a response plan, now implemented, to ensure we can continue to scale our operations and effectively respond to areas of the greatest need, impose consequences on those who break the law, and process noncitizens safely and humanely.

CURRENT POST-TITLE 42 PROCESSING AND SECURITY OPERATIONS

As anticipated, in the days leading up to the termination of the Title 42 Order, daily CBP encounters with noncitizens between the ports of entry (POEs) reached historic highs of approximately 10,000 per day. Since the CDC’s Title 42 public health order terminated and DHS and the Department of Justice (DOJ) began implementing a new regulation on May 12, 2023, CBP has experienced a significant reduction in encounters at the Southwest Border. Following the termination of the

¹March 20, 2020, CDC Order under Sections 362 and 365 of the Public Health Service Act (42 U.S.C. §§ 265, 268), Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists. https://www.cdc.gov/quarantine/pdf/CDC-Order-Prohibiting-Introduction-of-Persons_Final_3-20-20_3-p.pdf.

²See U.S. Border Patrol Recidivism Rates—<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

Title 42 Order, CBP has been encountering approximately 3,400 noncitizens between POEs per day. At the POEs, CBP has been encountering approximately 1,000 noncitizens per day, predominately with an appointment scheduled through the CBP One mobile application. The level of encounters between the POEs represents a decrease of approximately 70 percent compared to the 48 hours preceding the termination of the Title 42 Order.

Together with our partners across DHS and throughout the Federal Government, CBP's response has been focused on the resources and capabilities needed to enforce the law and regulations to mitigate potential increases in migration and keep our front-line personnel where it belongs: on the front line.

Enforcement of Immigration Authorities and Regulations

With the termination of the CDC's Title 42 public health order, CBP has resumed using its full range of immigration authorities under Title 8 of the U.S. Code to process migrants encountered at the border without documentation for lawful admission, as we have done throughout our agency's history. These authorities provide for meaningful consequences that include placing individuals in expedited removal or other immigration removal proceedings. Under Title 8, an individual who is removed is subject to at least a 5-year ban on admission to the United States and can face criminal prosecution for any subsequent attempt to cross the border illegally.

Coupled with these consequences, DHS and DOJ implemented a final rule,³ "Circumvention of Lawful Pathways," that establishes a rebuttable presumption of asylum ineligibility for certain noncitizens who fail to seek asylum or other protection in one of the countries through which they travel on their way to the United States, and who fail to take advantage of the existing and expanded lawful pathways to enter the United States, including the opportunity to schedule a time and place to present at a POE via the CBP One mobile application.

Those who attempt to cross the Southwest Border without utilizing these processes are, with some exceptions, subject to a rebuttable presumption of asylum ineligibility. To maintain our border security posture and ensure this process is conducted fairly, efficiently, and safely, CBP has deployed technology, increased personnel, expanded facilities and transportation, improved processing efficiencies, and strengthened coordination with our partners.

Deployed Technology, Infrastructure, and Personnel

Accelerating efforts to provide significant enhancements to its domain awareness capabilities between the POEs, CBP made substantial investments in advanced technologies that improve our agent and officer efficacy and safety, including improved communications solutions, body-worn cameras, and additional autonomous surveillance towers. Additionally, CBP's large- and small-scale non-intrusive inspection (NII) systems are critical tools used at and in between the POEs to provide officers and agents with deeper insight into what is entering or traveling through the United States. The NII systems alert officers and agents to the presence of anomalies in shipments, passenger belongings, cargo containers, commercial trucks, rail cars, and privately-owned vehicles, quickly signaling to officers and agents where further inspection is needed.

CBP has also closed 55 gates and gaps in the border barrier to date, and we are working to close an additional 74 gates and gaps along with life, safety, environmental, and other remediation activities at incomplete border barrier projects.

Surveillance and detection technology is critical to our border security operations but serves only limited purpose without our greatest asset: our skilled and professional workforce. CBP has approximately 24,000 agents and officers along the Southwest Border. We have been hiring more personnel, especially non-uniformed support personnel and contract personnel to assist in data entry and facility operations. These personnel investments allow our law enforcement agents and officers to stay in the field and focus on their critical security mission.

Expanded Facilities and Transportation and Improved Safety

To accommodate increases of non-citizens in CBP custody, we renovated and reopened the Rio Grande Valley Central Processing Center (CPC) in McAllen, Texas, in March 2022; opened two new soft-sided facilities in the El Paso and San Diego sectors in January 2023; recently expanded the Yuma and El Paso soft-sided facilities and maintained additional soft-sided facilities located in priority locations. These facilities include wrap-around service contracts that provide sanitation, food, and medical services necessary to ensure appropriate conditions for migrants in cus-

³ 88 FR 31314 (published May 16, 2023).

tody and front-line personnel. Higher numbers of migrant encounters require deliberate and coordinated actions to ensure individuals in CBP custody are held in safe and sanitary conditions and unaccompanied children or other vulnerable populations are appropriately cared for until they are transferred out of CBP custody.

We are also maximizing the use of air and ground transportation contracts to move noncitizens from U.S. Border Patrol Sectors that are over capacity to other less-impacted CBP locations.

Improved Processing Efficiencies and Security

Deployed in conjunction with expanded facilities, non-uniform personnel, and contracted services, CBP's investments in virtual and mobile processing have provided operational flexibility and streamlined operations to ensure the safe and humane processing of migrants and relieve agents of non-enforcement duties.

For example, noncitizens are able to use the CBP One mobile application to schedule an appointment at one of seven Southwest Border POEs and present themselves for inspection to a CBP officer. The ability to use the app cuts out the smugglers, decreases migrant exploitation, and makes processing more efficient upon arrival at the POE. The CBP One scheduling process is available to all noncitizens who are located in Central and Northern Mexico.

CBP collects biometric and biographic information and screens and vets all noncitizens encountered at the border against multiple public safety databases. Noncitizens who may pose a threat to national security or public safety are detained. Noncitizens who are provisionally released must abide by the requirements of their release, including contact with U.S. Immigration and Customs Enforcement (ICE) for further processing once they reach their destination. CBP coordinates with non-governmental organizations and local governments to identify locations where noncitizens can safely access services, transportation, or accommodations.

Coordination with Partners

In February 2022, DHS stood up a Southwest Border Coordination Center (SBCC) to bring CBP together with other DHS and Federal partners to coordinate planning, operations, engagement, and interagency support in response to migration increases at the Southwest Border. CBP is the primary supported component of the SBCC and is also utilizing our operational coordination capability to provide expertise and resources in response to the irregular migration flows across the Southwest Border. This enhanced collaboration spans the entire scope of border security activities, including resources and capabilities related to infrastructure, facilities, transportation, medical care, and joint processing.

MAINTAINING BORDER ENFORCEMENT AND FACILITATION EFFORTS

As part of our planning for the termination of the Title 42 public health order, we surged resources, technology, and personnel to manage challenges safely and orderly along the Southwest Border—while at the same time maintaining a persistent focus on our other missions to ensure national and economic security.

Combating Human Smuggling

CBP's posture and response to migration events are informed by comprehensive analyses of information and intelligence on operations of smugglers and the movement of noncitizens. We are more effectively tracking movements of various migrant groups who may be headed toward the U.S. border, and more aggressively pursuing investigation and prosecution of transnational criminal organizations (TCOs) and human smuggling networks responsible for illegal border crossings.

CBP's collaborative efforts with our partners help stop cruel and profit-driven human smugglers and save lives at the border and beyond. For example, launched in 2016 as a joint effort between CBP and the government of Mexico (GOM), "Se Busca Información," which translates to "Information Wanted," identifies individuals associated with TCOs wanted for crimes associated with human and drug smuggling on both sides of the border. The "Se Busca Información" initiative promotes binational unity and encourages the public to anonymously report information about known smugglers. CBP has also taken the lead on Operation Sentinel, a major U.S. interagency effort supported by the GOM that aims to cut off access to TCO profits from human smuggling by denying these criminals the ability to engage in travel, trade, and finance in the United States.

Migrant smugglers put vulnerable individuals and families in danger every single day. Smuggling organizations are abandoning migrants in remote and dangerous areas, leading to a dramatic rise in the number of rescues CBP performs. In fiscal year 2022, CBP conducted nearly 22,500 rescues Nation-wide, which was 69 percent higher than the total number of rescues in all of fiscal year 2021. These humani-

tarian life-saving acts are often lost in the border debate, but these acts are clear examples of the bravery, selflessness, and humanity our CBP agents and officers display each and every day.

Interdicting Illicit Drugs

In addition to migrant smuggling, illicit drugs are another major source of revenue for TCOs. CBP remains focused on our efforts to combat the flow of illicit drugs and disrupt TCO activity by collaborating and sharing information with other agencies and foreign partners; obtaining advance electronic information to identify and target suspect shipments; leveraging advanced scientific, laboratory, and canine capabilities; and deploying NII.

Fentanyl and its analogs are synthetic opioids that continue to be some of the most dangerous illegal drugs flowing through, and damaging, communities across the Nation and are involved in more overdose deaths than any other illicit drug trafficked into the United States. CBP seizures of fentanyl have been escalating for several years.⁴ In fiscal year 2022, CBP seized approximately 14,700 pounds of fentanyl Nation-wide, with most of it—12,500 pounds—seized at POEs, and we already exceeded those amounts just 7 months into this fiscal year.

Our partnerships are also invaluable to our enforcement efforts. For example, through Operation Blue Lotus, CBP and our ICE Homeland Security Investigation (HSI) partners surged our intelligence, analysis, and enforcement capabilities to not only target and seize illicit fentanyl, but also pursue investigations and take down criminal networks. In just 2 months, the operation resulted in 108 arrests and the seizure of nearly 4,800 pounds of fentanyl. Through a concurrent operation between the POEs, the U.S. Border Patrol seized an additional 2,260 pounds of fentanyl.⁵

Limiting Disruptions to Travel and Trade

In addition to its border security mandate, one of CBP's core mission objectives is to enhance the Nation's economic prosperity through the facilitation of travel and trade. The Nation's POEs are vital gateways for cross-border commerce and travel—critical sectors that drive economic growth and opportunities for American businesses and consumers. The scope and importance of CBP's role in protecting the economic security of the United States cannot be understated. Collecting almost \$112 billion in duties, taxes, and fees in fiscal year 2022, CBP remains the second-largest collector of revenue in the Federal Government.

The resources, technology, and processes put in place to manage anticipated challenges along the Southwest Border associated with the termination of the Title 42 public health order were also established to limit disruption to the critical and lawful traffic that flows through our POEs and supports our economic security responsibilities.

Commercial vehicle traffic at both the Northern and Southwest Border land POEs fully rebounded to levels experienced before the COVID-19 pandemic, and since COVID-19 travel restrictions were lifted, CBP continues to process increasing numbers of arriving travelers without any significant delays.⁶ CBP will continue to track POE traffic and wait times and adjust resources as needed to ensure travelers and goods move safely and efficiently across the Southwest Border.

CONCLUSION

Planning and preparedness efforts are critical to managing irregular migration. As we approached the end of Title 42, CBP was prepared to ensure we could continue to fulfill our border security mission. In anticipation of potential challenges, we deployed resources, streamlined processes, and put measures in place to prevent disruptions to our critical border security and facilitation operations.

CBP remains committed to maintaining border security, properly caring for those in our custody, and keeping the American people and our CBP workforce safe. We remain vigilant and responsive to the full range of our responsibilities including interdicting illicit drugs crossing into the United States, preventing dangerous people and goods from crossing our borders, enforcing hundreds of trade laws, and ensuring the efficient flow of lawful trade and travel that is so important to our economy.

⁴<https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

⁵Operation Blue Lotus ran from March 13, 2023, to May 8, 2023. U.S. Border Patrol's Operation Four Horsemen ran from March 6, 2023, to May 6, 2023.

⁶As of May 12, 2023, COVID-19 travel restrictions have been fully terminated. See 88 FR 30033 (May 10, 2023) (terminating restrictions at land POEs and ferry terminals along the United States-Canada border); 88 FR 30035 (May 10, 2023) (terminating restrictions at land POEs and ferry terminals the United States-Mexico border).

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

Chairman HIGGINS. Thank you, Mr. Huffman.

Members will be recognized by order of seniority for their 5 minutes of questioning. An additional round of questioning may be called after all Members have been recognized.

I now recognize myself for 5 minutes of questioning.

My colleagues and Americans watching this, the Legislative branch of our Government passes laws, and the Executive branch historically works to enforce those laws. In a broad perspective, the Executive branch is required to have—is a rulemaking whereby the laws are interpreted and the means by which the enforcement of those laws shall be established across the country. This is reasonable and understandable.

Federal law enforcement, especially when it comes to something as clear as enforcement of border and immigration law, is much less of a gray area. The solution that has been suggested here, one could argue that from my colleagues across the aisle, you have reached a solution, but it is not a solution within the parameters of enforcement of existing Federal law as established by the U.S. Congress. And we are the Legislative branch.

So there has been an interesting interpretation of Executive authority since January 2021 whereby our current administration, if it doesn't like an existing law, it uses Executive authority to find a way around that law. That is what has happened with the incoming wave upon human wave of illegal migrants attempting to come into our country.

The Federal immigration laws that have been established by Congress have been essentially replaced by immigration policy that legalizes illegal entry into our country. They tell you the numbers of illegal entry are down because this Executive branch has redefined what an illegal entry is. The CBP One app goes down through Mexico and Central America into Colombia. These migrant citizens, these children of God, who endeavor to enter our country, but they are undocumented, which makes them illegal, historically, they would be intercepted at the border and handled appropriately. But this administration has changed that. They have diffused our border and essentially extended American operations for border control down through South America and Central America and Mexico and establish these so-called legal pathways.

Can I see the quote please? There you go. Put the quote up Mr.—sir, do you recognize these quotes? It is not trick stuff, these are your quotes. Do you acknowledge that these are your quotes?

Mr. NUÑEZ-NETO. I can't read that from here, unfortunately, but I—it looks like—

Chairman HIGGINS. They are from an NPR interview recently. You say, you know, what we have done is really oversee a historic increase in lawful pathways to the United States, including at our ports of entry through the CBP One app. Do you acknowledge that? You said that?

Mr. NUÑEZ-NETO. I do.

Chairman HIGGINS. Thank you.

You went on to say, and what we are really trying to do here is incentivize migrants to use safe, lawful, and orderly pathways, that

again, we have expanded dramatically over the last 2 years. Do you acknowledge that that is your quote?

Mr. NUÑEZ-NETO. I do. It's also in my opening remarks.

Chairman HIGGINS. Yes, sir. So what we are establishing here is that this Executive branch has redefined what an illegal entry is, and you admit that exact policy agenda. So when you report that illegal migrants, the numbers are down, that is a shell game. It is like a magic trick.

We were advised by Chief Ortiz and what I believe was his last confidential briefing, that there were 657,000 immigrants in the pipeline south of the border. It was an interesting number, because Chief didn't say between 600,000 and 700,000, he didn't say 650,000, give or take, he said 657,000. That is quite a precise number.

Mr. Huffman, Mr. Nuñez-Neto, I will just ask you each to—and I will yield the balance of my time—where are those 657,000 people headed?

Mr. NUÑEZ-NETO. So I have not seen that particular estimate. We do know that there are——

Chairman HIGGINS. It was from the Chief. He is now retired.

My time has expired.

Are they headed north?

Mr. NUÑEZ-NETO. We believe many of them are waiting for the lawful pathways and processes that we have established——

Chairman HIGGINS. In order to come north?

Mr. NUÑEZ-NETO [continuing]. Not just in Mexico, but in other countries along hemisphere.

Chairman HIGGINS. They are headed here.

Mr. Huffman, do you agree they are headed here?

Mr. HUFFMAN. A lot of them are headed here, yes, sir. Some of them have stayed in other countries. Like we know there's many of the Venezuelans have stopped and stayed in Colombia. So there's a lot of people in movement——

Chairman HIGGINS. OK.

Mr. HUFFMAN [continuing]. But generally this direction, yes, sir.

Chairman HIGGINS. Thank you for your answers, gentlemen, for being here.

My time has expired. I recognize Ranking Member Correa for 5 minutes.

Mr. CORREA. Thank you, Mr. Chairman.

I am going to follow up with the Chairman's last comment, 657,000—let's call it 700,000. Where do we get that intel to figure out that number? Either gentlemen, please.

Mr. NUÑEZ-NETO. So our Office of Intelligence and Analysis does estimate the number of people who are in the hemisphere and who may be moving north. The numbers I've seen don't quite match the 650,000, but those are all rough estimates. I think we can all agree that there are hundreds of thousands of migrants throughout the hemisphere that——

Mr. CORREA. But you do this with a partnership of others that work with us?

Mr. NUÑEZ-NETO. Of course, yes.

Mr. CORREA. Mr. Huffman, any thoughts on that number?

Mr. HUFFMAN. So, again, I don't know the exact source of the Chief Ortiz's number. I've known Chief Ortiz a lot of years, and I'm sure he's extremely confident in that number if he gets that number, I just don't know the source of it.

I am confident there are a lot of people moving into the hemisphere, mostly headed this way. The exact number, it's hard to tell where they're going to stop. But yes, they are moving. People are moving this way. We see the news reports, we look at shelters that have people that are housing—

Mr. CORREA. Mr. Huffman, again, I would invite folks, if we could put together Codel to go visit some of these countries to see the devastation. You don't have to argue that point here. People are hungry, devastated economies, they will find a place to survive as that picture of that little girl showed.

I guess if I can, I would say that Mr. Chairman is right, which he showed in that poster was what I would call part of the hope, the opportunity to maybe figure out a way to employ a safe legal pathway. I would say the other two legs of that stool are penalties, Title 8. There are severe penalties for trying to cross not using a legal pathway.

The last one I want to focus on, my last 3 minutes are the co-operation piece. I think it is important because if we are going to move forward to address the issues in the hemisphere, specifically our Southern Border, we have to continue to work with our partners. You mentioned, for example, that Mexico is taking—for the first time ever, is taking repatriated individuals from Cuba, Haiti, Nicaragua, and Venezuela. Are these people that are then repatriated to Mexico? Do they stay in Mexico or does Mexico repatriate them back to the other countries?

Mr. NUÑEZ-NETO. So that is really a question for the government of Mexico. But these are individuals that are repatriated under our Title 8 authorities, which, as you know, it is the first time in our history Mexico is allowing that.

Mr. CORREA. So, essentially, I believe what Mexico is doing—and I will double check myself here, but I think they are providing with work visas and other opportunities to actually work.

You mentioned—was it you were that I listened to this morning in the news that we are cooperating with Panama, Colombia, in other efforts across the hemisphere. I hope that those are humanitarian efforts to address this refugee crisis and begin to figure out how to get a handle on this situation because it is going to be with us for a number of years, in my opinion.

But any thoughts on that, Mr. Huffman, Mr. Nuñez-Neto?

Mr. NUÑEZ-NETO. So, if I may, I think when someone arrives at our border, it is far too late. We need to engage regionally with our partner countries in order to address these flows well before they reach our border. What Colombia and Panama are doing right now is unprecedented. It is a coordinated bi-national operation in the Darién to try to attack the smuggling networks. We have been providing technical assistance. I know CBP has deployed personnel to assist in that, the Department of Defense has been active. Those are the kinds of things that we really need to do more of because, again, I think the more we can impact these flows well before our border, the better off—

Mr. CORREA. Mr. Huffman—excuse—my last 50 seconds, please.

Mr. HUFFMAN. Yes, thank you. Sure. From an operational perspective, I would say that Mexico has cooperated with us more recently than I've seen in my career. The help they've been—

Mr. CORREA. Your career is how many years?

Mr. HUFFMAN. 38 years, sir.

Mr. CORREA. Thank you.

Mr. HUFFMAN. They are increasing their enforcement efforts on their Southern Border as well, which is slowing the flow, they are redirecting folks that we have returned to Mexico and flying them back to their Southern Border to kind-of add an extra consequence and deter them from coming to come north. They're also helping redirect folks to our border to kind-of slow them down as a way as well. So that's a very positive outcome that we've been having recently. It's been very helpful. I think it's part of the reason some of the flows have slowed down here recently.

Mr. CORREA. I would like to, with my last 3 seconds, say I do hope we continue to double down on the humanitarian aspect of this refugee crisis.

Mr. Chairman, I ran out of time.

Chairman HIGGINS. The gentleman yields.

The gentleman from Mississippi, Mr. Guest is recognized for 5 minutes for question.

Mr. GUEST. Thank you, Mr. Chairman, gentlemen, thank you for being here today.

As Chairman Higgins indicated a few moments ago, roughly 2 weeks ago, Chief Ortiz was here on Capitol Hill briefing Members of Congress, particularly Members of this committee, about events that have transpired post-Title 42. We had the opportunity to speak with him and Chief Ortiz said that he believed that the reduction that we have seen post-Title 42, he described it as what he believed to be a temporary reduction and that he expected the numbers to return at some point back to the baseline that we had seen over the last 2 years.

So my first question to both of you: Do you agree with Chief Ortiz's assessment that the reduction that we have seen is more temporary in nature and that we will return to the base last 2 years? Or do you believe that the reduction that we have seen is permanent in nature?

Mr. NUÑEZ-NETO. I would say that we're encouraged by what we've seen the last 3 weeks. But as I mentioned, we are clear-eyed that the factors in our hemisphere that are driving this historic movement of people are still there and that smugglers use disinformation to drive migration. So this is a fragile equilibrium that we have on the border and it could be upset in the future for sure.

Mr. HUFFMAN. I would agree with that statement. Also with Chief Ortiz's that there's still numbers there in Mexico. I believe they've taken kind-of a wait-and-see approach to see how this pans out, how do we stick to our guns with this, with how we're enforcing the Title 8 rules, and see how that works out? Time will tell.

Mr. GUEST. Then also Chairman Higgins mentioned earlier some conversation about the CBP One app. I know both of you mentioned that in your written testimony about the use of the CB One

app. We see that news reports show that the CB One app, that there are roughly 1,000 immigrants a day who are able to apply for some sort of status within the United States using the CBP One app. Recent report by Fox News talks about the administration is seeking to expand that very quickly to 40,000 a month.

So my question is, is when Congress receives information, the public receives information from DHS about southwest land border encounters, those numbers in March were 191,000 and some change, in April were 211,000 and some change, are the individuals who are applying and entering the country through the CBP One app, are those individuals included in the figures that we are receiving or are those individuals somewhere else not included in those numbers? Because that is very important for us to know exactly how many people are coming across the border, whether you are coming across illegally and claiming asylum or whether you are coming in by using the CBP One app, presenting yourself at a port of entry, they are still being allowed into the country. So we are trying to get—at least I am and I am assuming others on this committee—we are trying to wrap our head around the true figure of individuals who are allowing to come into the country each and every month.

So are you aware of to how those numbers are calculated when you are talking about the southwest land border encounter numbers that we routinely rely upon from CBP?

Mr. NUÑEZ-NETO. Yes. Thank you, sir.

So my understanding is that when CBP issues its monthly reports, those numbers include encounters at ports of entry and it also includes encounters between ports of entry, which obviously would not include CBP One.

I would also note that the Immigration and Nationality Act expressly authorizes individuals to present at ports of entry and claim asylum and they must be processed. We're actually under litigation right now that prevents the use of metering at the land border.

So I know Chief Huffman has thoughts here, but the CBP One app is really just a scheduling tool to allow us to let people who may wish to claim asylum present at a port of entry in a way that is safe and orderly and doesn't tie up our ports of entry.

Mr. HUFFMAN. Yes, thank you.

Yes, sir, those numbers that we encounter, for example, I have the numbers running my office every day and they'll say like 4,500 apprehensions yesterday. That will include probably 3,000 to 4,000—3,000 or so encounters by the Border Patrol, plus it includes the ones that applied for entry or presented themselves for entry using that—being scheduled by the CBP One app.

I want to emphasize something that's very important to us because concern is the CBP One—can easily get misconstrued. For us, it is nothing more than a scheduling tool. It allows us to have an orderly process at our ports of entry. Because without that scheduling tool, all these people that are waiting and seeing would all be showing up at the same time and clogging up and shutting down our ports and impact trade, impact other people that have lawful ways into the country, the U.S. citizens, lawful permanent residents, those things. So we use the CBP One as a scheduling

tool to help us maintain that order at our ports because we are not allowed to use our metering that we used to do due to a lawsuit a number of years ago.

Mr. GUEST. Thank you.

Mr. Chairman, I yield back.

Chairman HIGGINS. The gentlemen, yields.

Mr. Thanedar, the gentleman from Michigan, is recognized for 5 minutes for questioning.

Mr. THANEDAR. Thank you, Chairman, and thank you the gentleman, for being here.

I feel a strong personal connection to the issues we are discussing here today. You see, in 1979, at the age of 24, I was one of those immigrants with only a name, \$20 in my pocket, and my American dream, entering this country with no friends, no family, and very fearful about how I would survive in this new homeland.

During summers between the academic school years, I was often forced to sleep in a car or sometimes homeless shelter funded by a faith-based non-government organization, NGO's. Now you know, NGO's have played a crucial role for decades in providing care and support for migrants, including at the U.S. border. In times of solitude, those NGO's could be the only aid an immigrant receives for weeks. Strengthening the capabilities of NGO's to receive individuals who are not citizens following their processing has been an essential aspect of Secretary Mayorkas' preparation for lifting of Title 42.

Mr. Nuñez-Neto my question is, can you please expand on those NGO's role at the border and why they remain vital to ensuring the treatments for the immigrants?

Mr. NUÑEZ-NETO. Yes, thank you very much for that question.

As an immigrant myself, I think it is a sign of this country's strength that an immigrant like you could become a Member of Congress and that one like me could achieve the kind of role I have at DHS.

You know, Chief Huffman and I were just in Brownsville last week observing first-hand how the city government in Brownsville and the local NGO's process migrants as they are released from CBP custody or from ICE custody and allow them to connect with family members and move onwards to their final destination. These are non-citizens who are issued notices to appear and released to have their court proceedings as the law provides. Those NGO's and our city and State governments on the border are really playing a critical role in allowing migrants to be able to move onward and not remain at the border.

I know CBP obviously relies a great deal on those relationships locally, and I'm sure Chief Huffman has some thoughts there as well.

Mr. THANEDAR. Mr. Huffman after receiving my PhD in chemistry and a United States citizenship, I became a serial entrepreneur. In that time, I learned a lot about the importance of technological innovations in solving problems.

Can you elaborate on the app's advantage, both for applicants and CBP officers? Also how would CBP expand the availability of this system in coming months?

Mr. HUFFMAN. Thank you for the opportunity to respond.

As far as technology goes, technology is key for all aspects on ours, not just the CBP One, but how we do border security across the whole. The border now is a much more dynamic border than we've ever had in our history. The folks that want to enter this country illegally or they're traffickers, they can change the picture of the border with easy, fast, quick communication. So we have to be able to communicate as well, and we have to have the technology to respond as well too.

The problems grow very rapidly, more rapidly than we can build our capacity. So the only way we actually increase our capacity oftentimes is with the use of innovation and technology. That's what we've done in a number of areas. CBP app is one, how we process is another way, how we transport information is another way. All those things combined help us to be a much more agile response to whatever threat we see facing us.

Mr. THANEDAR. Thank you, Mr. Huffman.

Chairman, I yield back.

Chairman HIGGINS. The gentleman yields.

My colleague, the gentlelady from Georgia, Ms. Greene is recognized for questioning for 5 minutes.

Ms. GREENE. Thank you very much.

I have enjoyed learning about the CBP One app today. It is a pretty nifty little app. I just wanted to point out that so if someone is illegally coming into our country—I call it illegally, because I feel like a lot of them are in our country illegally—they can go to this app, and all they have to do is download CBP One and they can come into Mexico, they can click on here and decide are they a traveler, a broker, carrier, aircraft operator, bus operator, sea pilot, commercial truck driver, international organization. It is really interesting, though, the commercial truck driver one doesn't work yet, which I think is a complete failure. When you click on commercial truck driver, it says, coming soon. You would think that to keep track of imports coming into our country, trucks, agriculture, goods, whatever is bringing into the country, that is a really important fact and figure to keep track of. But if I am an individual and I am coming into America, I can go on there and I can choose how I want to come in. I am a pedestrian, so I click pedestrian. Let me tell you how great it is for people that are coming into our country that are not American citizens. They can find a wait time that fits their schedule. All they have to do is go on here, and I can pick Calexico East, and I only have a 5-minute wait at a port of entry. Then I can look at this neat little graph that somehow tracks what time of the day is busier or less busy. But again, this app does not track or check trucks, commercial trucks coming into our country.

Then here is what is really interesting. I find this very interesting. I can get a scheduled appointment and it says you must be in central or northern Mexico to accept and schedule an appointment. So if I am coming from China or Africa or whatever country in the world, I got to get my plane ticket to Mexico and then schedule my appointment so I can come into a port of entry. Now, here is the really interesting part, I would like our laws followed, but they are not followed right here on the CBP One app because it says that passports are optional. I think that is a big problem for people coming into our country and being told to go directly to the

port of entry instead of, of course, going outside of the port of entries because that messes up the numbers, that apprehension numbers were off the chart and that was a real problem for the Biden administration.

So I would like to ask you, Mr. Nuñez-Neto, why can't you tell us how many people are coming in the United States when you have a handy dandy little app that you are tracking? You know the numbers. This is the American Government. We put a man on the moon. We are able to count. Why can't you tell us how many so-called migrants are coming into our country?

Mr. NUÑEZ-NETO. So we do update the public and Congress on the number of people who are processed through the CBP One application. I believe my testimony notes that since May 12 we've been averaging about 1,070 individuals a day using the CBP One application, which again, as Chief Huffman noted, is just a scheduling tool that allows individuals who may wish to claim asylum to access the ports of entry as the Immigration and Nationality Act provides.

Ms. GREENE. Well, can I ask you a question? This is something else I am trying to understand. Now that we have an app to organize the illegal invasion into America so that everyone gets accepted, they have a time to come in, they say that they are seeking asylum, and then the American taxpayer gives them a plane ticket or a bus ticket to any town in the United States—gosh, the American taxpayers are nice—right here it says that you say the reason why people are coming to America today is because of violence, food insecurity, severe poverty, corruption, climate change, and the COVID-19 pandemic. Did you know that there are over half a million homeless people in the United States today? As a matter of fact, the homeless population rose significantly since 2019. That is for Americans. So we have homelessness here in America.

Natural disasters. Talk about climate change. This is the fourth-largest country in the world. We have an extremely diverse climate, we have a wide range of natural disasters—97 natural disasters occurred in 2021. I don't think this is very safe for migrants here in America. We had 97. How many are they having in their country? These natural disasters include wildfires, heat waves, droughts, flash floods, winter storms, cold waves, tropical cyclones, and on and on and on. But yet they need to come to our country because of climate change? That doesn't make a lot of sense.

It is not a safe country either by the way. In America there were 1,313,000 violent crimes in the United States and that was in 2020. I can't imagine what the numbers are since then, since crime has come up.

I think that you need better reasons if you are going to try to let a bunch of people in the United States using a handy dandy app where you don't track imports than climate change, because that is not an excuse people are buying.

Thank you.

Chairman HIGGINS. The gentlelady yields.

Mr. Gonzales, my colleague from Texas, is recognized for 5 minutes for questioning. He is not here?

Mr. Garcia is here, though. My colleague from California, Mr. Garcia is here.

Mr. GARCIA. Close.

Chairman HIGGINS. You are recognized for 5 minutes.

Mr. GARCIA. Thank you, Mr. Chairman. I am glad that we have an opportunity to speak with our witnesses today. Thank you for your service.

That was an interesting conversation about the app, which I will get to in a minute.

But I want to just start off by talking about Title 42. As a proud immigrant myself who believes in humane immigration, I think we all agree that a secure border is important and is vital. Our Nation benefits when people have an opportunity to come here to build better lives, as you have, sir, and like I have as well and other Members of the Congress. I want to remind my colleagues in the Majority that attempts to demonize immigrants and people who come here legally to seek asylum is un-American. Our country is a Nation of immigrants and we are constantly reinvigorated with immigrants, with their talents and with their innovation.

I know that some people here have been openly rooting for a post-Title 42 crisis as a way to score political points, but let's be very clear, that crisis did not happen. This hearing is an attempt to manufacture one.

Now, as has been stated, Border Patrol encounters are at the lowest point since 2020. That is a fact. Those are statistics that are widely accepted. They have been reviewed by our Departments, they have been put out as information for us to assess, and I want to thank you all for your work with that. It is also true that these numbers should be not celebrated but welcomed as progress in our ability to control and secure the border.

I just really briefly want to just ask to get clarification from Mr. Blas Nuñez-Neto. Would you agree and do you support those numbers that we are at the lowest border encounters since 2020?

Mr. NUÑEZ-NETO. I believe if we're talking about encounters between ports of entry, that, yes, we are at the lowest level since, I believe, December 2020.

Mr. GARCIA. Thank you, sir.

Now, I think a key reason for the conditions and why they have improved also is the pathways for asylum seekers that we have focused on. So you have worked on, the entire Department has been supportive of, the CBP One app, and that continues to improve, I think, outcomes for all and for us here on the country, certainly for asylum seekers. I know we had a difficult rollout early on, but the Department has also made really great progress. I want to thank all the groups involved in getting the One app to where it is today.

Now, I appreciate the gentlelady from Georgia's tutorial on the One app and how it works. I personally appreciate the use of technology and its way to actually facilitate information, collect data, and make things simpler for all involved, including those that are seeking asylum, who I wish to remind the committee and her, have a legal right to actually claim in the United States of America.

It is also important to note that the One app is actually allowing us to actually manage this crisis better here at home and at our ports of entry. I want to thank you for that work.

I think claiming that the One app somehow is facilitating an invasion of the country is incredibly irresponsible. Asylum is a legal

right in this country, and claiming asylum is, so—and so until that changes, we need to continue to support this program and make it easier for folks and for us to manage anyone that is coming to the border or a port of entry or now, in many cases, going to other parts of the hemisphere and seeking asylum there, which I think has been a very productive advancement the Biden administration has done as well.

I want to note that I support the administration's new efforts to create these regional processing centers in Central and South America, including in Guatemala and Colombia, where we know migrants receiving interviews with immigration officials, with specialists, and, if eligible, are able to be processed rapidly for pathways to the United States, if, of course, they meet our standards.

I also want to note that I hope that we can strengthen our Shelter and Services program, which supports groups like Catholic Charities that support legal asylum in our country. I think it has been unfortunate that Members of this committee tried to actually defund this critical program that essentially partners with non-profit agencies to use Federal funds, secure an orderly border. So I hope that that is something that we can continue.

Finally, I want to remind the committee that we have a responsibility to provide legal status and protections to the people who build lives and pay taxes here, and I hope that is something that we can move forward on.

Mr. Nuñez-Neto, finally, what will the administration do to continue to expand legal pathways to protect the right of asylum while maintaining access to the border?

Mr. NUÑEZ-NETO. So, as we have said, we are committed to continuing to expand lawful pathways and processes. I think you mentioned these safe mobility offices, which is what we're calling the regional processing centers. I view that and we view that as really a fundamental tool to help better organize migration, not just to the United States, but, as I said, to some of our partner countries, including Canada and Spain, which have signed on. We are in active discussions with other countries to allow for referrals to their processes as well.

Mr. GARCIA. Thank you very much, sir.

I yield back.

Thank you for your service.

Chairman HIGGINS. I thank the gentleman.

My colleague from Texas, Mr. Luttrell has been recognized for 5 minutes for questions.

Mr. LUTTRELL. Thank you, Mr. Chairman. Good afternoon, gentlemen.

If the numbers that Mr. Correa and Mr. Garcia are talking about are in fact the truth, and those numbers are dropping, job well done. I am a border State. I am a Texas boy. I am one of the landing zones for the illegal migration coming across the border. So if those numbers are dropping, absolutely I applaud that effort because that is what I need. That is what my base are asking me for every day. How do we control that situation?

Mr. Nuñez-Neto, ICE detention policy states that ICE uses its limited detention resources to detain non-citizens to secure their presence for immigration proceedings or removal from the United

States, as well as those that are subject to mandatory detention as outlined by the Immigration and Nationality Act or those that ICE determines are a flight risk during the custody determination process. Now, in my district I border Liberty County—Polk County and Liberty County. The population of Liberty County is roughly around 90,000. There are 50,000—50,000 illegal immigrants parked right on the border of my district and another Member's district. Now, here is my issue, and I want your help solving this problem, we are a country of immigrants, absolutely, and my colleagues on the other side, they shine a very good, a very meaningful light on people and the process and the struggle is real. I get it and it is very challenging. But that number of illegal immigrants in that small area is scuttling that county. The school districts are absolutely overwhelmed. They are having to bring in teachers that speak Spanish because none of the children speak English. The area that they have occupied looks like a Third World country.

My question is, why isn't ICE—or why doesn't ICE move on that and assist our county in the removal of those undocumented immigrants?

Mr. NUÑEZ-NETO. So ICE's function is to obviously enforce our immigration laws and carry out—execute what we call final orders of removal. I don't know the circumstances in your county. I'd be happy to look into it. I will say ICE has never received enough funding to detain every individual we encounter. This has been the subject of active litigation. I think, as we have said repeatedly, we are a Nation of laws and we're a Nation of immigrants and we need to be able to enforce our laws while also providing avenues for immigrants who wish to come to be able to come.

Mr. LUTTRELL. So I am glad you said that, we are a Nation of laws, so in that we need to enforce those laws. But that is obviously not happening. I don't know where the rub is between State, county, and local law and Federal law, since these are our illegal immigrants that were processed—some, not all, but some were processed in. How do I fix this problem, sir?

Mr. NUÑEZ-NETO. So again, without knowing the specific details, I'd be happy to follow up with your office. Individuals who are issued a notice to appear can go through the immigration court process, which can take many years. It is an unfortunate reality in this country that our immigration and asylum system is so broken that it does take an extraordinary time for people to go through that process. Individuals with final orders of removal should be removed at the end of that process. But historically it has been quite difficult, again under Presidents of both parties, to execute final orders of removal for people who are not detained.

Mr. LUTTRELL. OK. To that, can you confirm for me—and this committee was in El Paso and down at the—I am sorry, I forgot what the other place that we went—but they told us that it is widely reported that aliens are released into the interior without court dates, regardless of whether or not they were issued at an NTA. Are those reports true? Do illegal migrants that come across, are they processed through without a show time or show place?

Mr. NUÑEZ-NETO. So historically the Border Patrol has issued notices to appear without court dates on them until frankly fairly recently.

Mr. LUTTRELL. Or locations?

Mr. NUÑEZ-NETO. Right now we are issuing NTAs with court dates on them. In the lead up to the lifting of Title 42 we were also—because of the—

Mr. LUTTRELL. That happened. Have illegal migrants come across and not been issued—because we have heard from leadership that that is the case, but I want to hear what you have to say.

Mr. NUÑEZ-NETO. So we have paroled individuals in order to relieve the overcrowding in our facilities. Those individuals are required to report into ICE facilities and be issued NTAs there.

Mr. LUTTRELL. How on earth are we supposed to track those individuals if we are just releasing them basically on their own recognizance? I am sorry sir, can you answer that for me?

Chairman HIGGINS. Would the gentleman like to answer that question?

Mr. NUÑEZ-NETO. Sure. Many of those individuals were placed into alternatives to detention program, which does include monitoring. So as part of that program, more than 90 percent of the individuals who are released on ATD do, in fact report to their ICE facilities.

Mr. LUTTRELL. Thank you, sir.

Chairman, I yield back.

Chairman HIGGINS. The gentleman yields.

The gentlewoman from Illinois, Ms. Ramirez, is recognized for questioning.

Ms. RAMIREZ. Thank you Chairman Higgins.

I want to thank both of you for being here today.

Similar to Congressman Thanedar, I have a similar family of immigrant story. Actually as I look around, I think all of us here have a history of family migrating here, it just depended on when we came.

So I want to clarify a few things and then I want to get into some questions.

First, I have heard a lot of conversation about legal entrance versus illegal entrance to this country. It is my understanding that the CBP app is a tool to do the scheduling so that people can enter here seeking asylum legally, correct?

Mr. NUÑEZ-NETO. That's right. The CBP one app allows individuals to schedule their presentation at a port of entry. Our Immigration and Nationality Act expressly provides that people without documents can claim asylum.

Ms. RAMIREZ. So Mr. Nuñez-Neto, that means that if they are making that request, if they are filling out the app, as one of my colleagues has talked about, the filling out of the app, they show up to a port of entry and turn themselves in during that appointment, they are lawfully entering and seeking asylum. Yes or no?

Mr. NUÑEZ-NETO. Individuals—and I welcome Chief Huffman's views here—but individuals who are processed by CBP at the ports of entry will be placed into removal proceedings and issued a notice to appear. They, as part of that process, the immigration court process, have a right to claim asylum, which again is enshrined in the INA.

Ms. RAMIREZ. If someone requests asylum because of the fear or the extreme circumstances that they have experienced in their

country or maybe Mexico or maybe Guatemala or Honduras or Nicaragua or whatever country that they are fleeing from or in the process of getting up north from, they go through the critical fear interviews, correct?

Mr. NUÑEZ-NETO. That is true for individuals who are placed into expedited removal at the border. That is a separate, more streamlined process that is primarily used for individuals encountered between ports of entry, although it can be used at ports of entry as well. That's right, the credible fear interview, which is basically a broad screen as it was designed by Congress in the Immigration and Nationality Act, that allows, frankly, most individuals who are going through that interview under normal circumstances to be screened in.

Ms. RAMIREZ. Got it.

So I just want to come back to this concern. I really appreciate my colleagues on the other side being concerned for the children and the people that are crossing the border and the inhumane experiences that they go through. My youngest sister is adopted, she was 12 years old, weighed 60 pounds when she crossed, unaccompanied more than 16 years ago. So I appreciate care for people like my family. The thing that I don't appreciate is the idea that they come to the border, they are at a school, or they are attempting to seek asylum like my little sister was, and all of a sudden we want ICE to deport them immediately to Mexico or to wherever their country of origin is. In my opinion, having been in these countries for a very long time, months at a time, I personally know clearly what people are escaping. So I know that if Iris, my little sister, would have been deported immediately, if ICE would have come to the school and deported Iris, Iris would have died within a month in Guatemala at the age of 12.

So I actually have to push back on the other side and say that seeking asylum is not a crime. That is what many of our families have done. Maybe they did it now, maybe they are doing it today, maybe they did it 100 years ago. So I am really concerned, actually, when we talk about the number of people that have been repatriated or deported, because I am not very clear yet on how many of the people that are requesting the critical fear interviews, in fact, are able to stay from immediate removal based on some of the training questions that I have. I will go ahead and send you some of that in advance so that I can get more information on that.

I also want to mention, we have talked a lot about legal and illegal pathways. I do want to say that I appreciate the administration's commitment to identifying ways through some of the regional centers and other ways that asylum seekers can apply to be able to seek asylum here. While I don't think those are perfect and I don't think it solves our immigration issue or the cause of migration, I certainly think it is a path forward. I also do invite my colleagues if they want to go to Guatemala, Honduras, El Salvador, my family is from the border there, happy to bring you with me. We can talk and walk through some of those roads and get to know a little bit more of the immigrant experience.

Chairman, I yield back.

Chairman HIGGINS. The gentlelady yields.

My colleague from Arizona, Mr. Crane, is recognized for 5 minutes for questions.

Mr. CRANE. Thank you, Mr. Chairman. I appreciate it.

I also appreciate you bringing up the quote from Mr. Nuñez-Neto.

I want to go through that quote really quick again, Mr. Nuñez-Neto. Here is what you said. You know, what we have really done here is oversee a historic increase in lawful pathways to the United States, including at our ports of entry, through CBP One application. You most certainly have given us a historic increase, sir. I want to go to a historic increase real quick. Just an example, just a couple of days ago, not a couple of years ago, but a couple of days ago in Arizona, where I am from, this is Fox News on 6/4/23, Border Patrol canine sniffs out \$2 million in fentanyl during traffic stop in Arizona. Fox News. Mr. Huffman, are you aware of this story? Do you remember this one?

Yes, Border Patrol canine helped agents sniff out \$2 million worth of smuggled fentanyl during a traffic stop in Arizona last week. The seizure happened at a checkpoint along I8 near Yuma. Yuma Sector Chief Patrol Agent Patricia McGurk Daniel. Daniel stated the narcotics totaled more than 192 pounds, enough to kill 48 million people. Sir, I didn't say 48 people, I didn't say 48,000 people, I said 48 million people. That is exactly the historic increase that you all have brought to the United States of America.

Now, I want to go down to the second part of your quote where you say, and what we are really trying to do here is incentivize migrants to use safe, lawful, and orderly pathways that, again, we have expanded dramatically over the last 2 years. I want to focus in on one word—incentives. That is exactly what you have done. I know why you have done it, sir, because that is exactly what your boss did. He was doing that when he was campaigning for President. I actually got a chance to read his very quote to Secretary Mayorkas sitting in your chair like a month ago. If you guys were actually serious about securing this border and protecting Americans, that word would not be incentivized. You know what it would be, sir? It would be deter. I will say it one more time, it would be deter. You guys would be trying to deter people.

Now, I understand my colleagues over here, they are talking about folks trying to come here, migrants. Because one of my colleagues said he attributed our border crisis to global economic disaster, OK. I have said this in this committee before, this side of the aisle, we do love the fact that the United States of America is such a great country that people want to come here. As a matter of fact, we can all recognize that one of the great things about this country is that we do have a lot of immigrants here, but legal immigrants. That is what we want, sir. Because of the Biden open border policies, it is flooding people into this country and it is tying up our Border Patrol Agents to the tune of—this story that I just read you, 48 million people could have died by the fentanyl that just came in in Arizona 2 days ago. What do you think about that, sir?

Mr. NUÑEZ-NETO. Thank you for that question.

I would note that 90 percent of the fentanyl that comes into the country comes through our ports of entry, not between our ports of entry. We have been engaged in an all of government—

Mr. CRANE. Hold on a second, sir. How are you able to even calculate that when there are so many gotaways that come through port of entries that you guys don't even get? How could you say that? The only numbers that you can calculate are based on——

Mr. CORREA. Will the gentlemen yield?

Mr. CRANE. Yes, go ahead.

Mr. CORREA. I was just going to say two separate issues, fentanyl. Earlier we had a witness, my Orange County Sheriff, that said a lot of the fentanyl precursors are now coming into the United States through our own ports of entry, then going south into Mexico for manufacturing. So I think it is a—Mr. Crane, great issue, fentanyl. Love to set up another committee hearing to address this issue specifically, sir.

Mr. CRANE. Mr. Correa—I am going to claim back my time. Are you saying that fentanyl is not coming through the gaps? Is that what you are saying, sir?

Mr. CORREA. I am saying, sir, that fentanyl is coming in from all parts.

Mr. CRANE. Yes, that is what I am saying too. So he is claiming that 98 percent according to experts is coming through the ports of entry. How can he possibly know that? Anybody in Border Patrol can tell you they don't have enough manpower, especially when a lot of our agents are busy processing people coming in through the country. They don't have enough manpower. That is why there are so many gotaways. That is why there are so many people on the Terror Watch List that are coming through the border as well.

Mr. CORREA. Mr. Crane, just to answer your question, I think he is talking—I am not going to put words in their mouth—but, from experience, that is where most of the fentanyl is being caught right now, at the ports of entry. I have been there like you have.

Mr. CRANE. Caught, that is the key, caught. That is because that is where most of our people are. There is not the same percentage of people in the gap. That is what I am telling you.

Mr. CORREA. If we doubled the number of blue uniforms at those ports or entry, we would catch double the amount.

Mr. CRANE. But you still aren't touching the gaps where there aren't people in the open desert. That is what we are talking about. There is video after video of people that just—ranchers, good citizens that just go to the border, sit there with cameras, and watch these people come in with backpacks. I live in Arizona, sir. I know you live in California, right?

Chairman HIGGINS. So this is engaging debate. It is the kind of thing that should be discussed, but the gentleman's time has expired.

I recognize——

Mr. LUTTRELL. Mr. Chairman, real quick. For the record, it was—we went to McAllen.

Chairman HIGGINS. Yes, OK.

Mr. LUTTRELL. I just wanted that for the record. Popped into my head. Sorry. Thank you.

Chairman HIGGINS. Again, to 1,954 miles border and some of us have scouted the entire thing on several occasions.

I recognize my friend Mr. Green from Texas for 5 minutes for questioning.

Mr. GREEN. Thank you Mr. Chairman.

I thank the committee for allowing me to participate as an interloper today.

Mr. Huffman, I believe you indicated that the CBP is in its 99th year of existence.

Mr. HUFFMAN. So CBP is actually in its 20th year existence. The U.S. Border Patrol, one of the legacy agencies, is in its 99th year of existence.

Mr. GREEN. Well, I want to just say thank you to all of the persons who do this work. I know it is not easy.

In my old age I am starting to see both sides of things more and more. Just celebrated my 25th birthday for the third time. There are some people who live on our side of this border who are suffering too. Just mentioned communities, they are suffering too. We need to do something about that. We need to do something about the people who are hungry, need to be fed. When I was thirsty, you gave me water, when I needed shelter, clothing, you gave me clothing. Somewhere around Matthew 25. It is a difficult problem. There is no real simple solution. There really isn't. If the solution were really simple, it would have been solved. There are better minds than have been here and had the opportunity.

Mr. Nuñez-Neto—Is that correct? Sir, you said that the conditions driving the migrants still exist. Could you just quickly articulate some of those conditions, please?

Mr. NUÑEZ-NETO. Sure. We have seen over the last 2 years, at times, surges in migration from Cuba, Venezuela, Nicaragua. Those are countries with failing regimes and devastated economies that we have difficulties removing people to. That is still the case. We have at times seen surges in migration of Haitian Nationals. Haiti, a place that is in the middle of a humanitarian crisis. We have seen economies failing throughout Latin America, leading to the movement of countries to our border that we have not historically seen. That includes countries like Colombia, Ecuador, Peru, as well as some others.

Mr. GREEN. Thank you.

I heard someone say not so very long ago that the whole country has become the border now, that it is not just at the south where you make your entry. When you think about that, we all have to share the burden. My Governor has been putting people on buses and he just sends them. I don't approve of the way he is doing it, but I do think that the places to migrate to other than just right at the border, not a bad idea. I think that we ought to try to work together to implement an idea. Why, why not call and say, we have some people here, one Governor to another, we have some people, can you help us? Federal Government steps in and says we are going to help by providing some additional resources.

At some point, we will have to work together to resolve this. It is just not going to be resolved with simple sound bites. So I am hoping that we can do so now.

I want to just say this, I find Mr. Mayorkas a decent man. He has a tough job, just as you have a tough job, Mr. Huffman, just as you do. We all have tough jobs. I found him be a good, decent man. He is working with a broken system that we have not fixed,

to borrow some Texas terminology. What do you do when you have the system that we—we have not—we have neglected?

So I thank you.

I am sorry, Mr. Chairman. I thank you.

I yield back.

Chairman HIGGINS. The gentlemen yields.

My colleague and friend from Texas, Representative Pfluger, is recognized for 5 minutes for questioning.

Mr. PFLUGER. Thank you, Chairman. Thank you for letting me wave onto this committee.

Mr. Huffman, thank you for your service.

I will get right into it. Assistant secretary, how long have you been the assistant secretary for immigration?

Mr. NUÑEZ-NETO. Officially, since, I believe, April. But I was acting in this role since October 2021.

Mr. PFLUGER. OK. Can you tell me the number of apprehensions since January 2021?

Mr. NUÑEZ-NETO. I don't have the numbers right in front of me, but I believe the number is somewhere in the 3.5 million range.

Mr. PFLUGER. I don't have the document, Mr. Chairman, but but that sounds about 2 million short. Apprehensions on the Southwest Border—and I will yield to you if you can back me up—about 5½ million.

Chairman HIGGINS. Is the gentleman referencing for the total number of encounters and apprehensions?

Mr. PFLUGER. Yes.

Chairman HIGGINS. I would say that is—3½ million is low.

Mr. NUÑEZ-NETO. I'm sorry, I meant the last 2 fiscal years. I think if you're counting from January, that's probably a little bit higher.

Mr. PFLUGER. How do those compare to the 4-year period between 2017 and beginning of 2021?

Mr. NUÑEZ-NETO. It is higher.

Mr. PFLUGER. Twice, three, four, five times higher?

Mr. NUÑEZ-NETO. It is significantly higher.

Mr. PFLUGER. OK. Would you consider that a success for the Department?

Mr. NUÑEZ-NETO. You know, we have seen over the last few years, again, as I said, these surges in migration under Presidents of both parties. This is not a new phenomenon, this is not something that is solely the purview of one party or the other.

Mr. PFLUGER. No, but Assistant Secretary, it is the numbers indicate a story out here. Would you consider that a success for our country?

Mr. NUÑEZ-NETO. I don't believe that what we have seen at the border is a success for anybody.

Mr. PFLUGER. OK. I agree with that.

Mr. NUÑEZ-NETO. Going back more than a decade.

Mr. PFLUGER. That might be the first answer that I have agreed with DHS on our border in the last 3 years since I have been here.

It is not a success. Title 42 is not the answer. This was a Band-Aid fix. It goes to the point where I meet with Mr. Huffman's officers, and it doesn't matter if I am in Del Rio or El Paso, McAllen or Laredo, Eagle Pass, or my hometown of San Angelo, it really

doesn't matter, the thing that keeps coming back, every officer, every Border Patrol, Customs agent or ICE agent says these words, and I quote, "there are no consequences". Without consequences, there is chaos. The chaos that we are seeing is fentanyl, 100,000-plus deaths, trafficking of humans, 53 people who died in a tractor trailer south of San Antonio in July.

So to your answer, I am disappointed that you don't actually know the number. As the assistant secretary, that number should be ingrained. You should know that number and you should be able to add it up today for the crossings, the apprehensions today. You should be able to have a running counter today. That is the problem with this administration, is that the tragedies that are happening to us, in my community in Odessa, Texas, where we had the police chief here 2 weeks ago, we are feeling the impact of this. Without rules, there is chaos.

Would you say that after Title 42 ended and Title 8 was reverted to, DHS has noted that aliens may qualify for an exception and even if they don't use a lawful pathway, would you say that those—do aliens who use the alleged lawful pathways need a legal basis to enter? Or can anyone enter the United States at this point?

Mr. NUÑEZ-NETO. Going back to my previous comments, sir, I would note that Title 42 did not allow us to place consequences at the border. We need consequences on unlawful entry in order to deter unlawful migration. That is why we have implemented the Circumvention of Lawful Pathways Rule, which does place common-sense conditions on asylum eligibility. But we need Congress to act here, or there will never be a success on our border.

Mr. PFLUGER. You need Congress to act here?

Mr. NUÑEZ-NETO. We do, sir.

Mr. PFLUGER. Assistant Secretary, we passed the most comprehensive border security package in the history of Congress. We have acted. That is one of the most outrageous statements that I think I have ever heard.

Mr. NUÑEZ-NETO. We need Congress to act in a bipartisan manner to fix this problem. Neither party is going to solve this on its own.

Mr. PFLUGER. Mr. Chairman, my time has expired.

I am having trouble—

Chairman HIGGINS. I indulge the gentleman.

Mr. PFLUGER. We passed H.R. 2 and have acted. What this country needs is the political will to enforce the laws that are already on the books. In fact, the gentleman sitting next to you as Commissioner has 19,000 Border Patrol agents that are currently out there ready to give their lives and they are saying that there are no consequences because Remain in Mexico, MPP has not been adhered to, because the political will to engage with our allies and our partners and countries to the south of us has not been adhered to. We had policy that deterred, and without deterrence, we will see a massive surge.

So I take great offense to the fact that you are telling me that you think Congress should act, and that that is the problem.

I couldn't disagree with you more.

With that, Mr. Chairman, I yield back.

Chairman HIGGINS. The gentlemen yields.

It has been an engaging committee hearing. We have shared insightful and I think well-thought-out perspectives from both sides. The Ranking Member and I are friends, and we will continue to discuss this.

I thank the witnesses for their testimony today. I thank the Members for their questions.

Members of the subcommittee may have some additional questions for the witnesses. We would ask that the witnesses respond to these questions if presented to you in writing.

Pursuant to committee rule VII(D), the hearing record will be held open for 10 days.

Without objection, the subcommittee stands adjourned.

[Whereupon, at 3:45 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN MARK E. GREEN FOR BLAS NUÑEZ-NETO

Question 1. When Title 42 ended, CBP reverted to Title 8 to process and remove illegal aliens from the United States who were not authorized to remain or who did not use a designated “lawful pathway” for entry. However, DHS notes that aliens may qualify for an exception if they do not utilize a “lawful pathway.” The exceptions are expansive. Currently, what percentage of those who did not use a “lawful pathway” for entry have been granted an exception? Do aliens who use the alleged “lawful pathways” need a legal basis to enter, or can anyone wishing to enter the United States use the pathways? Those using parole pathways—what happens after the 2-year term ends—are they issued NTAs, or are they expected to present for removal on their own volition? Are the parole pathways expected to be implemented in perpetuity?

Answer. Response was not received at the time of publication.

Question 2. Parole+ATD was struck down by a Federal judge in March 2023. Prior to the end of Title 42, Chief of Border Patrol Raul Ortiz issued a policy called “Parole with Conditions,” which in practice seemingly was the same program as Parole+ATD, just under a different name. Is Parole+ATD still in use, despite the court order to terminate? What are the differences between Parole+ATD and Parole with Conditions? Are aliens still released under these conditions? What conditions do the aliens have to meet in order to be released?

Answer. Response was not received at the time of publication.

Question 3. The administration has announced recent agreements with the government of Mexico, one of which being that Mexico will accept 30,000 returns per month from the United States. Are only Cubans, Haitians, Nicaraguans, and Venezuelans being accepted by Mexico, or are other nationalities being accepted, as well? What are the limitations of the agreement? Since the agreement’s inception, how many aliens has Mexico accepted? Is Mexico accepting returns only from specific portions of the border (i.e., Southwest border), or does Mexico accept aliens from any portion of the United States? Are there any restrictions on whom Mexico will accept?

Answer. Response was not received at the time of publication.

Question 4. ICE detention policy states that, “ICE uses its limited detention resources to detain noncitizens to secure their presence for immigration proceedings or removal from the United States—as well as those that are subject to mandatory detention, as outlined by the Immigration and Nationality Act, or those that ICE determines are a public safety or flight risk during the custody determination process.” Does ICE Enforcement and Removal Operations (ERO) have enough officers to handle both a potential upcoming post-Title 42 surge at the border and the ability to continue its interior enforcement operations? What plan does DHS have for ICE to track those who fail to show for their immigration removal proceedings? Also, it has been widely reported that aliens were released into the interior without court dates, regardless of whether they were issued a NTA. Are the reports true, and how does DHS expect to track those aliens without proper documentation?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE JOSH BREECHEN FOR BLAS NUÑEZ-NETO

Question 1. Under President Biden and Secretary Mayorkas, DHS has closed several detention centers across the country that were previously used to house and keep aliens in DHS custody and prevent their release into the interior of the United States. Instead of detaining aliens, this administration decided to implement alternatives to detention like GPS ankle monitoring, telephonic reporting, and SmartLINK phone app monitoring. On May 20, 2021, then-ICE Acting Director Tae Johnson said, “ICE will continue to ensure it has sufficient detention space to hold

noncitizens as appropriate.” Yet, in his fiscal year 2024 budget proposal, President Biden requested 9,000 fewer detention beds at detention facilities—a reduction from 34,000 to 25,000.

Is this memo accurate?

Answer. Response was not received at the time of publication.

Question 2. Will CPB have the flexibility to conduct a DNA test if CBP agents are suspicious of an adult alien?

Answer. Response was not received at the time of publication.

Question 3. Would you agree that this policy change will encourage more children to be trafficked into the country with complete strangers?

Answer. Response was not received at the time of publication.

QUESTIONS FROM CHAIRMAN MARK E. GREEN FOR BENJAMINE “CARRY” HUFFMAN

Question 1. Regarding the parole process for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV), the CHNV program was created due to a large amount of those aliens presenting at the border. What is the process for screening individuals for parole when they arrive at air ports of entry? Have any been denied parole at the port of entry? Have any sponsor applicants within the United States been denied sponsorship of those arriving under CHNV and on what grounds were they denied?

Answer. Response was not received at the time of publication.

Question 2. It was noted that CBP has closed gates and plugged gaps in the wall to prevent illegal aliens from entering between points of entry. However, it has been reported that Border Patrol agents are shuffling in aliens through an area used by authorized personnel called Gate 42. Why is Border Patrol escorting aliens through personnel gates, such as Gate 42?

Answer. Response was not received at the time of publication.

Question 3. The committee has been told that 90 percent of the drugs crossing our border enter through ports of entry, while also being told that the amount caught is roughly between 5–10 percent being trafficked into the United States. Please clarify what percentage of illicit substances are interdicted at our ports of entry. Has Border Patrol seen an increase of fentanyl seizures between ports of entry? In total, what is the estimated percentage of fentanyl being trafficked across the border between ports of entry?

Answer. Response was not received at the time of publication.

Question 4. In his testimony, Mr. Huffman stated that in addition to the approximately 24,000 agents and officers along the Southwest Border, CBP has also been hiring non-uniformed personnel and contract personnel to assist in processing and facility operations. How many non-uniformed personnel have been hired specifically for processing along the Southwest Border? How many contract personnel have been hired for the same reason? Where are the majority of these extra personnel being sent? How much do the extra non-uniform personnel cost?

Answer. Response was not received at the time of publication.

Question 5. Once family units (FAMUs) are released into the United States, are all family members tracked/accounted for individually, or is only the head of household tracked? What does the vetting process look like for family units? How is it determined that the family units are indeed related?

Answer. Response was not received at the time of publication.

Question 6. There have been reports of NGO’s bussing processed migrants into the interior of the United States—as many as three chartered busloads in just a few hours. How does CBP keep track of every individual on the bus? Which specific NGO’s does CBP work with to arrange travel for the aliens and how is the decision made when choosing an NGO?

Answer. Response was not received at the time of publication.

QUESTIONS FROM HONORABLE JOSH BREECHEN FOR BENJAMINE “CARRY” HUFFMAN

Question 1a. Under President Biden and Secretary Mayorkas, DHS has closed several detention centers across the country that were previously used to house and keep aliens in DHS custody and prevent their release into the interior of the United States. Instead of detaining aliens, this administration decided to implement alternatives to detention like GPS ankle monitoring, telephonic reporting, and SmartLINK phone app monitoring. On May 20, 2021, then-ICE Acting Director Tae Johnson said, “ICE will continue to ensure it has sufficient detention space to hold noncitizens as appropriate.” Yet in his fiscal year 2024 budget proposal, President Biden requested 9,000 fewer detention beds at detention facilities—a reduction from 34,000 to 25,000.

Why would the administration claim a lack of resources as justification for implementing alternatives to detention policies, yet simultaneously request fewer detention beds? Shouldn't this administration be requesting more beds, not less?

Answer. Response was not received at the time of publication.

Question 1b. I was made aware of a CPB memo dated May 19, 2023, which states that this administration voluntarily directed Border Patrol to terminate all DNA testing last Wednesday, on May 31.

Last fiscal year there were over 560,000 apprehensions at the Southern Border of aliens in a family unit. If we were to use GAO's 8 percent of familial claims being fraudulent, this would mean that over 44,000 of those kids apprehended were not traveling with their families.

Answer. Response was not received at the time of publication.

