

**THE REAL COST OF AN OPEN BORDER: HOW
AMERICANS ARE PAYING THE PRICE**

JOINT HEARING
BEFORE THE
SUBCOMMITTEE ON
BORDER SECURITY AND ENFORCEMENT
AND THE
SUBCOMMITTEE ON
COUNTERTERRORISM, LAW
ENFORCEMENT,
AND INTELLIGENCE
OF THE
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THE REAL COST OF AN OPEN BORDER: HOW AMERICANS ARE PAYING THE PRICE

Wednesday, July 26, 2023

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

The subcommittees met, pursuant to notice, at 2:23 p.m., in room 310, Cannon House Office Building, Hon. Clay Higgins [Chairman of the Subcommittee on Border Security and Enforcement] presiding.

Present from the Subcommittee on Border Security and Enforcement: Representatives Higgins, Guest, Greene, Gonzales, Luttrell, Breechen, Correa, Jackson Lee, Thanedar, Garcia, Ramirez.

Present from the Subcommittee on Counterterrorism, Law Enforcement, and Intelligence: Representatives Pfluger, Bishop, Gonzales, Crane, Magaziner, and Goldman.

Mr. HIGGINS. The Committee on Homeland Security's Subcommittee on Border Security and Enforcement and the Subcommittee on Counterterrorism, Law Enforcement, and Intelligence will come to order.

Without objection, the Chair is authorized to declare the committee in recess at any point.

Without objection, the gentleman from New York, Mr. LaLota, is permitted to sit on the dais and ask questions of the witnesses.

The purposes of today's hearings are to examine the ways in which an unsecure border poses a significant threat to human life, and, as such, should be handled with the utmost seriousness and expediency.

For the protection of safety and human life, we must come together to develop a better understanding of how lax border policies have affected American communities, and how we can develop effective solutions to this immediate threat.

I now recognize myself for an opening statement. Without objection, I have letters from Emilio Tambunga and Virginia Jespersen to be submitted for the record. So, ordered, without objection.

[The information follows:]

LETTER FROM EMILIO TAMBUNGA

July 22, 2023.

My name is Emilio Tambunga, I am the husband of Maria “Coke” Tambunga and grandfather of my only grandchild 7-year-old Emilia Brooke Tambunga. My wife and I have been married for 38 years and were together for over 40 years. I am a 13-year Marine veteran and 25-year retired law enforcement officer.

I need for maximum actions to be taken, not only by local officials but from this administration. I pray the murderer gets the maximum penalty allowed without parole, but even that will not compare to the horrible sentence he has given my family.

I now live alone, no longer able to hold my wife’s hand, hear her voice. I cannot laugh, play with or take walks with my granddaughter, who called me her partner. My first dance with her at 3 months old to George Strait’s “I Cross My Heart” song. This year she took me to her schools Valentine’s Day Dance, that was my last with her. For the rest of my lonely life, I will cry every day for them. I see her mother, my daughter Elisa living in pain but there is nothing I can do to help her. The horror he has inflicted on me, my two daughters and son-in-law and entire Ozona community, it is a wound that will never heal.

For me, the only peaceful death at my age will be knowing the murderer stays in prison, unable to harm any more lives and that my government has finally put the bickering aside and taken action to protect its citizens.

LETTER FROM VIRGINIA L. JESPERSEN

July 24, 2023.

Homeland Security Committee,
U.S. House of Representatives, H2-176 Ford House Office Building, Washington, DC 20515.

Attention: Chairman MARK GREEN
Matter: Murder of Maria Socorro Tambunga & Emilia Brooke Tambunga
Location: Crockett County, Ozona, Texas/1 hour North of the Texas/Mexico border.

As we all know, the current Administration has allowed narcotics smuggling, human smuggling and other criminal activity. It has become permissible for illegal activities to take place all along the border and across the United States.

On March 13, 2023, my Mom, “Coki” and my 7-year-old niece, Emilia Brooke, were murdered by a human smuggler carrying 11 illegal immigrants. The 22-year-old from Louisiana was recruited on Tik-Tok. And while this murderer proudly drove 105 mph playing music and video recording himself live on Facebook while being pursued by law enforcement, the Biden administration (Joe Biden, Alejandro Mayorkas and Merrick Garland) turned their heads and disregard their own U.S. citizens. The murder weapon was a 7,000-pound truck that killed my Mom and niece. They were slammed.

We implore you to take immediate action by passing the Emi-Coke Accountability. It will be a start to ensuring that the Texas DPS, Crockett County Officials and Border officials begin to collaborate with Homeland Security officials/Department of Justice so that U.S. citizens can move out of the way when law enforcement have to pursue to stop criminal activity.

Now we press forward to protect others. The purpose of this letter is to address the lack of security and to protect U.S. citizens from unsafe and unpredictable police car chases of illegal smugglers and illegal immigrants. We are all witnessing an assault on our country. As aforementioned, I reemphasize that on March 13, 2023, our family was assaulted, and our loved ones brutally murdered by a 22-year-old who known ties to a drug cartel.

Yes, we are victims. However, we are also advocates of our U.S. citizens that endure criminal activity daily along the Southern Border. Today, we implore you to pass the Emi-Coke National Alert System that would be established through the DOJ and would require the coordination of the communication network among law enforcement.

We’d like to thank Texas Congressman August Pfluger and his team and we would like to thank Congressman Tony Gonzales and his team for helping us drive change.

We are adamant that you hold each other accountable. This is our reminder to you all that Congress serves us, the PEOPLE of these United States and those that have died under this administration. We elect you to protect us.

Sincerely,

VIRGINIA L. JESPERSEN,
Daughter of Maria Socorro "Coki" Alvarez-Tambunga,
Aunt to Emilia Brooke Tambunga,
Sister to Elisa Tambunga, mother to Emila Brooke Tambunga,
Daughter of Emilio Tambunga.

Mr. HIGGINS. Good afternoon, ladies and gentlemen, and welcome to the Subcommittee on Border Security and Enforcement, Subcommittee on Counterterrorism, Law Enforcement, and Intelligence joint hearing entitled "The Real Cost of an Open Border: How Americans are Paying the Price."

Today's hearing will examine how the Biden administration's open border policies have caused incalculable human cost, not just to American citizens, but also to those driven to make the treacherous journey to our Southwest Border.

Thank you to our witnesses for being here today. The stories they will share will be harrowing, but it is important that the American people hear the true cost of this administration's failure to secure our sovereign border.

From the impact on our front-line law enforcement officers to the increase in illegal alien crime, and record deaths from fentanyl poisoning, and a growing number of migrant deaths along our borders, the Biden-Mayorkas border crisis has had a devastating impact, which is worsening daily. Open border policies have wreaked havoc on American communities, tax law enforcement resources and morale, emboldened human and drug smuggling operations, and directly resulted in a record number of alien deaths along our Southern Border region.

No community has been hit harder than those within the border regions. Devastation to private property, particularly ranches, represents a daily challenge to those living in border communities. One of our witnesses here today, Mr. J.R. Ramirez, who manages two commercial cow-calf operations, is bearing a financial burden that threatens his ability to operate a profitable business that both feeds our Nation and protects essential habitats and wild spaces. An inexcusable financial burden is placed upon the many men and women who operate businesses and have homes along the Southern Border simply for trying to live and work, as these migrants force their way into the country with no regard for the destruction they are causing in many cases to property along the way and the lives that they impact.

The cost of the border crisis extends to the men and women of the U.S. Customs and Border Protection. As the administration's open border policies enable cartels, the price is paid by those doing their jobs. Customs and Border Protection morale is at an all-time low. State and local resources have been unable to keep up with the flood of human beings and drugs crossing our border.

That flood of humans across the border includes a massive influx of human trafficking and human smuggling being reported recently. We rightly commit law enforcement resources to combat this scourge Nation-wide. However, open border policies should not exist and our border policies should be in tune with a goal toward

law enforcement. We should not worsen the problems and make it impossible for others to deal with as the years unfold. Just last year, Customs and Border Protection officials found the bodies of at least 848 aliens along the Southwest Border. According to the U.N.'s International Organization for Migration, the Southwest Border is "the deadliest land crossing in the world".

This administration has touted that their border policies are safe, orderly, and humane. But anyone who has been down to the border can attest that there is nothing safe and orderly or humane about that situation. Safe, orderly, and humane policies would not allow a record number of illegals into our country and drugs trafficked into our Nation. It would not encourage migration across the deadliest land crossing in the world, and leave our law enforcement and border communities to deal with the crisis on their own.

I look forward to hearing from our witnesses today.

I yield the balance of my time. I now recognize the Ranking Member for the Subcommittee on Border Security and Enforcement, the gentleman from California, Mr. Correa, for his opening statement.

[The statement of Chairman Higgins follows:]

STATEMENT OF CHAIRMAN CLAY HIGGINS

Good afternoon and welcome to the Subcommittee on Border Security and Enforcement and Subcommittee on Counterterrorism, Law Enforcement, and Intelligence joint hearing on the Real Cost of an Open Border. The purpose of today's hearing is to examine how the Biden administration's open border policies have caused incalculable human cost not just to our American citizens but also to those driven to make the treacherous journey to our Southwest Border.

I would like to welcome our witnesses for being here today and especially those who made the journey from Texas to provide their testimony today. The stories you will hear from these witnesses will be heartbreaking and gut-wrenching and I can only imagine the heartbreak that they and their communities have gone through.

Today, we will hear how the Biden administration's refusal to secure America's border are directly leading to the heartbreak you will be hearing about today.

The Biden administration's open border policies have driven a record numbers of deaths from drug poisoning, wreaked havoc on our communities, taxed law enforcement resources, driven human and drug smuggling operations, and have directly resulted in a record number of alien deaths along our Southern Border Region.

As Border Patrol and Law Enforcement have been overrun with migrants at the Southern Border, Transnational Criminal Organizations (TCO) have poured fentanyl through our border and directly onto main street.

The United States under the Biden administration have been consumed by the fentanyl crisis, as you know fentanyl poisoning is now the leading cause of death for Americans aged 18-49 and until this administration begins to do its job: more and more Americans will die from fentanyl poisoning.

Since President Biden has taken office, America has seen a record number of fentanyl poisonings with both years recording over 100,000 drug poisoning deaths. According to the CDC the number of poisoning deaths linked to fentanyl from 2016 to 2021 have risen by 279 percent.

Cartels, operating without consequence, have begun to lace fentanyl into various other narcotics, pills that resemble legitimate prescriptions, and rainbow-colored pills aimed at our youth.

As TCOs exploit our open borders these death numbers will continue to rise, and drugs will continue to flood into our streets.

As we have seen the entire United States is negatively affected by our current open border policies, no community though has been hit harder than those within the Border Regions.

The cost of the border crisis has been catastrophic on the men and women of the U.S. Customs and Border Protection and all over State and local first responders near the Southern Border.

As our open border polices embolden cartels, the price is paid by those actually doing their jobs. CBP morale is at an all-time low and State and Local Resources

have not been able to keep up with the flood of humans and drugs coming across the border.

The burden of these open border policies ultimately falls onto vibrant border communities. These communities have seen human smugglers lead police on high-speed chases through their communities, ranches have been wrecked, and many have packed up their stuff and left town. The economic and social toll on these communities is profound and everyday these communities live in fear.

The human cost though isn't exclusive to the those within the United States, as the Biden's administration's policies have incentivized migrants to attempt a treacherous journey that has directly led to death, exploitation, and deplorable conditions, all the while enriching cartels' human smuggling operations.

As current policies incentive the trek migrant deaths along the Southern Border are at an all-time high and we've seen a significant rise in human trafficking and child exploitation.

Just last year Customs and Border Protection officials found the bodies of at least 848 migrants along the Southwest Border and the UN's International Organization for Migration state the Southwest Border is the "deadliest land crossing in the world."

This administration has touted that their border policies are "safe, orderly, and humane" but anyone who has been down to the border can attest that there is nothing safe, orderly, or humane about the situation.

Safe, orderly, and human policies wouldn't allow record number of drugs into the country. They wouldn't encourage migration across the deadliest land crossing in the world, and they wouldn't leave our law enforcement and border communities out on their own to deal.

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

Mr. CORREA. Thank you, Mr. Chairman. I want to thank our witnesses for being here today. Your stories are important because we need to take them into consideration as we make policy, not just immigration policy, not just border policy, but policy that is best for the United States of America.

Preparing for this committee hearing on border security over the last few months, I thought back on what this country's about, what immigrants are about, what refugees are about. I sat there and I thought and remembered some of the stories my mom, God rest her soul, would tell me about my grandfather when he came to this country, 1890's. Got to fact check it, but she said, "Grandpa paid two cents to walk across the border. And one of those walks almost cost him his life."

The border has been changing, but it always seems to be a very treacherous place. It shouldn't be, but it is. Today, we talk about the cost of the border, but we really talk about, again, drug policy, economic policy, immigration policy, refugee policy all rolled into one. That is why your stories today are going to be so important, so they are not forgotten.

You know, when I first took this position on this committee in January as Ranking Member of this committee, I made it my mission to go to every major border crossing in the Southern Border to talk to the men and women in green and blue uniforms to find out what they were seeing. You can't know what is going on here in Washington, DC, unless you go there and you talk to the men and women where the boots are actually worn and what they are seeing. I will tell you, I found out that every one of those border crossings has a different personality, every one of those border crossings, every State has a different set of challenges.

That was right after COVID was over, right about the time Title 42 was about to be lifted. That was, if I can bring you back a little

bit in history, those were the days that we were all predicting chaos at the border. Title 42 lifted, it is going to be chaotic.

So, about a week before Title 42 was about to be lifted, I went to San Ysidro, our biggest border crossing in terms of population in this country and probably the world. Myself and our border port chief there, we drove to Mexico, to Tijuana, to meet with the stakeholders in Mexico. They called for the meeting and said, we don't want chaos at the border.

We met with Federal, State, local businessmen and women in Mexico. Same message: we want order at the border. It is obvious because there is a lot of commerce, a lot of lives, a lot of jobs, a lot at stake. All of us were kind-of hunkering down getting ready for the worst scenario. The next day, the next week, nothing really materialized.

We just had Secretary Mayorkas speak to us in the Judiciary Committee. Preparation for his committee hearing and his testimony, I delved in a little bit into what his policies were. His policies pissed off both sides of the aisle, I think. On one side, he put in, you know, punitive measures, Title 8. You break the law, walk in between ports of entry, you got the law to deal with. On the other side is he created pathways, using legal pathways existing now, which are essentially parole, to give the opportunity to individuals to come into the United States. Carrot and the stick. The other thing he did is he worked with our allies around the world, Latin America, to address this issue.

I have a little chart here, the other one, if I can, that shows the burden of refugees around the world and where it is distributed. You know, surprisingly, Colombia has got right now home to about 3 million Venezuelan refugees. Mexico doesn't appear, does it? Down here, but it says half a million. I think it is way over that.

What I am trying to say, ladies and gentlemen, is today, the challenge of refugees, immigration, economic growth, fentanyl, the tragedies at the border are an even bigger challenge that are going to ask us as policy makers to step up and come up with some good public policy.

China, OK. Post-COVID-19, the world is in economic recession. Even China, OK, is sputtering. Twenty percent unemployment rate with the young people. So, I imagine you are going to continue to see people coming across the border that are young people of working age going through your area.

So, the challenge is for us as policy makers to figure this whole thing out. We have 12 million undocumented workers in the United States today. Ten million jobs that are going wanting. Employers need workers.

In my district, a few weeks ago, I went to visit a manufacturer who is now manufacturing more than ever because of some jobs they brought back from China, some electric connectors that they were building. He said, Lou, I need more workers, but I can't. I have a choice. Expand my business, bring more jobs back to the United States. If I do that, he says, I will be breaking the law or I can just not fulfill the orders the U.S. Government is asking me to fulfill.

Immigration policy, refugee policy, and of course the big one that all of us feel at home is fentanyl, drugs. I don't think there is any-

body here that hasn't felt the scourge, has heard the death stories in their neighborhoods, in their communities from fentanyl.

Mr. Chairman, I hope we drill down and get some good information today that will lead us to some good public policy. Because at the end of the day, it is not about the Chinese, it is not about the Colombians, it is not about the Mexicans or the Canadians. It is about the United States of America implementing good immigration policy that will lead to strong economic growth to keep us the greatest country in the world.

So, I do hope to hear the testimony today and work with all of you to make sure we come up with good sound public policy for America.

Mr. Chairman, I yield.

Mr. HIGGINS. Thank you, Ranking Member Correa.

I now recognize the Chairman for the Subcommittee on Counterterrorism, Law Enforcement, and Intelligence, the gentleman from Texas, Mr. Pfluger, for his opening statement.

Mr. PFLUGER. Thank you, Chairman Higgins. Good afternoon to everyone. Welcome to the joint hearing on the Subcommittee of Border Security Enforcement and the Subcommittee on Counterterrorism, Law Enforcement, and Intelligence.

I thank my good friend and Chairman Higgins for convening this important hearing, a hearing to examine the heartbreaking realities and the high cost to Americans and those making the treacherous journey to the Southwest Border due to the Biden administration's failure to secure that very border.

This abject failure has unfortunately resulted in tragedies across the country, and specifically in my home State of Texas. In fact, here with us today is Ms. Elisa Tambunga and her family. I thank you for joining us. Elisa is a mother but she lost her own mother, her 71-year-old mother, and her 7-year-old daughter recently when they were killed in a car crash in Ozona, Texas, when a human trafficker smuggling 11 illegal aliens was recklessly driving his vehicle, evading capture from the local police department, and struck the vehicle of Maria and Emilia, the 71-year-old grandmother and 7-year-old daughter.

Elisa, thank you for being here today. The heartbreaking story that we face, unfortunately, is not the only one and there are far too many. I appreciate you being willing to share your stories here, so that others don't have to go through that pain and tragedy. When you talk about Emilia and Maria and you hear their stories, I have been told that Emilia was an outgoing fashionista. She was ready to take on the world. She dreamed of being a teacher, a social media influencer. She was active in sports, she was a model student at Ozona Elementary School. She loved to play with her friends and dance with her Aunt Jenny and cook with her grandmother, Maria, who was also a dedicated member of the community.

We also have Mr. Ramirez, who is a ninth-generation Texan here with us, a rancher from South Texas, who is in the fifth generation of the operations in the ranching business.

Mr. Ramirez, thank you for being here to share the stories about how this tragedy, this crisis, the chaos is impacting our agriculture

business, the very business that feeds our Nation. We look forward to hearing your stories and your perspective.

But this crisis has also resulted in the suffering and the death of so many migrants who make this journey to the border. Earlier this month, I led a bipartisan delegation to South America, to several countries in Central and South America. I provided a first-hand look into some of the issues that are being faced there that are also facing us here.

During this visit, we were able to meet with national security and law enforcement leaders in Brazil, Colombia, and Panama, to not only discuss the rising threat of the Chinese Communist Party's influence in the region, but to investigate the evolving and sophisticated threat of transnational criminal organizations, and the migration crisis that these countries are also experiencing as a result of a massive pull factor from the Biden administration and Secretary Mayorkas' failed immigration policies.

Notably, we were able to visit the Darién region of Panama, where we toured a migrant village known as Bajo Chiquito that migrants encountered in Panama after a grueling 7-, 8-, 9-, 10-day journey through a very dangerous jungle known as the Darién region.

There, approximately 1,500 to 2,000 migrants are encountered daily. They are coming out of the jungle on this treacherous journey. I would like to put this in context. The Panamanian National Migration Service has reported that in the first 6 months of this year, 200,000 migrants have made that journey through the Darién region. From 2015 to 2021, in a 6-year period, there were only 97,000 total people that went through there.

So, what has changed? When I talked to these people, Sri Lankans, Africans from Nigeria, many people from Venezuela, as my colleague just mentioned, they all had one thing in common: they are headed to the United States because they know that it is open.

We visited several other camps, and the tragedies that we saw from these migrants. A small boy, 8 years old, I will never forget his face, the cuts, the bruises, the scrapes, the damage to his legs from going through that jungle area. Then, to think about the psychological damages. This child went through a very, very difficult journey. He could hardly walk on his own. Not to mention the assaults that are happening to the young women and the harrowing stories that each one of these people has to tell.

We were briefed as well by Panamanian officials on Panama's operations in the Darién region to include Panama's national border services, SENAFRONT, about their work to register migrants using what is known as BITMAP, the Biometric Identification Transnational Border Migration Alert Program. We learned that Panama leads the BITMAP program in enrollments in identifications of known and suspected terrorists, recently surpassing 100,000 BITMAP checks and identifications of those 100,000 of over 100 known or suspected terror matches, and a dozen INTERPOL criminal matches as well.

This is extremely concerning, as it is a significant increase, as I mentioned earlier, from prior years. According to DHS data, so far in fiscal year 2023, U.S. Border Patrol has encountered 140 individ-

uals with derogatory information in the terrorist screening dataset between ports of entry, in addition to 98 individuals encountered in fiscal year 2022. These figures compare to only 3 such individuals apprehended in fiscal year 2020, zero in 2019, 2 in 2017.

What has changed? That is why we are here today. Let me point out as well that the last Congress, in the 117th Congress, the DHS refused to release these numbers of potential known or suspected terrorists attempting to illegally cross into the United States. Only by holding them accountable were we able to ensure that this information was disclosed, as it previously was in previous administrations, to the public.

At the same time, in that period of time, since President Biden has been in office, over 1.5 million illegal alien got-aways, and this is known got-aways, has successfully crossed the border undetected or detected but un-apprehended and are now in the United States. These known got-aways, they don't provide biometric or biographic information to U.S. Border Patrol agents. We don't know, in fact when Secretary Mayorkas was here, he can't tell us who these people are. He doesn't know what their background is, what their intentions are, their criminal or terrorist affiliations. There are some who may argue against the common-sense reality that individuals on the terror watch list streaming across our border at record rates pose a threat to America's national security, both those apprehended between the ports of entry and those among the 1.5 million known got-aways since fiscal year 2021.

These are fundamentally unserious arguments. This is a national security issue. Only an administration unserious about border security would continue to defend the very policies that have encouraged this chaos. There is also no doubt that the Biden administration's policies and rhetoric are encouraging hundreds of thousands of migrants to make the life-threatening journey through this area every single year, just like those that I encountered in the Darién region. These same policies incentivize millions of people from around the world to place themselves at the mercy of transnational criminal organizations, trafficking organizations, and other malign actors just to get here to the United States.

Aside from the humanitarian crisis these failed policies have created, our Nation is also battling a drug epidemic that is fueled by the illicit flow of fentanyl, xylazine, methamphetamines, and heroin that are crossing our Southwest Border at record numbers. More than 1,500 people per week die and are poisoned and die from taking some type of opioid, which we have never experienced a number like that in the history of this country. Securing our border is a critical first step to reversing this trend.

Secretary Mayorkas and President Biden's failure to lead has left our country less secure. We must secure our border. This committee will continue to hold the administration accountable for their action, and, most importantly, for their inaction. The human cost both to Americans and migrants alike is far too high to continue to willfully ignore, because doing so is politically expedient.

I would like to thank all the witnesses for being here. You are part of the solution to helping us come up with ways to hold the administration accountable.

It is my personal opinion that we have plenty of laws on the books for our Border Patrol, our Customs agents, ICE, and other agencies to do the job that they need to do to secure our border.

My last thought is it is incredible to think that the administration is suing the State of Texas for doing the very job that the Federal Government should be doing, according to Article IV, Section 4 of our Constitution.

Chairman, thank you for holding this hearing.

I yield back.

Mr. HIGGINS. Thank you, Chairman Pfluger.

I now recognize the Ranking Member for the Subcommittee on Counterterrorism, Law Enforcement, and Intelligence, the gentleman from Rhode Island, Mr. Magaziner, for his opening statement.

Mr. MAGAZINER. Thank you, Chairman.

Migration from South and Central America to the United States is a great humanitarian challenge. The migrants coming to our Southern Border are escaping poverty and political persecution to build a better life. They want to work, contribute to our economy, and build a future for their children free from fear. Just like my ancestors who fled poverty in Ireland and Eastern Europe, just like the Pilgrims who escaped persecution and landed at Plymouth, and just like the ancestors of many of the people in this room, they see the United States as a beacon of hope, because that is what we have always been.

We are the greatest Nation in the world because we are the shining city on the hill that has said to the world, "Give me your tired, your poor, your huddled masses yearning to be free." In many cases, the migrants coming to the Southern Border in search of a better life are seeking to come to our country legally. I will say it again, in many cases, they are seeking to come legally because under our laws, in many cases, the migrants are entitled to legal asylum.

Unfortunately, many migrants on their journeys to the United States face danger from drug cartels, human traffickers, and gun smugglers. Human smugglers charge extortionary fees and sometimes leave migrants trapped to die in sweltering cargo containers at the side of the road. Women and children have been kidnapped and assaulted. Even when the migrants are able to avoid abusive cartels, many die on their arduous journey.

Those fortunate enough to complete the journey to our border are met with a system in which it can take weeks or months for their legal asylum claims to be processed. Dying of thirst, starvation, and disease, and running out of time, some seek to enter the country between legal ports of entry out of sheer desperation.

Of course, it is not just migrants who have fallen victim to the cartels and the human traffickers and the gun smugglers. American citizens have suffered, too.

Ms. Tambunga, I want to thank you for coming here tonight. I want to thank you for sharing your story. What you have suffered is unimaginable. I am deeply sorry for the loss of your mother, Maria, and your daughter, Emilia.

I read in an interview you gave that you said, “I just need this to not happen again to anybody else. I need it to not happen again to another mother,” and that you want action, not words.

We could all not agree with you more. Your call to action is desperately needed. We owe it to you and to all of the victims of the humanitarian crisis at the border to set aside politics and work together in a bipartisan manner to pass comprehensive immigration reform and border security.

We need a more orderly and streamlined system at ports of entry so that migrants can have their legal asylum claims processed without having to wait for weeks or months in squalid camps or become dependent on human traffickers to get between ports of entry.

In my conversation with Border Patrol leadership, they were clear that they support a more streamlined system for migrants to seek legal asylum at ports of entry so that Border Patrol agents can be freed up to focus their efforts on the bad actors smuggling guns and drugs between ports of entry. I want to make sure that their words are heard in this committee. What Border Patrol is saying, and we should listen to them, is that we need a better, more streamlined system for migrants to be processed at legal ports of entry, so that Border Patrol’s resources and bandwidth can be freed up between ports of entry to focus on the bad guys.

We need to build on the work of the last Congress to increase staffing at the border, both at and in between ports of entry, and to improve technology to detect illegal crossings and contraband.

The Biden administration has begun this work. New technology and enhanced staffing authorized in the 117th Congress is being deployed across the border as we speak. Illegal crossings are down significantly since the expiration of the Trump administration’s Title 42 policy. The CBP One app is succeeding in creating a more orderly system at ports of entry and, in turn, reducing crossings between ports of entry. That is the way it is supposed to work.

There is more work to do, but the path ahead is clear: bipartisan solutions instead of political grandstanding.

I look forward to hearing from our witnesses because their feedback is vital in how we do this work.

But first, I have to make one last very important point. We will never defeat the evil of the cartels and the traffickers by adopting cruel tactics or retreating from our American values. At least 5,500 children were separated, and likely more that we still don’t know about, under the Trump administration’s family separation policy. Five thousand five hundred children that we know about. Of those 5,500 children, more than 500 were under 5 years of age when they were forcibly separated from their parents. As a new parent myself, this is unconscionable and it should outrage everyone here.

Today, years later, there are still hundreds of children who have not been reunited with their parents. One woman named Jessica, fleeing El Salvador and seeking legal asylum in America after MS-13 beat her and threatened to kill her and her children, arrived in the United States in 2018, only to have the Trump administration take away her 4- and 10-year-old sons. Their story is part of the human cost of the humanitarian crisis at the border.

It is also despicable that the Governor of Florida, Ron DeSantis, sent agents to Texas to fool migrants into coming to Florida so that he could send them to Massachusetts as a political stunt. This article details the story of 22-year-old Eduardo, his wife, and their 7-year-old daughter, who endured abduction and beatings by a Mexican cartel as they journeyed from Peru to the U.S.-Mexico border in search of a better life. When Eduardo and his family reached the United States, they applied for legal asylum and stayed at a migrant center while awaiting the processing of their application. They met a woman working for Governor DeSantis who lied to them, promising a job and shelter if they would board a flight to Massachusetts. Of course, the Massachusetts authorities were never alerted to this plot. Florida taxpayers paid for this disgusting stunt by the Florida Governor for his political gain. Children taken away from their parents by grandstanding politicians looking for headlines, grieving parents who still do not know where their children are today.

Now, another grandstanding politician, the Governor of Texas, has launched an operation in which agents were allegedly ordered to push children into the Rio Grande River and deny water to migrants.

This is not who we are and it does not make anyone safer. So, when we talk about the human cost of the border crisis, don't forget these humans. Children, parents separated, kidnapped, and hurt by politicians looking for headlines.

So, let me be clear. I and my Democratic colleagues on the subcommittee will work with anyone on either side of the aisle who is serious about making the border safer for American citizens and for migrants. There are real solutions we can work toward together and we will work with anyone. But we will not stand by and allow selfish politicians to make the humanitarian crisis worse by abusing migrants seeking a better life. We can build an immigration system that is safe, fair, and orderly if we just put politics aside and work together with American values.

I yield back.

[The statement of Ranking Member Magaziner follows:]

STATEMENT OF RANKING MEMBER SETH MAGAZINER

JULY 26, 2023

Migration from South and Central America to the United States is a great humanitarian challenge. The migrants coming to our Southern Border are escaping poverty and political persecution to build a better life.

They want to work, to contribute to our economy, and build a future for their children free from fear.

Just like my ancestors, who fled poverty in Ireland and Eastern Europe. Just like the pilgrims who escaped persecution and landed at Plymouth colony. Just like the ancestors of most people in this room. They see the United States as a beacon of hope, because that is what we have always been.

We are the greatest nation in the world because we are the shining City on the Hill that has said to the world, "give me your tired, your poor, your huddled masses, yearning to breathe free." And in many cases, the migrants coming to the Southern Border in search of a better life, are seeking to come to our country legally.

I'll say it again: in many cases, they are seeking to come legally, because under our laws in many cases the migrants are entitled to legal asylum.

Unfortunately, many migrants, on their journey to the United States face danger from drug cartels, human traffickers, and gun smugglers. Human smugglers charge extortionary fees, and sometimes leave migrants trapped to die in sweltering cargo

containers at the side of the road. Women and children have been kidnapped and assaulted. And even when migrants are able to avoid abusive cartels, many die on their arduous journey. And those fortunate enough to complete the journey to our border, are met with a system in which it can take weeks or months for their legal asylum claims to be processed.

Dying of thirst, starvation, and disease, and running out of time, some seek to enter the country between legal points of entry, out of sheer desperation.

And of course, it is not just migrants who have fallen victim to the cartels, the human traffickers, and the gun smugglers. American citizens have suffered too.

Ms. Tambunga, what you have suffered is unimaginable. I am deeply sorry for the loss of your mother, Maria, and your daughter, Emilia. And I thank you for your willingness and bravery to share your story with us today.

I read in an interview you gave you said “I just need this to not happen again to anybody else. I need it to not happen to another mother.” And that you want action, not words. We could not agree with you more—your call to action is desperately needed. We owe it to you, and to all of the victims of the humanitarian crisis at the border to set aside politics and work together in a bipartisan manner to pass comprehensive immigration reform and border security measures.

We need a more orderly and streamlined system at ports of entry, so that migrants can have their legal asylum claims processed without having to wait for weeks or months in squalid camps or become dependent on human traffickers to sneak them between points of entry.

In my conversation with Border Patrol leadership they were clear that they support a more streamlined system for migrants to seek legal asylum at ports of entry, so that Border Patrol can be freed up to focus its efforts on the bad actors smuggling guns and drugs between ports of entry.

We need to build on the work of the last Congress to increase staffing at the border, both at and in between ports of entry, and to improve technology to detect illegal crossings and contraband.

The Biden administration has begun this work. New technology and enhanced staffing authorized in the 117th Congress is being deployed across the border as we speak. Illegal crossings are down significantly since the expiration of Title 42. The CBP One app is succeeding in creating a more orderly system at ports of entry and is in turn reducing crossing between ports of entry. There is more work to do, but the path ahead is clear. Bipartisan solutions instead of political grandstanding.

I look forward to hearing from our witnesses, but first I have to make one last, very important point:

We will never defeat the evil of the cartels and the traffickers by adopting their cruel tactics or retreating from our American values. At least 5,500 children were separated under the Trump administration, and there is likely more that we still don't know about. Five thousand, five hundred children.

Of those 5,500 children more than 500 were under 5 years old. As a new parent myself, this is just unconscionable. And it should outrage everyone here. And today, years later, there are still hundreds of children who have not been reunited with their parents.

One woman named Jessica, fleeing El Salvador and seeking asylum in America after MS-13 beat her and threatened to kill her and her children, arrived to the United States in 2018—only to have the Trump administration take away her 4- and 10-year-old sons. Their story is part of the human cost of the humanitarian crisis at the border.

It is also despicable that the Governor of Florida, Ron DeSantis, sent agents to Texas to fool migrants into coming to Florida so that he could send them to Massachusetts as a political stunt.

This article details the story of 22-year-old Eduardo, his wife, and their 7-year-old daughter who endured abduction and beatings by a Mexican cartel as they journeyed from Peru toward the U.S.-Mexico border, in search of a better life.

When Eduardo and his family reached the United States, they applied for legal asylum and stayed at a migrant center while awaiting the processing of their application. Then, they met a woman, working for Ron DeSantis, who lied to them, promising a job and shelter if they would board a flight to Massachusetts. Of course, the Massachusetts authorities were never alerted to this plot. And Florida taxpayers paid for this disgusting stunt by the Florida Governor for his political gain.

Children taken from their parents by grandstanding politicians looking for headlines. Grieving parents who still do not know where their children are today.

And now another grandstanding politician, Texas Governor Greg Abbott, has launched an operation in which agents were allegedly ordered to push children into the Rio Grande River, and deny water to migrants. This is not who we are. And it does not make anyone safer.

So, when we talk about the human cost of the border crisis—don't forget these humans. Children, parents, separated, kidnapped, and hurt by grandstanding politicians looking for headlines. Cowardly, selfish, politicians kidnapping children because they think it would make a good tweet.

So, I and the Democrats on my subcommittee, will work with anyone who is serious about making the border safer for American citizens and for migrants. We will work with anyone to protect American citizens, but we will also not stand by while selfish politicians make the humanitarian crisis worse by abusing migrants seeking a better life. We can build an immigration system that is safe, fair, and orderly if we put politics aside and work together.

Mr. HIGGINS. Thank you, Ranking Member Magaziner.

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

[The statements of Ranking Member Thompson and Honorable Jackson Lee follow:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JULY 26, 2023

As many are aware, the number of border encounters is down since the end of Title 42. That's not a shell game, as the Majority has alleged. All numbers, including appointments via the CBP One App, are publicly reported. They are even reported in the administration's press releases!

Last week, CBP shared that encounters between ports of entry in June decreased by 42 percent since May—the lowest number of encounters since February 2021. The Biden administration's actions to expand legal pathways, establish a more orderly, humane border, and enhance collaboration with our regional partners are largely responsible for this decline.

The situation at the border—both under previous administrations and the current one—does have a human and economic cost on both sides of the border, however. Since this committee was established, I have been to the border many times. I have seen it myself, and I've spoken with members of border communities. It affects Americans and Mexicans alike, in addition to the migrants seeking safety, freedom, and an opportunity to contribute.

The answer to the experiences that today's witnesses have shared in their submitted testimony is not to shut off access to asylum or reimpose "Remain in Mexico," Title 42, or family separation. Those failed policies caused immense harm to migrants, our border, and American families.

That's right—it hurts American families too. We know that the majority of migrants coming to the United States are joining family here. When they get injured or killed, it hurts Americans. The answer is instead to initiate comprehensive immigration reform, which goes hand-in-hand with border security.

Deterrence measures alone do not stop people from coming. They drive up the demand for human smugglers and increase the number of injuries and deaths at the border. No one fleeing a cartel-controlled community, an authoritarian regime, or desperate poverty will get to the border and just give up because someone built a wall or installed a buoy.

No one risking their lives to make the treacherous journey across thousands of miles to the United States is going to just turn around and go home. They are trying to save themselves and their loved ones.

To our witnesses, I look forward to hearing your testimony. I hope that the Members of this committee make it clear today that they are interested in a humane and effective solution, not one that turns a blind eye to the global migratory crisis and does nothing to make Americans safer.

STATEMENT OF HON. SHEILA JACKSON LEE

Chairman Higgins, Chairman Pfluger, Ranking Member Correa, and Ranking Member Magaziner, thank you for this opportunity to reflect on the success of President Biden's policies in reducing encounters and creating a humane and orderly process at the U.S. Southern border.

I thank today's witnesses for their testimony:

- Todd Benson, senior national security fellow, Center for Immigration Studies;
- Javier "JR" Ramirez III, private citizen;

- Elisa Tambunga, private citizen;
- David J. Bier, associate director of immigration studies, Cato Institute (*Democratic Witness*).

I understand that the title of today's hearing is about a border crisis, but the reality is that the administration's approach to the Southern Border has been successful.

In June 2023, the first full month since the termination of Title 42, Border Patrol recorded a 42 percent decrease in encounters between the ports of entry (POEs).

Along the Southwest Border, CBP recorded 144,607 encounters—the lowest number of encounters since February 2021—including individuals who presented themselves at ports of entry with or without a CBP One appointment.

Although recent data provided to the committee indicates that Border Patrol encounters are increasing in July, average daily encounters are still more than 50 percent below their peak of 10,800 prior to the lifting of Title 42.

Some may argue that malicious encounters and illegal entrance into the United States should be noted and accounted for.

So far in fiscal year 2023, CBP and the National Targeting Center have identified 140 watchlisted individuals encountered between Southern Border POEs—all of whom were detained.

Nation-wide, encounters with watch-listed individuals account for 0.0094 percent of all Border Patrol encounters this fiscal year.

In addition, preliminary results from CBP data show that there is a nearly 70 percent decrease in illegal entries since early May.

As a former Ranking Member of the Homeland Security Border Subcommittee and someone who served as the Ranking Member of the House Judiciary Subcommittee on Immigration, I have a body of legislative work that informs me on this topic.

I along with many of my colleagues, including former Subcommittee Chair Candice Miller from Michigan, worked on comprehensive immigration reform measures to address the U.S.-Mexico Border, which were blocked by the Republican House Leadership at that time.

I can speak from a long resume of work to bring the Nation's border policies in line with our Nation's values and can say that making progress has not been easy, and the effort to make changes is made much more difficult by stoking fears about immigrants entering our Nation.

From my view on this committee and my over two decades of work on border and migration issues, the Biden-Harris administration has far out-stripped expectations and disproved Republican prognostication that a disaster was unfolding along the border.

TITLE 42 HAD TO END

DHS and the Biden administration began a whole-of-Government approach in Fall 2021 to prepare for the end of Title 42.

In May 2022, Secretary Mayorkas issued the six-pillar plan that outlined preparations to prepare for surges in migration and the lifting of Title 42. The six-pillar plan includes:

- (1) Surging resources, including personnel, transportation, medical support, and facilities to support border operations;
- (2) Increasing CBP processing efficiency, mitigating potential overcrowding at Border Patrol stations, and alleviating 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 ensuring coordination with and support for State, local, and community leaders to help mitigate impacts on 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 our country; and
- (6) Collaborating with international and Federal partners to deter irregular migrations south of our border to ensure that the United States is sharing responsibility throughout the Western Hemisphere.

The plan was a good one, and it was followed with energy, resources, and attention to execution, which gives us another example of what the Federal Government can do when its resources are applied to a problem.

Following the termination of Title 42 on March 11, Customs and Border Protection (CBP) encounters with migrants dropped dramatically.

For the week ending on May 28th, CBP encountered about 4,500 migrants per day.

This is in comparison to the final week before Title 42 ended, when CBP reported encounters sometimes exceeding 10,000 encounters per day.

Encounters were at about 5,200 per day in March 2023.

The administration attributes the decline to the Biden administration's new policies aimed at deterring migrants from crossing between ports of entry, including a new final rule encouraging the use of legal pathways.

Reporting indicates that migrants were fearful that it would become harder to stay in the United States following the end of Title 42, which potentially contributed to the brief surge in numbers before Title 42 was terminated and subsequent decrease in encounters.

Lawful immigration for those who seek to enter the United States has been the mutual goal of Democrats and Republicans.

The administration has found the formula for increasing applications for lawful immigration to the United States through the application of sound policy that is backed by a strong communications effort that spoke directly to people in countries that are the primary source of mass migration to the Southern Border.

Fentanyl seizures are even higher in fiscal year 2023.

The administration has strategically placed over 24,000 Border Patrol agents and officers, thousands of troops and contractors, and over a thousand asylum officers along the border.

Since the administration announced new border enforcement measures to reduce irregular migration, expand pathways for legal immigration, and increase border security, the number of people attempting to enter our country unlawfully has plummeted.

Power of immigration reform to reduce unlawful entry is proven through the Biden administration method of promoting the largest expansion of legal pathways for safe, orderly, and humane migration in decades, and put in new rules to encourage people to use those lawful pathways instead of making the dangerous journey to try to enter unlawfully.

Yes, the success of the lifting of Title 42 will take away a talking point, but it affirms our Nation can manage immigration through the appropriate application of laws, regulations, and resources that advance people centric immigration that works for immigrants and American interests.

That includes expanding the parole process so that up to 30,000 individuals per month from Venezuela, Nicaragua, Haiti, and Cuba who have an eligible sponsor and pass vetting

- Let us be clear—our immigration system needs reforms, and we are absolutely interested in bold new ideas to fix it, but this is not one of them.
- It is time we stop the negativity and counterproductive efforts that are ripping apart our country, and to instead focus on coming together to work toward sensible and effective solutions that can work for the betterment and growth of our country.

POST-TITLE 42

As soon as Title 42 lifted, the Biden-Harris administration's robust multi-agency, multi-country plan to humanely manage the border through deterrence, enforcement, and diplomacy went into full effect.

Since then, the number of unlawful crossings at our Southwest Border has dropped by nearly 65 percent.

Because the administration had Democrats in the House and Senate Majority in the first 2 years, the ability to secure funding was not a roadblock to progress.

At the border, we are catching record levels of fentanyl even before it crosses our borders, due to the work of thousands of agents and officers to secure the border and take thousands of smugglers off the streets.

In the last two fiscal years, fiscal year 2021 and fiscal year 2022, DHS seized more fentanyl and arrested more criminals for committing crimes related to fentanyl and precursor chemicals than in the previous 5 years combined.

Fentanyl seizures are even higher in fiscal year 2023.

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Power of immigration reform to reduce unlawful entry is proven through the Biden administration method of promoting the largest expansion of legal pathways for safe, orderly, and humane migration in decades, and put in new rules to encourage people to use those lawful pathways instead of making the dangerous journey to try to enter unlawfully.

Yes, the success of the lifting of Title 42 will take away a talking point, but it affirms our Nation can manage immigration through the appropriate application of laws, regulations, and resources that advance people-centric immigration that works for immigrants and American interests.

That includes expanding the parole process so that up to 30,000 individuals per month from Venezuela, Nicaragua, Haiti, and Cuba who have an eligible sponsor and pass vetting and background checks before being allowed to come to the United States for 2 years and receive work authorization.

This communicates clearly to all who may seek to come that individuals who unlawfully cross the border will be ineligible for the parole process and will be subject to repatriation to Mexico.

Making access available to those who apply and making sure that there is an opportunity for those who seek legal migration.

This includes tripling refugee resettlement from Latin American and Caribbean countries—up to 20,000 refugees during fiscal year 2023 and fiscal year 2024.

The administration has made access to the immigration process available and access through the launch of an on-line appointment portal, the CBP One app, to reduce wait times and ensure fair, orderly processing at U.S. ports of entry.

Diplomacy is also an important component of the success we are seeing on the border because the administration has secured agreements with our regional partners, including Mexico and Colombia, to quickly remove people and crack down on criminal networks operating in the Darién.

In June 2022, the President mobilized 21 leaders to adopt the Los Angeles Declaration on Migration and Protection representing a collective commitment and a coordinated approach to reducing irregular migration and expanding legal pathways throughout the region.

Under the LA Declaration, countries like Colombia, Ecuador, and Costa Rica have stepped up to better integrate millions of Venezuelan and Nicaraguan migrants they host—many of whom would otherwise make the dangerous overland journey to the U.S. border.

The new border enforcement measures build on prior actions taken by the administration to streamline the immigration process and make it more effective.

The final ingredient is a judicial process for immigration courts that establishes and sustains a court docket to prioritize the orderly and fair processing of asylum claims of certain recent arrivals, while ensuring those not seeking protection or who don't qualify are promptly returned to their country of origin.

The administration is continuing to aggressively increase legal pathways, enforce our immigration laws, target smugglers who prey and profit on vulnerable migrants and seek to traffic drugs into our country, and work collaboratively with cities and States that are impacted.

Republicans who have used immigration as a wedge issue attempted to derail the President's efforts.

Hours before Title 42 was lifted, the Attorney General of Florida ran to court seeking an order that takes a key enforcement tool off the table and threatens to undermine our critically important work to secure the border.

Twenty States filed a lawsuit to block the administration's successful expansion of the parole program.

If their lawsuit succeeds, it will trade a lawful pathway that is working for decreasing unlawful crossings that strain our border communities.

Efforts by certain States to challenge DHS's enforcement priorities have resulted in courts blocking those common-sense priorities, which are consistent with efforts across administrations.

Republicans should work with the administration to focus scarce enforcement resources against criminals and recent border crossers, instead of impeding efforts to responsibly manage and secure the border.

In April 2023, the Biden administration announced a whole-of-Government approach to combating TCOs and Fentanyl. This included:

- Leading a global coordinated effort with international partners to disrupt the illicit synthetic drug trade
- Strengthen coordination and information sharing among U.S. intelligence and domestic law enforcement agencies.

- Accelerating work with the private sector globally.
 - Further protecting the U.S. financial system from use and abuse by drug traffickers, including expanding efforts to disrupt illicit financial activities; and
 - Continuing to call on Congress to close legal loopholes for illicit synthetic drugs.
- The administration has established task forces to target criminal organizations responsible for smuggling migrants across the Southern Border.
- Secretary Mayorkas has created Operation Sentinel to work across the DHS, State Department, and DOJ to disrupt logistical network of criminal organizations by revoking travel documents and freezing financial assets.
 - AG Merrick Garland created Joint Task Force Alpha to partner with DHS to enhance U.S. enforcement efforts against human smuggling and trafficking groups.

Furthermore, the DOJ has already announced charges against 28 Sinaloa leaders, including three of “the Chapitos.”

Chief Border Patrol agents have expressed their approval of our current defense against cartels.

In an interview in May, Chief Patrol Agent Gregory Bovina stated that “the current state of morale in the El Centro Sector, the premier sector in the U.S. Border Patrol, is one of what I would term optimal morale given current conditions”

Let us be clear—our immigration system needs reforms, and we are absolutely interested in bold new ideas to fix it, but this is not one of them.

CBP officers monitor all traffic coming through the ports using technology, such as non-intrusive imaging systems, and canine teams to detect the illegal trains of drug hidden on people.

CBP has also used aircrafts to monitor both the air and the sea to combat TCO techniques that often avoid the radar.

Diplomacy is also an important component of the continued success we are seeing on the border because the administration has secured agreements with our regional partners, including Mexico and Colombia, to quickly remove people and crack down on criminal networks operating in the Darién, one of the world’s most dangerous migration routes.

Homeland Security Investigations (HSI) has worked to combat TCO operations by helping with investigations into human trafficking, drug smuggling, and cyber and financial crimes.

HSI has worked with foreign partners in 13 countries to share intelligence and persecute TCOs in various judicial systems.

Republicans should work with the administration to focus scarce enforcement resources against criminals and recent border-crossers, instead of impeding efforts to responsibly manage and secure the border.

Transactional Criminal Organizations pose a serious threat to homeland security.

However, this issue is not one at the Southern Border, but rather in Central America, where TCOs have led to wide-spread violence, resulting in mass migration north to the United States border.

WHAT HAVE MIGRANTS GONE THROUGH

There has been a recent increase in migrants’ deaths from exposure to extreme weather, as climate change makes the summer even deadlier for crossing.

In addition, a heightened border wall has forced migrants to either risk scaling the wall or find a different path to the Southern Border, which has resulted in many injuries and even death.

Just over the July 8–9 weekend, amidst a heat wave in Texas and Arizona, Border Patrol found the remains of 10 migrants.

Tragically, preliminary data shared with the committee by advocates point to another 70 deceased migrants recovered along the border in June.

In addition, a total of 853 immigrants died crossing the border in 2022—a record high.

Compounding this issue are recent allegations by a Texan trooper-medic indicating the Texas Department of Public Safety (DPS) ordered officers to push migrants—including children—back into the Rio Grande and to not provide water to migrants.

Some migrants have turned to cartels to assist them with getting to and crossing the Southern Border.

However, this allows cartels to take advantage of migrants both physically and financially through abuse, assault, and abandonment.

Additionally, the number of unaccompanied children crossing the border peaked in July 2021, with 18,954 unaccompanied children apprehended by CBP.

The number of unaccompanied children arriving at the Southwest Border has dropped by 61 percent from that peak to 7,288 in June 2023.

Currently, there are 7,220 unaccompanied children in HHS' care.

Last, we understand how dire the fentanyl issue is to our Nation.

However, it must be acknowledged that most of the drugs seized at POEs are transported by U.S. citizens.

Specifically, U.S. citizens accounted for 86.3 percent of fentanyl trafficking convictions in 2021—which is 10 times greater than the convictions for undocumented immigrants.

In fiscal year 2023, U.S. citizens accounted for over 77 percent of fentanyl-related seizures at POEs.

WHAT IS NEXT

I ask my colleagues to come together and move past the discord and to stand true to our ideals as Americans and see real immigration reform.

Specifically, we should create more legal pathways for immigrants, which would allow law enforcement to focus on actual threats along the border.

Additionally, we should focus on harnessing the power of technology by ensuring that our technology at the border is up to date.

Ideally, this would speed up processing times and allow migrants to come through U.S. POEs more quickly.

There are many challenges at the Southern Border, but the Biden administration has capably managed the handling, processing, and entrance of migrants who are coming to America seeking a better life.

It is our duty to support the administration in their efforts.

Thank you, I yield back the balance of my time.

Mr. HIGGINS. I am pleased to welcome our first panel of witnesses.

[Witnesses sworn.]

Let the record reflect that the witnesses have answered in the affirmative. Thank you and please be seated.

I would like to now formally introduce our witnesses. Mr. Todd Bensman is a senior national security fellow at the Center for Immigration Studies and has over 20 years of journalism experience covering national security, with a particular focus on the Southwest Border. Mr. Bensman also worked for the Texas Department of Public Safety's Intelligence and Counterterrorism Division.

Mr. Javier, is it Javier? Mr. Javier "J.R." Ramirez is the general manager of Chaparrosa Ranch in La Pryor, Texas, where his family has been ranching since 1932. He is a fifth-generation rancher and manages all ranch business, including the extensive wildlife management program. Mr. Ramirez sits on the board of directors for the Texas and Southwestern Cattle Ranchers Association.

Ms. Elisa Tambunga is the mother of Emilia Tambunga and the daughter of Maria Tambunga, who were both victims of a high-speed illegal alien pursuit in March 2023, which tragically cost both of their lives. We extend our sincerest condolences, ma'am.

Mr. David J. Bier is the associate director of immigration studies at the Cato Institute. His research focuses on immigration, border security, and interior enforcement.

I thank the witnesses for being here today. The witnesses' full statements will appear in the record.

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

STATEMENT OF TODD BENSMAN, SENIOR NATIONAL SECURITY FELLOW, CENTER FOR IMMIGRATION STUDIES

Mr. BENSMAN. OK. Good afternoon. Thank you for inviting me here today to discuss the impacts from the worst mass migration

crisis ever to have stricken the United States at the Southern Border.

This is a single on-going event with a traceable start date smashing every record on Government books for 30 months straight. Biden administration policies have allowed at least 4 million foreign nationals, including 1.7 million undetected got-aways, to illegally enter and stay in the United States. Those millions of needy, uninsured illegal immigrants are having transformative impacts on American civil society in several ways that we'll hear about soon.

But one impact that millions of Americans can feel right away is rarely addressed, and I want to address that here. That is what Biden's border crisis is doing to America's public school districts. To degrees that may vary from place to place, this will manifest as acute space shortages and classroom overcrowding; successive tax-hiking bond elections to purchase portable classrooms and build new schools; hiring binges for more administrators, janitors, security officers, school cafeteria workers, and English as second language teachers; language barriers for students who can't read or write but must mix in anyway and take standardized tests; declining academic performance; and new social problems like gang formation and behavioral difficulties.

A main feature of the border crisis, the Biden border crisis, and also of the much smaller earlier Trump swell in late 2018 and 2019, is that it is more child-centric than any before. Immigrants and family groups began to really pour over the border after the world discovered a certain legal loophole called the *Flores* Settlement that got them out of detention and deportation and released into America in under 21 days to pursue asylum claim for years.

Another discovered loophole, the Trafficking Victims Protection Act, let non-Mexican unaccompanied minors go free within 3 days. This sparked rushes on the border of unaccompanied minors.

Whether in families or alone and unaccompanied, school-aged children poured in until President Trump started expelling them under Remain in Mexico and then Title 42. That's the pandemic instant expulsion policy added in March 2020. But then the Biden administration reopened the spigot by creating exemptions in Title 42 for most families, all unaccompanied minors, and many pregnant and postpartum women. That set the rush off again into our country of children.

The public is never told how many school-aged children got through these policy openings, but I estimate that it is probably as high or higher than 1.2 million. No one really knows, but it's not going away anytime soon. What we know is that school districts across America had to enroll them under a 1982 Supreme Court ruling regardless of immigration status, numbers, costs, or hardships.

So, to find out what that might look like, last year I conducted field research on the Cleveland Independent School District, 40 miles northeast of Houston, in Liberty County. From between 60,000 and 100,000 mostly immigrant families from earlier border surges settled there in an unincorporated community called Colony Ridge and sent their kids to CISD. Everyone I talked to, including the school superintendent, told me most are illegally present.

Here's CISD's story in a nutshell. Enrollments tripled from 3,693 K through 12 students in 4 main schools in 2012, to more than 12,000 in 2022. CISD is now 12 schools and 60 portable classrooms. Plans call for \$1.2 billion, that's with a B, expansion to 20 more schools over the next decade to accommodate a projected student body of 20,000. A decade ago, CISD was 40 percent Hispanic. Now, it's 90 percent.

Here's some findings. The district has repeatedly asked voters to approve massive tax-spiking bond elections: \$85 million in 2017, \$198 million in 2019, \$150 million in 2021, \$115 million in 2022, and it just goes on. They can't stop.

The district has suffered declines in academic performance due to language barriers. Those with limited English proficiency spiked from 20 percent in 2012 to 55 percent in 2022. English as a second language curricula now makes up more than half of all curricula. The entire teaching staff is required to attain State ESL certification or an equivalent. Many new students were teenagers who couldn't read or write. Nearly half of Cleveland high school students and 60 percent of Cleveland middle school students were at risk of dropping out. Gangs and drug trafficking are problems.

This is just one school district, maybe an extreme case, but scattered media reporting suggests it's emblematic. Many are struggling to protect students who are already there from degraded instruction, and parents from tremendous new tax burdens across America.

I'm happy to answer any questions about this impact or others described in my longer testimony on file. Thank you for your time.

[The prepared statement of Mr. Bensman follows:]

PREPARED STATEMENT OF TODD BENSMAN

JULY 26, 2023

Messrs. Chairman Higgins, Ranking Member Correa, Chairman Pfluger, and Ranking Member Magaziner and Members of the subcommittees, thank you for inviting me here today to discuss the important issue of impacts from the worst mass migration crisis ever to have occurred at the American Southern Border. And what is happening at that border is, by every possible metric on Government record, the worst such mass migration in the American experience, now well into its third year with at least 4 million foreign nationals allowed to enter and stay in the United States for their illegal crossing efforts.

I have studied, analyzed, and reported border issues for more than 17 years. First, during my 23-year career as a journalist for major media outlets through 2009. Then for 9 years as an intelligence analyst for the Texas Department of Public Safety's Intelligence and Counterterrorism Division, and since 2018 as a senior national security fellow for CIS.

In the official capacity of my current role, I have spent a great deal of the past 2½ years on the ground, both sides of the border, usually with the immigrants before and after they cross. And from thousands of their testimonials, I have written the only comprehensive first draft of this historic event's causes and effects, in my book *OVERRUN*.

In it, I document the genesis of this incredible continuous event to specific policies that went into effect on President Joe Biden's Inauguration Day, which immigrants unanimously tell me are the main reasons they decided to journey across the Southern Border.

The administration put a freeze on required border enforcement measures and fast-tracked release of the majority of illegal crossers into the country where they and most experts know they will stay forever.

And on their cell phones, which every immigrant has, they sent word of this incredible bonanza down trail, to home villages and all along the migration trails. And in this way, those first tens of thousands who began crossing on inauguration day

quickly became hundreds of thousands a month, and then millions a year. Counting an estimated 1.7 million never apprehended, probably more than 4 million have entered the country from the border in a mere 30-month span. Perhaps as many as 6 million largely uneducated and needy people will be in the country before the Biden policies might first be reversed in the 2024 national elections and the flood-gates closed.

Those millions of policy-enticed entries in so short a time already are—and will have—transformative impacts in the form of unplanned-for demands on public welfare and assistance programs, health care systems, Social Security, housing, labor markets, schools, and the criminal justice system.

It is too early in the crisis to measure many of these impacts—assuming anyone is willing to do this politically-averse work. But, despite political reticence to do so, Congress, researchers, media reporters, and State and local governments should endeavor to measure impacts in three general areas where indicators of consequential change are already well-indicated: public school burdens, unnecessary preventable crime, and unfunded burdens for local communities.

PUBLIC SCHOOL SYSTEMS

Probably the very first area of civic life where most Americans will experience the impact of the Biden border crisis will be in the public schools. Local schools face the most immediately visible impacts because a main feature of the Biden border crisis, and also of the earlier Trump swell of late 2018–early 2019, was that immigrants in family groups around the world discovered a certain legal loophole—known as the *Flores* Settlement. The 2015-amended settlement requires DHS to release immigrant families with young children from detention within 21 days to pursue years of mostly ineligible asylum claims while living inside the United States, rather than to be deterred by detention and deportation.

Children became extremely valuable as tickets into America. So millions of people in family units brought school-aged children in for the *Flores* Settlement quick-release treatment. At the same time, non-Mexican children traveling without a parent learned they could exploit the Trafficking Victims Protection Act (TVPA of 2000) to gain release within 3 days, sparking rushes on the border of unaccompanied minors.

School-aged children poured in over the border with parents or guardians, or alone unaccompanied by the hundreds of thousands and then the millions to gain the advantage of these quick-release loopholes.

That mostly ended when former President Donald Trump introduced Remain in Mexico and Title 42 instant expulsions for all illegal entrances as a COVID control measure.

But then the Biden administration on Day 1 opened exemptions in Title 42 expulsions, and ended the Migrant Protection Protocols, or Remain in Mexico. These moves allowed for the quick interior releases of a majority of immigrant families, unaccompanied minors, and advanced stage pregnant women or postpartum women.

The public is never told how many advanced-stage or school-aged children got in through these exemptions and entered public school systems.

Based on publicly-available data, it's difficult to estimate just how many school-aged children brought in over the border joined the estimated 49 million children enrolled in American public school systems.¹

But national enrollments would have had to include a bulk of the 545,000 unaccompanied minors enticed by policy to cross since 2019—388,748 of them just since 2020. Hundreds of thousands more would surely have crossed in to enroll among the 1.9 million foreign nationals apprehended as family units from 2018 to date. Up-to-minute data is not yet available but, as of 2021, 11 million public school students from immigrant-headed households (legal and illegal) accounted for nearly 1 out of 4 students in public schools, more than double the 11 percent in 1990 and more than triple the 7 percent in 1980.²

As for the hundreds of thousands that have certainly driven those percentages much higher since 2021, school districts across America had to enroll them under a 1982 Supreme Court ruling regardless of immigration status, numbers, costs, and hardships.

What might those be?

¹“Back-to-School Statistics,” National Center for Education Statistics, [https://nces.ed.gov/fastfacts/display.asp?id=372#:?.text=Preliminary%20data%20for%20fall%202021,students%20-%20\(source%2C%20'source\)](https://nces.ed.gov/fastfacts/display.asp?id=372#:?.text=Preliminary%20data%20for%20fall%202021,students%20-%20(source%2C%20'source)).

²Steven A. Camarota, “Mapping the Impact of Immigration on Public Schools,” Center for Immigration Studies, 20 June 2023, <https://cis.org/Report/Mapping-Impact-Immigration-Public-Schools>.

Spiking enrollments that force school districts to hold successive tax-hiking bond elections to purchase portable classrooms, build new schools, expand existing schools, hire more administrators, janitors, security officers, school cafeteria workers, and hire more English as a Second Language teachers, according to complaints leaching into the public realm.

For instance, in and around New York City, a significant surge of 5,000 immigrant children flooded into four counties in a single 11-month span through August 2021, posing a \$139 million unplanned burden on New York taxpayers to educate them.³ The arrivals of mostly teenage boys created a classroom crisis that strapped educational resources and aided gang-recruiting efforts, the *New York Post* reported. In May 2022, New York City education officials grappling with older illiterate teen immigrants who have gone years without formal education agreed to launch a pilot program that would all 400 “newcomers” fan out to identified high schools where they can learn English.⁴

In Austin Independent School District, teachers protested in April 2022 about a 400-student influx of immigrant teenagers from Central America at its International High School and Eastside Early College High School campus.⁵ Teachers complained they were left to give instruction in hallways and conference rooms. Similar scenarios are unfolding more quietly in school districts across America.

For what that may look like in extreme form, parents whose children attend public schools across the United States need look no farther than Cleveland Independent School District (CISD) in East Texas’s Liberty County about 40 miles northeast of Houston. A sprawling new community called Colony Ridge, whose new and established residents—and CISD’s School Superintendent—universally acknowledge that many are illegally present in the United States, has boomed inside the CISD’s 143 square miles to some 60,000 as of 2021.⁶

In 2019, the growth driven by largely immigrant children prompting the Texas Education Agency to label CISD a “hyper-growth” district.⁷

CISD Enrollments exploded from 3,693 K–12 students and 4 main schools in 2011–2012 to more than 12,000 in 2022. From 4 schools, CISD is now 12 schools and 60 portable classrooms funded by continual bond elections and with plans for a \$1.2 billion expansion to 20 more schools over the next decade to accommodate an anticipated student body of 20,000 students as Colony Ridge continues a massive migration-fueled expansion. A decade ago, CISD was 40 percent Hispanic. Now it is 90 percent and very different from the old country days.

In 2022, I traveled to CISD and Colony Ridge as part of research for my book *Overrun* and interviewed students, parents, teachers, and the superintendent Stephen McCandless. From them, I learned that the district’s ills there take many forms. Classroom and school overcrowding have required portable classroom farms, sharp spending increases to hire new teachers and bus drivers, continual requests for voters to approve bonds to build new schools, fallouts from language barriers and uneven education levels, less individualized teacher time per student, poorer academic performances for all, and public safety concerns.

What I learned from public records and my interviews was that most of the new students can’t speak English. Those with limited English proficiency rose from 20 percent in the 2011–2012 school year to 55 percent in 2021–2022. English-as-a-Second Language curricula now makes up more than half of all school curricula. The entire teaching staff is required to obtain State ESL certification or an equivalent one, an expensive and time-consuming endeavor requiring constant management.

³Kerry J. Byrne, “Border Crisis Hits Classrooms as Unaccompanied Minors Flood NY Schools,” *New York Post*, October 30, 2021, <https://nypost.com/2021/10/30/border-crisis-hits-classrooms-as-unaccompanied-minors-flood-ny-schools-border-crisis-hits-classrooms-as-unaccompanied-minors-flood-ny-schools/>.

⁴Reema Amin, “NYC to Expand Transfer High Schools to Help English Language Learners,” *Chalkbeat*, May 11, 2022, <https://ny.chalkbeat.org/2022/5/11/23067687/nyc-newcomer-immigrants-transfer-schools-expansion#:~:text=New%20York%20City%20education%20officials,to%20a%20top%20department%20official>.

⁵Natalie Haddad, “Austin ISD Confirms One Campus Is Overcrowded, Not All Students Are in Classrooms,” *KVUE ABC News*, April 29, 2022, <https://www.kvue.com/article/news/education/austin-isd-campus-overcrowded/269-855e40b4-f0cd-4e96-90df-3758aa5659fe#:~:text=One%20AISD%20campus%20overcrowded&text=In%20a%20Statement%20to%20KVUE,-this%20many%20students%20at%20International>.

⁶Fitch Affirms Cleveland ISD, TX’s ULT Bonds and IDR at ‘AA-’; Outlook Stable,” *Fitch Ratings*, July 2, 2022, <https://www.fitchratings.com/research/us-public-finance/fitch-affirms-cleveland-isd-tx-ult-bonds-idr-at-aa-outlook-stable-07-07-2022>.

⁷“District Improvement Plan 2021–2022,” *Cleveland Independent School District*, <https://resources.finalsite.net/images/v1641917222/clevelandisdorg/pjko9hhjfvdup4zvppto/District-Plan13.pdf>.

The majority of parents speak limited English too and stay away, some for fear of deportation.

Many of the new students were teenagers who couldn't read or write. Broad language barriers suppress academic achievement. Student-teacher ratios range in the upper thirties per teacher for certain core classes. It's crowd control, not education, one teacher told me. Some of the statistics are alarming. Nearly half of Cleveland High School's students were considered to be at risk of dropping out. Nearly 60 percent of Cleveland Middle School's 2,238 students were considered at risk of dropping out.⁸

"Texas Education Agency says they have a right to a free public education," McCannless told me. "And I can't put a fourteen-year-old in a second-grade class, so we put them in an age-appropriate grade level and we give them all the supports we can, and then you're like, 'how do we teach a fourteen-year-old how to read!?' I mean, that should have been learned in first or second grade. But we have to do it. We're doing it. We have some now. And then the State tells us they're expected to take the State test!"

"How are they doing on the tests?" I asked. "How do you think?" McCannless replied.

The district has repeatedly asked voters to approve massive tax-spiking bond elections, an \$85 million one in 2017, a \$198 million one in November 2019, another for \$150 million in 2021, another for \$115 million in 2022. Weary voters approve some and reject others.⁹

Keeping up with this problematic growth is a nonstop desperate struggle that has left students with sub-par education and caused the flight of pre-existing students to other cities and towns. The growth has spawned a wide variety of social problems never seen in CISD's history.

McCannless and teachers told me of gang formation, drug trafficking, and violence came into the school system with the "newcomers." "And we have dealt with them. And I have expelled them."

No one seems to be systematically tracking these transformative kinds of impacts anywhere in America's public schools.

But while the case of CISD is in many ways extreme, there can be no doubt that school districts across America are undoubtedly experiencing similar pain to greater or lesser degrees, suffering in silence.

A GREAT UNNECESSARY CRIME WAVE

For years, advocates of a borderless United States have pointed to academic-seeming "studies" that compare illegal alien criminality to American citizen criminality and then conclude that Americans commit more than the illegal immigrants.¹⁰ Its progenitors cite the comparison to nullify concerns about illegal immigrant crime. They use it to argue that the American people should leave the illegal immigrants alone and more properly tend to American citizen criminals.

The result of these comparative "studies" is that while America keeps busy with the ostensibly more real problem of U.S. citizen crime, the Nation's leaders let the illegal immigrant flow continue unimpeded since that population is so much less worrisome.

But this "comparative research" diverting concern from illegal immigrant crime constitutes one of the greatest academic and intellectual frauds in the annals of immigration studies.

The notion that these two groups should be compared is intellectual misconduct of the highest order, a sham campaign that almost surely has extended the unnecessary carnage against American citizens and lawful residents. The comparison studies factory is a sham because illegal immigrants, and especially those with knowable criminal histories, are uniquely subject to government deportation and detention, which does not exist for American citizens and lawful residents.

So, unlike every crime committed by American citizens, every crime committed by illegally present immigrants with criminal histories was avoidable. Because illegal immigrants are constantly subject to entry blockage and removal, all of their crimes must be counted as a 100 percent net-gain increase of a social ill that hurts real people in the worst imaginable ways on a consistent, long-term basis.

⁸"Cleveland High School," Texas Tribune Public Schools Explorer, <https://schools.texastribune.org/districts/cleveland-isd/cleveland-high-school/>.

⁹"Bond Elections," CISD website, <https://www.clevelandisd.org/about-us/bond-elections>.

¹⁰Michael T. Light, Jingying He, and Jason P. Robey, "Comparing Crime Rates between Undocumented Immigrants, Legal Immigrants, and Native-Born U.S. Citizens in Texas," Proceedings of the National Academy of Sciences of the United States of America 117, no. 51 (December 7, 2020), <https://www.pnas.org/doi/10.1073/pnas.2014704117>.

Conversely, American citizens and lawful residents, obviously, are not subject to a national government apparatus in place to block and remove them from American territory so that they are not present to commit crime. America is stuck with its criminal citizens before, during, and after every crime they commit. The DHS detention and removal machine cannot and will not ever prevent a single crime by an American citizen.

That is a Grand Canyon-sized difference between the two groups disqualifying them for comparison in crime or anything else, like how often both use public assistance. Immigration enforcement will always eliminate or reduce the presence of illegal immigrants who commit crimes but never American residents. Americans have no choice but to suffer every single American citizen-committed crime but should never have to suffer one single illegal immigrant-committed crime.

Illegal immigrant crime is notoriously difficult to measure because doing so is politically aversive to government agencies in politically liberal precincts. But in addition to sudden painful public school enrollments, most Americans will suffer more crime committed by more illegal immigrants. Most U.S. States do not keep track of crime committed by illegal immigrants, and neither does the Federal Government.

Only Texas tracks much of its crime by noncitizenship and its data is likely indicative of crime trends in other large-population States.

It is too early as of this writing to guess the extent to which alien crime that will result from the Biden border crisis.

But if the past is any indicator of the future and the Texas numbers can indicate problem scope, America is in for a sustained unnecessary crime wave of preventable murder, rape, child abuse, burglary, felony theft, drug trafficking, alien smuggling, and drunken driving manslaughter on a higher permanent scale.

The Texas Department of Public Safety learns the immigration status of suspects booked into local jails through a program that submits fingerprints to the FBI for criminal history and warrant checks, and to DHS, which returns immigration status information on those whose fingerprints were already on file (which is not all of them).¹¹

The glimpse is limited and not a reflection of much almost certain higher totals, but it is telling about the trend line ahead across America. Between June 1, 2011, and July 31, 2022, these 259,000 illegal aliens were charged with more than 433,000 unnecessary, preventable criminal offenses. Those included 800 homicide charges (resulting in 374 convictions as of July 2022), 822 kidnapping charges (resulting in 265 convictions), 5,470 sexual assault charges (resulting in 2,593 convictions), 6,485 sexual offense charges (resulting in 3,065 sexual offense convictions), and 4,945 weapons charges (resulting in 1,723 weapons convictions).

What the Texas data show is that hundreds of dead people should be alive, thousands of sexual assault and sexual offense victims should never have suffered the trauma, and tens of thousands of assault charges involving victims would not have been hurt.

The Texas data also shows that criminal aliens took up police time and clogged up the American justice system that could have been more dedicated to American criminals. Thousands of drug, burglary, robbery, and weapons charges need not have jammed the Texas criminal justice systems at taxpayer cost.

The Texas program found that another 10,590 illegal aliens were identified while they were in Texas State prisons over the past decade. Among them were prisoners serving time for 119 more unnecessary homicides.

Back to Liberty County's massive settlement of Colony Ridge, legacy residents are increasingly alarmed by criminal atrocities never seen before. On April 29, a five-time deported Mexican national who owned a home in neighboring San Jacinto County allegedly murdered 5 members of a Honduran family that lived next door after they complained that his firing of a semi-automatic assault-style rifle at 11 p.m. was keeping the baby awake. He allegedly killed mothers and children, 2 of whom miraculously survived the massacre under the bodies of their parents who died shielding them.¹²

¹¹ "Texas Criminal Illegal Alien Data," Texas DPS website, accessed August 26, 2022, <https://www.dps.texas.gov/section/crime-records/texas-criminal-illegal-alien-data>.

¹² Maria Jimenez Moya, Eduardo Medina, and Jesus Jimenez, "After a Neighbor's Complaint, Gunman Kills Five People in Texas Home," *The New York Times*, April 29, 2023, <https://www.nytimes.com/2023/04/29/us/shooting-texas-san-jacinto.html>.

That one made national news but many other atrocities and evidence of Mexican cartel operations in the area did not, such as the April 2023 murder of 2 former area middle school students found riddled with bullets in a car.¹³

In 2020, an illegal alien from Mexico who settled in Colony Ridge chained two house cleaners to a bed and sexually assaulted them in a blackmail scheme during which he took nude photos.¹⁴ The nightmare ended when one of the women attempted an escape in her vehicle but didn't make it; her assailant managed to shoot her to death and set her car on fire with her inside before fleeing back to Mexico. Border Patrol caught him trying to cross again in California a short time later.

In 2016, owners of a Colony Ridge lot who were clearing it of brush discovered the decomposing remains of a single mother of 5 children named Esmeralda Pargas-Nunez, 42, who'd been reported missing a month earlier. It took 2 years, but homicide detectives tracked down her alleged killer to Houston in 2018, another woman named Sabrina Olarosa Garcia, and charged her with murder.¹⁵ This was evidently part of a kidnapping scheme in Houston where the alleged murderer first lured her victim to a meeting.

In September 2022, passersby in Colony Ridge found the body of a 16-year-old Honduran girl who'd been shot to death and dumped in a ditch by the side of a road, still wearing her uniform from her work bussing tables at a local restaurant. Gang unit police arrested three foreign nationals, all under 21, and charged them with the murder of Emily Rodriguez-Avila, citing "gang overtones" as a motive. The family shipped her body back to Honduras for burial.

In June 2022, a Liberty County dog brought home a human hand, which led to the discovery of a badly decomposed body of a man who had been buried with his gun. Police couldn't identify the corpse and were left to post photos of the clothing in hopes someone would recognize them.

The Gulf and Sinaloa Cartels invested in Colony Ridge from its earliest inception, they said, financing lots for local operatives to run safe houses through which they move smuggled drugs and people from the border to interior America. They were using them still to smuggle people coming in under Biden.

Evidence of cartel involvement dates to the earliest days of the illegal-alien settlement boom. To at least 2013, when Federal, State, and local investigators raided a Mexican drug cartel's marijuana grow operation on 300 acres in Liberty County, finding explosives, 6,000 marijuana plants, worker bunk houses, and guard towers.¹⁶ Local police at the time called it the "largest and most sophisticated marijuana-growing operation" in the county's history.

In July 2021, the DEA broke that dubious record with the new biggest drug bust in Liberty County history with a raid that broke up a multimillion-dollar methamphetamine manufacturing lab operating inside one of the Colony Ridge dwellings.

During a recent trip, a police investigator drove me around several town neighborhoods pointing out high-end brick homes where cartel management figures lived before they were busted or moved away.

This kind of criminality grew so problematic by 2021 that the fearful town leaders of Plum Grove established a first police department that works in concert with two county-paid bilingual constables that Liberty County funded to exclusively patrol Colony Ridge.

The addition of several police officers amounts to a drop in the ocean, one officer from the region told me. Drive-by shootings, stealing, and drug trafficking are rampant, victimizing mostly the new community.

Indeed, a 5-month-long gang and narcotics investigation by the Liberty County Sheriff's Office came to a dramatic end in December 2021 with the arrest of two

¹³Daniela Hurtado, "2 former Santa Fe Middle School students identified as bodies found in car, deputies say," ABC13 News, 11 April 2023, <https://abc13.com/teens-found-dead-in-car-liberty-county-double-murder-students-shot-to-death-gun-violence/13114684/>.

¹⁴Dorian Geiger, "Man Who Allegedly Killed Woman and Sexually Assaulted Another He'd Chained to a Bed Arrested by Border Patrol," Oxygen True Crime, November 25, 2020, <https://www.oxygen.com/crime-news/jose-soriano-caught-on-mexican-border-after-allegedly-murdering-maid>.

¹⁵Nicole Hensley, "Houston Woman Arrested for Murder in 2016 Cold Case," *Houston Chronicle*, 20 September 2018, <https://www.chron.com/news/houston-texas/houston/article/Houston-woman-arrested-for-murder-in-2016-cold-13240265.php>.

¹⁶"Drug Cartel Linked to Multi-Million-Dollar Pot Bust in Liberty County," KHOU TV Houston, November 9, 2013, <https://www.khou.com/article/news/drug-cartel-linked-to-multi-million-dollar-pot-bust-in-liberty-county/285-320664013#:text=News-Drug%20cartel%20linked%20to%20multi%20million%20dollar-%20pot%20bust%20in%20a%206%20million%20fully%20mature%20pot%20plants>.

15-year-old boys and a 17-year-old boy who were part of a violent drug-trafficking racket in Colony Ridge.¹⁷

After 3 or 4 months where the boys would engage in gun battles with drug buyers who wouldn't pay on time, local police had to investigate. When the day came to make arrests, the armed 17-year-old rammed a police car during a pell-mell car chase near Plum Grove, fled home, and barricaded himself in his house until a SWAT unit had to extract him and a girlfriend inside, who also was arrested amid drugs that were found.¹⁸

If those who committed these crimes were in the country illegally, none of this should have happened since they and their parents would not be present if immigration laws were followed.

Within Texas, which probably is emblematic of many other States, Liberty County reflects a microcosm of what unnecessary crime can look like anywhere large numbers of foreign nationals who are only thinly vetted settle. Much more of this is on the way to communities across America, whether anyone systematically records it or not.

AMERICAN CITIES AND TOWNS FEELING UNDER SIEGE

The pain of unfunded impact from the White House's mass illegal immigration crisis can be heard in the ever-lengthening lists of cities and towns forced to contend with unmitigated inflows of needy immigrants from the Southern Border.

Cities as far north as Chicago and as far west as Denver are squealing in pain from unfunded burdens of having to shelter, feed, clothe, medically treat, and support never-ending inflows of needy, uninsured, limited English-speaking immigrants from throughout the world.

Cities such as Washington DC, New York, and Chicago have declared states of emergency and demanded Federal bailouts that will come at the taxpayer expense to feed, house, and care for tens of thousands of illegal immigrants allowed into the country to stay under Biden policies.¹⁹

No one wants to share the pain of sudden massive influxes of dependent, needy immigrants in New York, the ultimate not-in-my-backyard issue. New York City and 30 State counties are locked in litigation over plans to export immigrants to them as 15,000 new immigrants a month pour into the city.²⁰ Nine New York State counties were suing to block New York City's immigrant-export operations.

American citizens, including veterans, are displaced from city-run homeless shelters as towns and cities fill up all available public spaces, to include public school auditoriums and college dorm rooms. Cities and towns along the Texas border have declared border-related disasters and emergencies, to include Brownsville, Laredo, and El Paso. One town 400 miles from the border, Cold Spring one county over from Liberty, declared a migration-related emergency as recently as June because of a "massive surge of drug and human smuggling" associated with the border crisis.²¹

As the Biden border crisis grinds on and on, expect the silent majority of cities and towns across America to add their voices of pain and protest to the lengthening list. They will do so because their leaders have correctly assessed that this massive new population of needy foreigners will burden and transform their communities without their say-so.

Mr. HIGGINS. Thank you, Mr. Bensman.

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

¹⁷ Aaron Drawhorn, "DEA Fighting on the Frontlines: Biggest Drug Bust in Liberty County's History," KFD 6.14 July 2021, <https://kfdm.com/news/local/dea-fighting-on-the-frontlines-biggest-drug-bust-in-liberty-countys-history>.

¹⁸ "LCSO Deputies, Pct. 6 Constable's Office Arrest Suspects in Plum Grove Area for Alleged Gang Activity," *Bluebonnet News*, 9 December 2021, <https://bluebonnetnews.com/2021/12/09/lcs0-deputies-pct-6-constables-office-arrest-suspects-in-plum-grove-area-for-alleged-gang-activity/>.

¹⁹ Sonnet Swire, Priscilla Alvarez, and Paul Le Blanc, "DC mayor declares state of emergency over migrant arrivals from Arizona and Texas," CNN, 8 September 2022, <https://www.cnn.com/2022/09/08/politics/migrant-bus-public-emergency-washington-dc-muriel-bowser/index.html>.

²⁰ Daniel Wiessner, "New York City sues counties refusing to house migrants," *Reuters*, 7 June 2023, <https://www.reuters.com/legal/new-york-city-sues-counties-refusing-house-migrants-2023-06-07/>.

²¹ Bob Price, "East Texas County 400 Miles from Border Declares Migrant-Crisis Disaster," *Breitbart News*, 14 June 2023, <https://www.breitbart.com/border/2023/06/14/exclusive-east-texas-county-400-miles-from-border-declares-migrant-crisis-disaster/>.

STATEMENT OF JAVIER “JR” RAMIREZ III, PRIVATE CITIZEN

Mr. RAMIREZ. Thank you, Chairman Higgins, Ranking Member Correa, Chairman Pfluger, Ranking Member Magaziner, and Members of the subcommittees. On behalf of cattle raisers in the Southwest, thank you for inviting me to provide an update on the state of the border.

My name is J.R. Ramirez. I live in La Pryor, Texas, where I manage two commercial cow-calf operations, each with extensive wildlife management programs. My family has been ranching in Zapata County since 1932 on Circle 17 Ranch and I am part of the fifth generation involved in the operation.

I am testifying today on behalf of the Texas and Southwestern Cattle Raisers Association. TSCRA was founded in 1877 and is one of the largest and oldest livestock associations in our Nation. We represent 26,000 cattle raisers who believe in the future of the beef industry and seek to see it thrive.

But that reality has become more difficult with the growing challenges along our Southern Border. Illegal immigration and lack of border security have changed ranching as we know it. Damaged fences and gates, high-speed chases, break-ins, stolen vehicles, and trespassing are daily occurrences.

Ranchers like me on the front lines are bearing financial burdens that are threatening our ability to operate profitable businesses. In the last 12 months, our ranches have 30 documented cases of our fences or gates being breached by a vehicle. The least damaging of those cases cost our operation \$1,000, while other incidents have surpassed \$10,000 in damages. A cut fence or open gate allows cattle to escape into other pastures or neighboring ranches. When that happens, additional hours of work are put in by our entire team to gather livestock, often requiring a helicopter to rectify the situation, a direct out-of-pocket cost to our ranch.

These unexpected occurrences mean we may not be able to market cattle at the appropriate time or ensure that cattle breeding occurs at the right time. Our herd health can be at risk if neighboring cattle introduce disease that would otherwise not exist on our ranch. My stocking rate for livestock is limited when cattle graze sections of land that need rest as a result of cut fencing. These all take a direct hit to my potential profits on the operation.

Plastic bottles, jugs, cans, backpacks, clothing, shoes, coats, and trash litter our property. I cannot clearly describe the amount of trash that now covers South Texas ranches. These materials will take hundreds of years to decompose and has led to cattle loss, as some items can be consumed and cause digestive failure in cattle. This is a long-term defacement of beautiful South Texas rangelands that will never be the same. Ranchers shoulder the burden of this financial loss.

It doesn't stop there. Responsible and well-managed hunting leases are another way ranchers offset the formidable cost of ranching, while also contributing to wildlife conservation within the State. High-dollar wildlife escape ranches when fences and gates are compromised. The danger along the border is so great, hunters and even landowners themselves may deem the risk on a property too high, forcing hunters to look elsewhere to hunt. When those

sources of revenue are taken away, the chances of a profitable year greatly diminish.

Finding employees is becoming more difficult as well because most do not want to live where their safety is at risk. Many employees who live on the ranch have their homes broken into frequently and never know when they may unexpectedly face a trespasser on the land, and whether that trespasser is friendly or dangerous.

My family and I cannot leave anything outside. We must hide our vehicle keys. We must look over our shoulders every minute while in our backyard or out in the pasture.

My experience is, unfortunately, not unique. TSCRA conducted a border security survey of our members last year. The results show that the threats and challenges I face are the same ones faced by hundreds of my fellow ranchers across the State.

As cattle raisers, we are doing our part to feed the world and raise the next generation of ranchers. We consistently deal with drought, inclement weather, increased input costs, and ever-fluctuating cattle prices. Those factors alone make ranching a costly endeavor and challenging livelihood. When you add in the cost resulting from the state of our border, it is almost impossible to make a profit.

We cannot allow the situation to continue as it has. We must do better for our ranchers, our families, and all of the citizens that are living through the crisis along the border.

Thank you for the opportunity to tell my story.

[The prepared statement of Mr. Ramirez follows:]

PREPARED STATEMENT OF JAVIER "JR" RAMIREZ III

WEDNESDAY, JULY 26, 2023

INTRODUCTION

Chairman Higgins, Ranking Member Correa, Chairman Pfluger, Ranking Member Magaziner, and Members of the subcommittees; on behalf of cattle raisers in the Southwest, thank you for inviting me to provide an update on the state of the border.

My name is JR Ramirez. I live in La Pryor, Texas, where I manage two commercial cow-calf operations, each with extensive wildlife management programs. My family has been ranching in Zapata County since 1932 on Circle 17 Ranch, and I am part of the fifth generation involved in the operation.

I am testifying today on behalf of Texas & Southwestern Cattle Raisers Association. TSCRA was founded in 1877 and is one of the largest and oldest livestock associations in our Nation. We represent 26,000 cattle raisers who believe in the future of the beef industry and seek to see it thrive.

But that reality has become more difficult with the growing challenges along our Southern Border.

U.S. Customs and Border Protection has tracked more encounters in 2023 than this time last year, putting our border on track to exceed the more than 2,300,000 encounters from the 2022 fiscal year.

Illegal immigration and a lack of border security have changed ranching as we know it. In South Texas, our business, operation, security, and way of life are threatened daily.

Damaged fences and gates, high-speed chases, break-ins, stolen vehicles, and trespassing are daily occurrences. Ranchers like me on the front lines are bearing financial burdens that are threatening our ability to operate profitable businesses that raise food for our country and to protect essential habitats and wild spaces.

THE COST OF INFRASTRUCTURE

In the last 12 months, our ranch has had 30 documented cases of fences or gates being breached by a vehicle. The least damaging of those cases cost our operation \$1,000 while other incidents have surpassed \$10,000 in damages.

Costs extend beyond the repairs. A cut fence or open gate allows cattle to escape into other pastures or neighboring ranches. When that happens, additional hours of work are put in by our entire team to gather livestock, often requiring a helicopter to rectify the situation, a direct out-of-pocket cost to our ranch.

The breaches of fences and gates involving vehicles are expensive, time-consuming, and pose a huge danger to our workers and families on the ranch, but they are also added to by an equally difficult challenge—cut fence lines. Many times, these breaches to our operation are less obvious. Trespassers will cut fences in a manner that does not draw attention, creating areas where cattle and wildlife can move freely outside of the ranch undetected for extended periods of time.

For example, on a six-strand barbed wire fence, trespassers have cut the middle four strands, leaving the top and bottom strands intact so the damage is not obvious. On a net wire fence, trespassers cut a rectangle large enough for adults to move through freely. These property damages are near impossible to keep up with given the hundreds of miles of perimeter and cross fencing that must be monitored. It is simply not feasible to check the status of fence daily, despite our efforts to be diligent.

As a result of both drive-throughs and cut fences, a series of financial burdens external to the infrastructure is realized. If cattle are mixed within our operation or escape to a neighboring ranch, we may not be able to market cattle at the appropriate time or ensure cattle breeding occurs at the right time. Our herd health can be at risk if neighboring cattle introduce disease that would otherwise not exist on our ranch.

THE COST OF CONSERVATION

These instances also limit our ability to manage our land. When livestock are let outside of the pasture they were to graze, grasses may not have adequate rest, damaging plant populations and rangeland health. My stocking rates suffer, limiting the head of cattle I can run and directly impacting potential profits.

Responsible and well-managed hunting leases are another way ranchers offset the formidable costs of ranching while also contributing to wildlife conservation within the State. However, both efforts are lost because of trespassing. High-dollar wildlife escape ranches when fences and gates are compromised. When those sources of revenue are taken away, the chances of a profitable year greatly diminish. Hunters look to other areas of the State—or another State entirely—when purchasing hunts. The danger along the border is so great, hunters or even landowners themselves, may deem the risk on a property too high.

The volume of foot traffic alone is staggering. The ranch I manage is about 20 miles from north to south. Every crossroad in between going from east to west has fresh tracks daily. Plastic bottles, jugs, cans, backpacks, clothing, shoes, coats, and trash litter our property. I cannot clearly describe the amount of trash that now covers South Texas ranches. These materials will take hundreds of years to decompose.

We try to clean up what we can see off the roads, but there are millions of acres not accessible and, therefore, will never be cleaned up. The litter left behind poses a risk to livestock, as well. It has led to cattle loss, as some items can be consumed and cause digestive failure in cattle. The ultimate result of this litter and pollution is harm to animals and the long-term defacement of beautiful South Texas rangelands that will never be the same. Ranchers shoulder the burden of this financial loss.

THE COST OF SAFETY

Passing through a remote ranch like ours in the Southwest is dangerous. South Texas is known for its extreme temperatures. This month temperatures surpassed triple digits each week, and there is no real shelter in the middle of brush land. Migrants can quickly find themselves dehydrated, seeking water from livestock troughs and tanks, which often makes them sick. In these cases, securing the border quickly becomes a matter of life or death.

Unfortunately, we have found ten deceased migrants in the last 2 years on our ranch. It is painful to think of the bodies across these remote landscapes that will never be found or of the individuals that are, at this very moment, struggling to find clean water or shelter who only have days, if not hours, to live.

We have been asked today to discuss the cost of impacts along our border. How do we put a cost to their lives or the lives of my family or my employees?

Finding employees is becoming more difficult as well because most cowboys do not want to live where their safety is at risk. Many employees who live on the ranch have their homes broken into frequently and never know when they may unexpectedly face a trespasser on their land and whether that trespasser is friendly or dangerous.

I share the same concern. If I come across unexpected guests on a ranch, it's my instinct to help. However, I must weigh my personal safety, too. I do not know who these people are. I do not know what their intentions are. I do not know if I can stop to offer them water without endangering myself. I do not know if they will break into my home.

My family and I cannot leave anything outside. We must hide our vehicle keys. We must look over our shoulders every minute while we are outside in our backyard or out in the pasture. I fear for my family's safety when they are home alone.

I have two daughters aged 8 and 10. They are growing up on a beautiful South Texas ranch where they should be able to walk down to the tank about 100 yards from our house to fish whenever they want. They can't. They should be able to run around our yard freely. They can't. They should be able to walk or ride their bikes to the barn to feed their horses. They can't.

My experience is unfortunately not unique. TSCRA conducted a border security survey of our members last year. The results show that the threats and challenges I face are the same ones faced by hundreds of my fellow ranchers across the State.

As cattle raisers, we are doing our part to feed the world and raise the next generation of ranchers to take our place. We consistently deal with droughts, inclement weather, increased input costs, and ever-fluctuating cattle prices. Those factors alone make ranching a costly endeavor and challenging livelihood. When you add in the costs resulting from the current state of our border, it is almost impossible to make a profit.

We cannot allow the situation to continue as it has. We must do better for our ranchers, our families and all the citizens that are living through this crisis along the border.

Mr. HIGGINS. Thank you, Mr. Ramirez. I apologize. I transcribed your name incorrectly on my notes. But I assure you, sir, as cowboy to cowboy, it won't happen again.

Mr. RAMIREZ. Thank you, sir.

Mr. HIGGINS. Yes, sir.

We now recognize Ms. Tambunga for 5 minutes to summarize her opening statement.

STATEMENT OF ELISA TAMBUNGA, PRIVATE CITIZEN

Ms. TAMBUNGA. Hi, my name is Elisa Tambunga and I'd like to thank you for allowing me the opportunity to be here today.

I come to you as a young woman who no longer has a mother. I come to you as a mother who no longer has a child. I'm a United States citizen who has been horrifically failed by my own government.

On March 13, my mother, Maria Tambunga, and my 7-year-old daughter, Emilia Brooke, were murdered by a 7,000-pound vehicle turned weapon, by a man whose name is not even worth mentioning. This man was fleeing from police, going over 105 miles per hour. He was livestreaming himself on Facebook. He had 11 illegal immigrants in that truck, 2 of which were killed. Four lives taken in a matter of seconds ultimately due to unsecured borders.

I'm from a small town in West Texas named Ozona. My dad, Emilio, and my brother-in-law, Tim, who sit behind me today, and I traveled over 1,700 miles today to be here in front of you, to stress to you how big of a monster the border crisis has become.

Instead of shopping for school supplies today, arguing with my little girl over crop tops or no crop tops for school, I'm here in front

of you all to ask you to help me. Help American citizens feel safe again in our own backyards. I'm asking this administration to fulfill your duty to protect American citizens first.

Mr. Pfluger and Mr. Gonzales have been doing their part. Congressman Gonzales and his staff have worked with us, the victims, to create the Emi-Coke Accountability Act. The Emi-Coke alert would notify citizens of high-speed chases. The night that my mother and my daughter were so violently taken from us, there was not one person in our community that knew. The first step to keeping citizens safe is to making sure they are informed, so that maybe, just maybe, this won't happen to another family.

Incidents as tragic as ours that are caused due to the lack of secured borders are not a matter of if this will happen again. It is a matter of when this will happen again. So, from myself, my father, Emilio, my sister, Jen, and my brother-in-law, Tim, we are adamant that you all hold each other accountable, a reminder that you serve us, the people, and those who have died under this administration.

Our lives will never be the same. My life will never be the same. I will never be able just to pick up the phone and call my mom when I need some advice. I will never be able to hold my daughter and sing her her goodnight song. But I will be able to honor them until I take my last breath. I will be their voice. I will be the voice of the communities that need it the most.

Yes, we are a small town, 3,500 in population. But just because we're in a rural part of Texas doesn't mean that you can forget about us. If you work together, if we work together, I believe that we can decrease the chances of another family having to describe this pain to you. I believe that we can come together to make sure that our communities feel safe again. Thank you.

[The prepared statement of Ms. Tambunga follows:]

PREPARED STATEMENT OF ELISA TAMBUNGA

JULY 21, 2023

Hello,

My name is Elisa Tambunga, I come to you as young woman who no longer has a mother, a woman who no longer has a daughter. I come to you as a citizen that has been failed by this administration in the most horrific way. I come to you to present Emi-Coke Accountability.

On March 13, 2023, my mother Maria "Coke" Tambunga and my 7-year-old daughter Emilia Brooke Tambunga were coming home from a playdate with family when they were murdered. Maria my mom and Emilia my baby were 2 minutes away from home, when the Murderer, Coyote, Human Smuggler struck my mothers vehicle with a 7,000-lb weapon going over 105 mph. On this night, around 8:30 pm not only their lives were taken, but my life was too.

Maria "Coke" Tambunga was a woman of strong faith, who was tender, attentive, and above all loving. Emilia Brooke Tambunga was a child who was captivating in not only her beauty, but her mind and soul. My mother Maria was an active member of her community. No matter who someone was or where they came from, she always found a way to help them. Whether that be needing a shoulder to cry on or needing a hot meal that night, she was the woman that anyone could count on. She was warm and so giving. My mother made our house a home. Up until she was taken from my family and I, she continued to give and love. My daughter Emilia Brooke lit up the darkest of days and made them bright as could be. She was caring, sensitive, intelligent, and determined. In her short 7 years on this earth, she made an impact so gigantic that those who lived a full life could only dream of making. Emilia was in second grade, she participated in UIL, TaeKwon-Do, Softball, Basketball, 4-H, Cheer, CCE, Junior Guadalupanas, and more. With all those activities

she still was an Honor Student. The truth is I could talk about my girls for the entirety of my life and never get tired, but today I come to you to talk about the reason they are no longer with us.

Maria and Emilia's life were taken due to the lack of actions being taken in our Nation's administration. I am here to continue to hold those responsible accountable for their actions. The blood of my little girl Emilia and mother Maria are spread among multiple hands in this administration. As a citizen standing on the outside I have seen a lack of leadership and unwillingness to work as a unit, and this has put us, American citizens in danger. Our safety should not be a fight in your sandbox, shall I remind you, you work for me, you work for us the people, we who elect you to sit in these great offices. This is your privilege, not your right.

The murderer, who is not worthy of being named, had 11 illegal immigrants in his vehicle. Of those 11, 2 were also killed. The Border Crisis is a monster that is very much alive and thriving. This country's borders are NOT secured. Sending multiple resources such as Texas DPS to keep it contained is putting our people in grave danger. We continue to live in fear. I continue to live in fear that this is not a matter of IF, but WHEN will this happen to another family. This administration needs to grow a backbone and secure our borders and fulfill your duty to protect American Citizens above all else. Law enforcement agencies need adequate funding and training.

Earlier I mentioned I lost my life too. When I was 19 years old, I became pregnant with Emilia. I began to live for her, I began to exist for her. I do not know how to exist in a world that my daughter and mother no longer exist in. Every day of my life I struggle. I breathe, hurt, exist. I am alive yet I am dying. If I must exist without the centers of my world, then I will make every day count in honor of them. The Emi-Coke Accountability Act is the first step to honoring them and protecting our citizens. We must begin to start taking care of our own. Working alongside Congressman Tony Gonzales and his staff, to encourage, enhance, and integrate Emi-Coke Alert plans throughout the United States. On the night of my mother and daughter's murder, no one in our town was aware of a high-speed chase. How do we keep our citizens safe if they do not know what is happening on their own turf? This is the answer to that question. By creating the Emi-Coke Alert we will be taking a major step toward spreading awareness throughout our towns, specifically along the border.

I Elisa Tambunga should have never had the responsibility of burying my 7-year-old little girl. I should never have seen my daughter and mother's bodies mutilated. My father, sister, and brother-in-law should never have had to experience this tragedy. I should be buying my daughter school supplies and watching her grow and learn every day. I look at my future and all I feel is indescribable pain. My mother won't be here to see me graduate college or see me one day get married. My daughter won't be here to achieve her dreams of becoming an FBI agent or teacher (big aspirations for a little girl). But I am here. I am here to create change.

We are the faces of the Border Crisis. You cannot turn a blind eye. We are here and we demand to be heard, we demand action. I demand you all do better.

Mr. HIGGINS. Thank you, Ms. Tambunga.

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

**STATEMENT OF DAVID J. BIER, ASSOCIATE DIRECTOR,
IMMIGRATION STUDIES CATO INSTITUTE**

Mr. BIER. Chairman Higgins and Pfluger, Ranking Members Correa and Magaziner, thank you for the opportunity to testify.

For nearly half a century, the Cato Institute has produced original research showing that people are assets in a free society. Give people a small window of liberty and they will create, innovate, and build.

Socialists count only a person's costs. Capitalists see potential. When I look at this mess of a legal immigration system, I see the world's biggest opportunity. Few countries in the world can simply choose their demographic destiny like we can.

Since the 1990's, the United States went from accounting for most of the increase in the immigrant population world-wide to ac-

counting for less than 10 percent of it. We can and must reverse course. Without immigrants, our working age population would already be in decline.

Immigrants are the future of America's growth. It's time our laws start reflecting that fact. Letting immigrants, many of whom are already here without the right to work, legally fill America's 10 million open jobs would blow the lid off of Congress' tepid economic growth projections. It would have added about \$2 trillion to America's economic output over the last 2½ years alone.

The infusion of new consumers would lead to a renaissance in entrepreneurship, with immigrants leading the way. Immigrants are 80 percent more likely to start a business. In several major cities, they already account for half of all brick-and-mortar small businesses. They have and will revitalize struggling communities.

Just as they were in the 1990's, immigrants are the antidote to the spike in crime that started in 2020. Immigrants, legal and illegal, are less than half as likely to be incarcerated in the United States. Immigrants prevent homes and businesses from going vacant, which further prevents crime.

They will infuse communities with tax revenue to repair failing infrastructure. Immigrants will bring down the spiraling costs of child care and give millions of families like mine the ability to bring new Americans into this world.

Americans are getting older. While nursing homes are closing for lack of staff and our seniors are being denied the care they deserve, there's another path open to us. Immigrants want to help. Let them do it legally.

We know we need workers, from engineers to open the next generation of chip manufacturing in Arizona, to seafood processors in Louisiana. But if our policies tell people that the only way to enter is to enter illegally, that's what's going to happen. But that's a policy choice.

We choose the cost associated with illegal immigration every day we don't reform legal immigration. Deadly car chases, damaged property, overwhelmed border stations, these are the symptoms of not letting people come legally. A refusal to let immigrants work legally is the root cause of many of the problems we hear in communities across the country. What a waste of human potential. Legal immigration would solve these problems and many more. We chose disorder. It's time to start choosing order at the border.

We know it can work. The Biden administration has piloted legal entry programs that have almost eliminated illegal immigration by Haitians, Cubans, and Nicaraguans. This is proof of concept.

Much more needs to be done and Congress should lead the way. According to the Congressional Budget Office, if Congress had passed comprehensive immigration reform in 2013, we'd now be entering a period where budget deficits would have been nearly \$1 trillion lower cumulatively over the next decade.

Lives can be saved, our economy revitalized, our border secured, at a cost to Americans far less than the alternatives. Thank you.

[The prepared statement of Mr. Bier follows:]

PREPARED STATEMENT OF DAVID J. BIER

JULY 26, 2023

Chairmen Higgins and Pfluger, Ranking Members Correa and Magaziner, and distinguished Members of both subcommittees, thank you for the opportunity to testify.

My name is David Bier. I am the associate director of immigration studies at the Cato Institute, a nonpartisan public policy research organization in Washington, DC. As a policy advisor for a former Member of the House, I am honored to be invited to speak with you today about the costs of America's flawed immigration system.

For nearly half a century, the Cato Institute has produced original immigration research showing that a freer, more orderly, and more lawful immigration system benefits Americans. People are the ultimate resource. In a free country, immigrants can contribute to their new homes, making the United States a better, bigger, and more prosperous place.

But legal immigration is so restrictive that the system punishes Americans who want to associate, contract, and trade with people from around the world. Americans lose out on the social and economic capital immigrants bring. Our system separates friends and relatives, deprives U.S. consumers of the goods and services that immigrants would provide, and denies our towns and cities entrepreneurs and small business owners. This system has caused chaos at the border, harming Americans and immigrants alike.

U.S. POLICY MAKES LEGAL IMMIGRATION IMPOSSIBLE FOR NEARLY ALL

The U.S. immigration system does not facilitate lawful migration. It obstructs it. The primary legal framework dates back to 1924; its last significant update was in 1990. But the system is not just outdated—it fundamentally ignores the needs of the U.S. economy and society. The thousands of pages of regulations and statutes, the arbitrary Soviet-style caps, the restrictive categories, and the ineptitude in processing applications have created an impenetrable legal wall to legal immigration.

To briefly review the four available permanent immigration options:

1. *The Refugee Program*.—The population of displaced people reached 100 million last year, and the United States accepted barely 25,000 through its refugee program—0.1 percent.¹
2. *Family sponsored*.—The capped family sponsored system has a backlog of 7 million, and 1.6 million immigrants currently waiting will be dead before they can receive a green card.²
3. *Employer-sponsored*.—Employer-sponsored green cards have a backlog of over 1.4 million, and they are virtually impossible to obtain for those without very high wage offers.³
4. *Diversity Lottery*.—The diversity green card lottery offers entrants just a 0.2 percent chance of receiving a green card.⁴

The figure on the next page details the legal requirements to immigrate to the United States in a flow chart. Many aspiring Americans are excluded in each complicated section until nearly everyone loses their chance to immigrate.

¹“Figures at a Glance.” *UNHCR*, <https://www.unhcr.org/figures-at-a-glance.html>. State Department, “Admissions & Arrivals,” Refugee Processing Center, April 2021, <https://www.wrapsnet.org/admissions-and-arrivals/>.

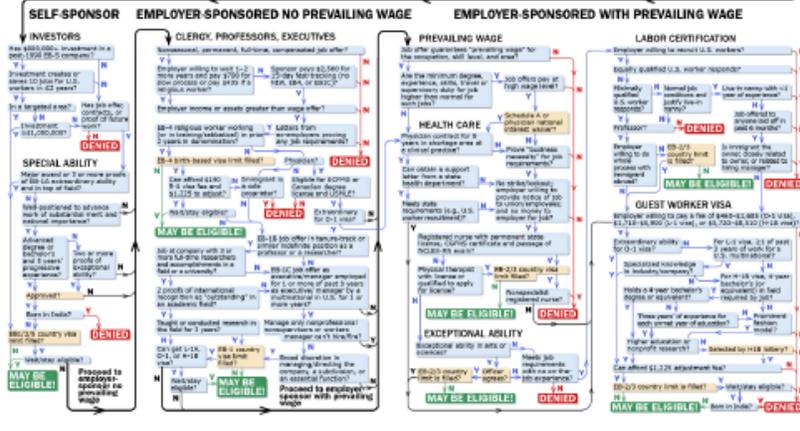
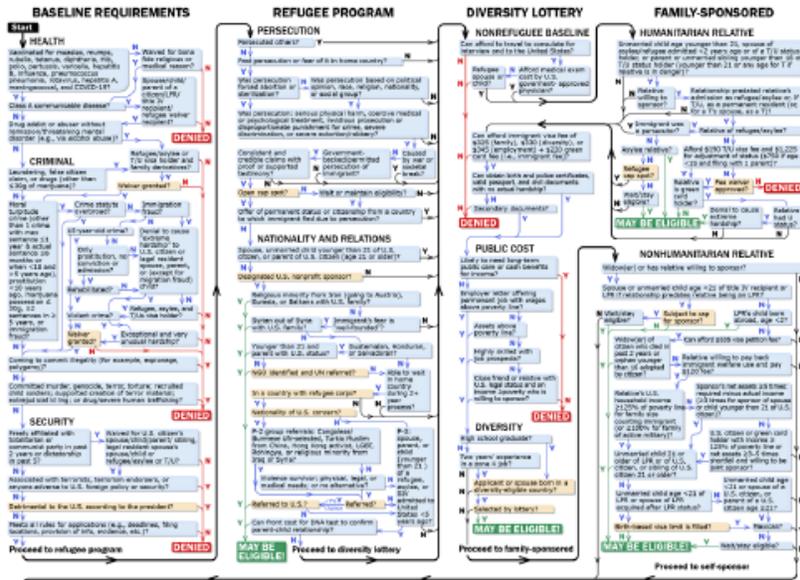
²David J. Bier, “1.6 Million Family Sponsored Immigrants Will Die Before They Can Immigrate,” Cato Institute, March 2022, <https://www.cato.org/blog/16-million-family-sponsored-immigrants-will-die-they-can-immigrate>.

³David J. Bier, “1.4 Million Skilled Immigrants in Employment-Based Green Card Backlogs in 2021,” Cato Institute, March 2022, <https://www.cato.org/blog/14-million-skilled-immigrants-employment-based-green-card-backlogs-2021>.

⁴“Diversity Visa Program Statistics,” State Department, February 2023, <https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/diversity-visa-program-statistics.html>.

United States legal requirements for permanent immigrants, applicants from abroad

Legal immigration to the U.S. for immigrants seeking permanent residence with no prior U.S. immigration history and no U.S. government association (starting in 2022).



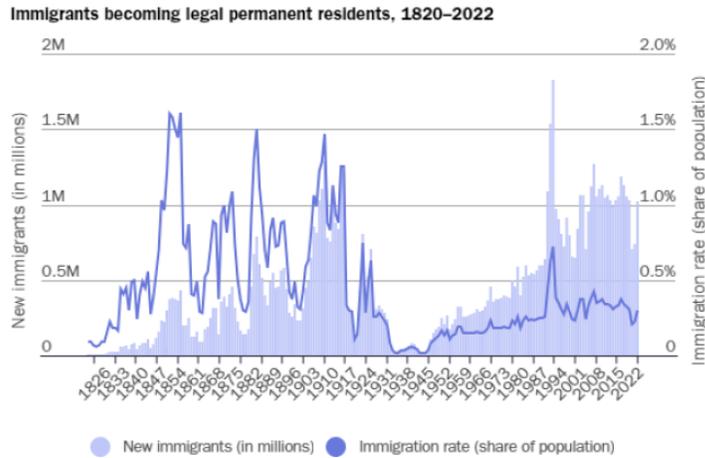
Legend
 Government action:
 May be eligible to immigrate:
 Ineligible to immigrate:

Sources
 8 U.S.C. § 1182, 1151-57, 1184 (2022); 8 C.F.R. § 204.3 (2022); 20 C.F.R. § 656 (2022); and "Immigrant Visas," Foreign Affairs Manual, 11 C.F.R. Department of State, § 5168-100

Notes
 Notes: LPR means legal permanent resident. IV recipient means immigrant visa recipient. This figure was excerpted from David J. Bier, "Why Legal Immigration Is Nearly Impossible: U.S. Legal Immigration Rules Explained," Cato Institute Policy Analysis no. 670, June 15, 2019.

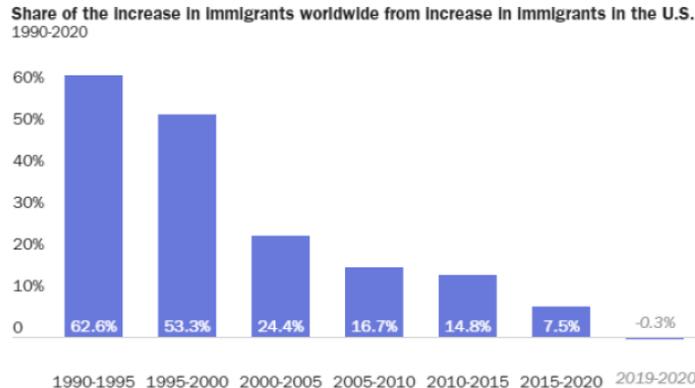
This legal system is restrictive from the perspective of the demand for green cards by immigrants and their American sponsors, and it is also restrictive compared to America's history. From 1848 to 1914, the annual number of people receiving green cards hit 1 percent of the U.S. population 22 times. It has never happened since the Immigration Act of 1924, and only once has it even hit half that rate, when Congress waived the caps on behalf of 3 million illegal immigrants in the Immigration Reform and Control Act of 1986. One percent of the U.S. population today would

be nearly 3.4 million people.⁵ The number of green card recipients in 2022 was just 1 million.⁶



Source: Department of Homeland Security, "Yearbook of Immigration Statistics," 2022.

Immigration policy is also restrictive compared to our peer nations. The United States went from accounting for the majority of the increase in the world immigrant population in the 1990's to accounting for just 7.5 percent of it from 2015 to 2020.⁷ This happened both because more immigrants went to other countries and because fewer immigrants went to the United States.



Download data

Source: United Nations Population Division, "International migrant stock 2019," August 2019; "International Migrant Stock 2020," December 2020.

Note: Share is calculated by dividing the net increase in U.S. immigrant population by the net increase in the world immigrant population. Unlike the U.S. Census surveys, "immigrants" includes all foreign-born residents regardless of their citizenship status at birth to provide for a uniform international comparison.

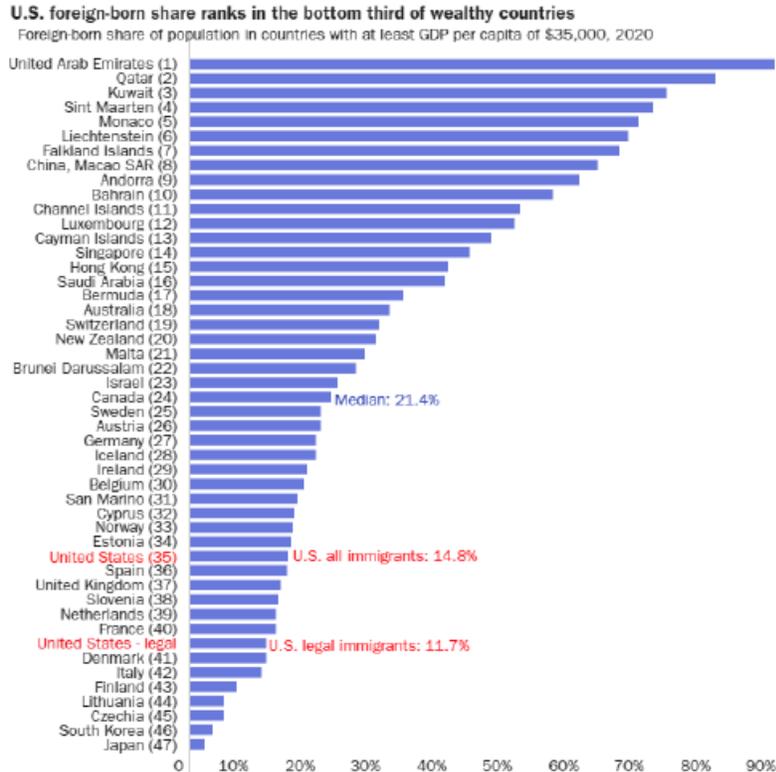
⁵"U.S. World and Population Clock." *U.S. Census Bureau*, <https://www.census.gov/pop-clock/>.

⁶"Legal Immigration and Adjustment of Status Report Quarterly Data," U.S. Department of Homeland Security, March 2023, <https://www.dhs.gov/immigration-statistics/special-reports/legal-immigration/year-end>.

⁷David J. Bier, "The United States Does Not Permit More Immigration Than the Rest of the World Combined," *Cato Institute*, July 2022, <https://www.cato.org/blog/us-does-not-permit-more-immigration-rest-world>.

Less than 15 percent of the U.S. population was born outside the United States. This ranks 56th highest in the world.⁸ It ranks in the bottom third of wealthy countries, and the gaps are massive. To catch up to Canada (21.4 percent), nearly 30 million immigrants would have to arrive this year. To reach the immigrant share in Australia (30.3 percent), the number grows to 76.4 million. To hit Hong Kong's percentage (39.2 percent), it would have to exceed 140 million. These totals are unfathomable, but they illustrate how much flexibility the United States has to change its immigration policy and remain well within the norms for the wealthy world.

The United States also ranks 57th globally for refugees and asylum seekers per capita.⁹ Other countries are taking staggering numbers of refugees and asylum seekers: 3.8 million in Turkey, 3.4 million in Iran, 2.3 million in Germany, and 1 million in Poland. For context, Poland has a population about a tenth of the size of the United States. Seven percent of Jordan and 15 percent of Lebanon are now refugees or asylum seekers.



Sources: United Nations Population Division, "International migrant stock," 2019; United Nations, "World Population Prospects," 2019; United Nations Statistics Division, "Per capita GDP at current prices," 2019; World Bank, "GDP per capita," 2020; Central Intelligence Agency, "CIA World Factbook," 2021.
Note: The UN data include foreign-born people who received citizenship at birth through their parents to allow for cross-country comparisons with different citizenship rules. Also included are people born in the overseas territories of Denmark, the UK, France, the Netherlands, New Zealand and the U.S. (e.g., Puerto Rico). These people were excluded in this analysis because they are not considered "born abroad" for purposes of the home country. These overseas territories were also not treated as separate countries except in cases where immigrants from the parent country are not considered citizens of the overseas territory, such as in the Netherlands' and most UK territories.

⁸David J. Bier, "US Foreign-Born Share Ranks Low & Is Falling Among Wealthy Countries," Cato Institute, July 2022, <https://www.cato.org/blog/us-foreign-born-share-ranks-low-falling-among-wealthy-countries>.

⁹"Refugee Data Finder." UNHCR, <https://www.unhcr.org/refugee-statistics/download/?url=c1UN2c>.

The subcommittees will focus on the harms that stem from this unnecessarily restrictive system, and every Member should agree that the choice to keep the gates to America shut is the genesis of so much unnecessary suffering for immigrants and Americans alike. But this inquiry should not end with a tally of death and destruction. It should see this broken system as an incredible opportunity. Few countries in the world have the ability on a whim to inject new energy and growth into our economy and society. America is the most powerful and wonderful country on Earth; immigrants can help keep it that way.

BAD BORDER POLICIES STRAIN COMMUNITIES ALONG THE BORDER

This restrictive legal immigration system is the cause of illegal immigration. When the law says that the only way to enter is to enter illegally, people will follow that message. Forcing migration into illegal channels has seriously affected immigrants and American communities, particularly along the border.

Since at least the Border Patrol's 1994 Strategic Plan, Border Patrol has intentionally driven cross-border traffic out of urban areas and into more rural areas where crossing is more hazardous.¹⁰ Following this shift, the Government Accountability Office (GAO) found that "the strategy has increased deaths from exposure to either heat or cold."¹¹ As a result of this deliberate and on-going strategy, more people cross into rural areas where they trespass on farmland. The added dangers also mean more migrants are injured or ill, placing strain on rural hospitals.

The border walls have greatly exacerbated the risks. The Mexican government has found that border walls or fences were responsible for 80 percent of injuries by border-crossing Mexicans returned by the United States last year.¹² In 2021, trauma surgeons in California were overwhelmed with hundreds of wall-related injuries, which increased by 460 percent following the wall construction.¹³

The last administration constructed a wall so high that rather than merely increasing the risk of capture for immigrants, it significantly increased the risk of death. The 30-foot height was reportedly based on field tests to determine the height at which the average person would become disoriented and stop climbing.¹⁴ But even lower fences are a danger. A pregnant woman died from falling from an 18-foot fence in 2020.¹⁵ Some of those injured have been in Yuma, Arizona, including 2 men who died in 2020 and 2021.¹⁶ In 2018, 2 teenage girls also suffered life-threatening injuries after falling from the Yuma fence.¹⁷

At least 31 deaths have occurred from fence falls from 2019 to 2023.¹⁸ But by pushing immigrants out into even more remote areas, the wall can also indirectly cause more deaths. A total of 853 immigrants died crossing the border in 2022—

¹⁰"Border Patrol Strategic Plan 1994 and Beyond," Immigration and Naturalization Service, February 2023, <https://www.documentcloud.org/documents/355856-border-patrol-strategic-plan-1994-and-beyond>.

¹¹"INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years," GAO, August 2001, <https://www.gao.gov/assets/gao-01-842.pdf>.

¹²Salvador Rivera, "Taller border wall has led to more migrant deaths and injuries, Mexican diplomat says," Border Report, January 2023, <https://www.borderreport.com/immigration/the-border-wall/taller-border-wall-has-led-to-more-migrant-deaths-and-injuries-mexican-diplomat-says/>.

¹³Liepert AE, Berndtson AE, Hill LL, et al. Association of 30-ft US-Mexico Border Wall in San Diego With Increased Migrant Deaths, Trauma Center Admissions, and Injury Severity. *JAMA Surg.* 2022;157(7):633–635. doi:10.1001/jamasurg.2022.1885

¹⁴"Opinion: Border walls lead to injuries and death. It's a sinister way to enforce immigration laws," San Diego Union Tribune, April 2022, <https://www.sandiegouniontribune.com/opinion/commentary/story/2022-04-29/border-wall-death-immigration-laws>.

¹⁵Nick Miroff, "Pregnant Woman Dies after Falling from Border Wall," Washington Post, March 2020, https://www.washingtonpost.com/immigration/pregnant-woman-dies-border-wall/2020/03/12/8519752a-647b-11ea-912d-d98032ec8e25_story.html.

¹⁶RICHARD MONTENEGRO BROWN AND JULIO MORALES, "Border Wall Falls Claim Two Lives in Imperial County Two Days Apart," Calexico Chronicle, September 2021, <https://calexicochronicle.com/2021/09/10/border-wall-falls-claim-two-lives-in-imperial-county-two-days-apart/>.

¹⁷Jennifer Lothspeich, "2 migrant teens severely injured after fall off border wall near Yuma," CBS8, December 2018, <https://www.cbs8.com/amp/article/news/2-migrant-teens-severely-injured-after-fall-off-border-wall-near-yuma/509-4333071a-7790-4d2c-bf23-75b07d442619>.

¹⁸"Border Militarization," Southern Border, July 2023, https://www.southernborder.org/border_lens_border_militarization#target.

the most on record.¹⁹ This topped the prior record of 560 deaths in 2021.²⁰ About 60 deaths in 2022 were in Yuma County, Arizona.²¹ In 2022, Border Patrol reported that it rescued 22,014 people in serious physical distress, four-fold the number in 2019.²²

Since 1990, when the first fences were built in San Diego, Border Patrol has recorded almost 11,000 deaths,²³ and independent auditing of its count by the Government Accountability Office has found that Border Patrol systematically undercounts migrant deaths, excluding—for instance—half the migrant deaths in Tucson, Arizona, which are tracked by local authorities.²⁴

¹⁹ CAMILO MONTOYA-GALVEZ, “At least 853 migrants died crossing the U.S.-Mexico border in past 12 months—a record high,” CBS, October 2022, <https://www.cbsnews.com/news/migrant-deaths-crossing-us-mexico-border-2022-record-high/>; Jeanna Vazquez and Scott LaFee, “Study: Unprecedented Increase in Number of Border Wall Falls and Trauma,” UC San Diego Health, April 2022, <https://health.ucsd.edu/news/releases/pages/2022-04-29-study-unprecedented-increase-in-number-of-border-wall-falls-and-trauma.aspx#:text=At%20UC%20San%20Diego%20Health%2C%20there%20were%2067%20cases%20of%2019%20to%2016%20since%20then>.

²⁰ Joel Rose and Marisa Peñaloza, “Migrant deaths at the U.S.-Mexico border hit a record high, in part due to drownings,” NPR, September 2022, <https://www.npr.org/2022/09/29/1125638107/migrant-deaths-us-mexico-border-record-drownings#:text=More%20than%20560%20migrants%20died%20are%20largely%20to%20blame>.

²¹ Adam Klepp, “SPECIAL REPORT: Tracking every migrant death in Yuma County,” KYMA, October 2022, <https://kyma.com/news/2022/10/26/special-report-tracking-every-migrant-death-in-yuma-county/>

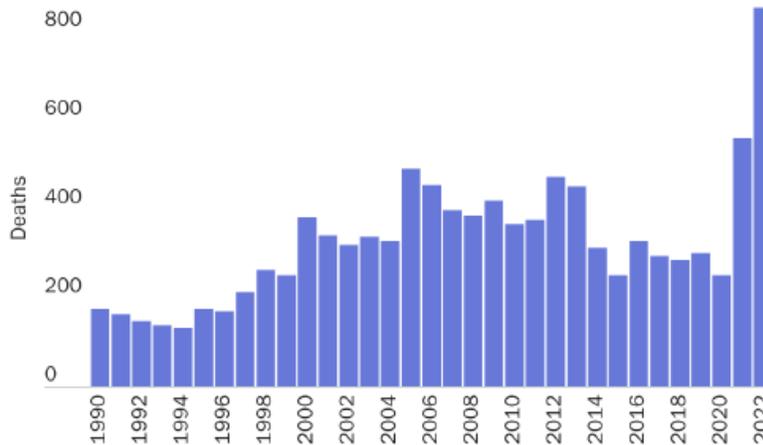
²² “Search and Rescue Efforts,” CBP, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy22>.

²³ “U.S. Border Patrol Southwest Border Sectors Deaths by Fiscal Year,” CBP, March 2019, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-southwest-border-sector-deaths-fy1998-fy2018.pdf>; “Illegal Immigration,” GAO, August 2006, <https://www.gao.gov/new.items/d06770.pdf>; “Border Rescues and Mortality Data,” CBP, February 2022, [https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data#:text=In%20FY%202021%2C%20CBP%20components%20Custody%20\(Not%20Reportable\)](https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data#:text=In%20FY%202021%2C%20CBP%20components%20Custody%20(Not%20Reportable)).

²⁴ “Southwest Border: CBP Should Improve Data Collection, Reporting, and Evaluation for the Missing Migrant Program,” GAO, April 2022, <https://www.gao.gov/products/gao-22-105053>; “Border Rescues and Mortality Data,” CBP, February 2022, <https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data>; “U.S. Border Patrol Southwest Border Sectors Deaths by Fiscal Year,” CBP, March 2019, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-southwest-border-sector-deaths-fy1998-fy2018.pdf>; “Illegal Immigration,” GAO, August 2006, <https://www.gao.gov/new.items/d06770.pdf>.

Deaths of migrants recorded by Border Patrol

1990-2022



Sources: Customs and Border Protection, "Border Rescues and Mortality Data," 2022; Border Patrol, "Southwest Border Deaths By Fiscal Year," 2022; Camilo Montoya-Galvez, "[At least 853 migrants died crossing the U.S.-Mexico border in past 12 months — a record high](#)," CBS News, 2022.

The inability to board lawful transportation options to the U.S. border creates treacherous conditions for travelers. The combination of homelessness and governmental indifference toward crimes against migrants in Mexico has created the ideal environment for predation. Abductions of migrants number in the tens of thousands annually, according to Mexico's National Human Rights Commission.²⁵ Rapes of migrant women in Mexico are common, underreported, and rarely investigated.²⁶ All these factors mean that many migrants cross in need of urgent medical attention, and Border Patrol policies force them to cross in areas with the fewest resources.

It is not just taxing for local hospitals. The Border Patrol's 1994 Strategic Plan treated rural areas' lack of transportation infrastructure as a reason to push traffic there.²⁷ But when Border Patrol releases asylum seekers in small towns along the border, it can take days for them to get a bus to their final destinations. The lack of buses led to a backup of migrants with nowhere to live and forced Yuma's mayor to declare a state of emergency.²⁸ If immigrants could enter legally, they could arrange transportation in advance, travel directly to their final destinations, and fix this issue.

The mere fact that a person entered illegally means that Border Patrol must take them into custody for processing. When capacity is reached, they unexpectedly release migrants onto the streets—often at night with no warning and no transpor-

²⁵ "IOM and Mexico's National Human Rights Commission Sign Cooperation Agreement to Fight Human Trafficking and the Kidnapping of Migrants in Mexico," IOM, September 2010, <https://www.iom.int/news/iom-and-mexicos-national-human-rights-commission-sign-cooperation-agreement-fight-human-trafficking-and-kidnapping-migrants-mexico>.

²⁶ "Mexico: Invisible victims. Migrants on the move in Mexico," Amnesty International, April 2010, <https://www.amnesty.org/en/documents/amr41/014/2010/en/>.

²⁷ "Border Patrol Strategic Plan 1994 and Beyond," Borderdom Productions, February 2023, <https://www.documentcloud.org/documents/355856-border-patrol-strategic-plan-1994-and-beyond>.

²⁸ Alicia Caldwell, "Yuma, Ariz., Declares State of Emergency Over Migrant Crisis," Wall Street Journal, April 2019, <https://www.wsj.com/articles/yuma-ariz-declares-state-of-emergency-over-migrant-crisis-11555534393>.

tation lined up.²⁹ These types of releases have occurred under every administration.³⁰ Sometimes, pregnant women or nursing mothers are forced to sleep on the streets.³¹ These are all avoidable problems if legal migration pathways were available.

Another problem is of greater importance to localities: the inability of people to work legally after their release from Border Patrol custody.³² Although asylum seekers are eligible to receive employment authorization documents 6 months after applying for asylum, this process can often take much longer, given the time it takes to prepare an asylum application and process the employment authorization request.³³ The mayor of New York City has labeled this one of the most urgent immigration issues facing his city.³⁴ Research has found that banning asylum seekers from working has negative employment effects long after the ban is lifted.³⁵ Lacking the right to work, asylum seekers must often either work illegally or depend on charity or city services.

RESTRICTING ASYLUM IS NOT A SOLUTION

Title 42 and restrictions on applying for asylum also create additional health hazards for migrants. Returning migrants to Mexico has created a flow of migrants more in need of medical attention because the policy alerts criminals in Mexico to the fact that they may have U.S. connections. When they recross the border, these victims often need health care. Human Rights First has tracked over 13,000 publicly reported incidents of murder, torture, kidnapping, rape, and other violent attacks on migrants and asylum seekers who returned to Mexico in the last 2 years alone.³⁶

Migrants who seek asylum generally turn themselves into Border Patrol, avoiding more dangerous crossings in remote areas and making themselves easier to process. Evasion leads to more deaths and injuries in remote areas. Also, smugglers (usually U.S. citizens) sometimes drive recklessly to avoid Border Patrol and risk the lives of the passengers and bystanders, leading to more hospital trips.³⁷ At least 93 people have died during Border Patrol pursuits since 2010.³⁸

The number of chases doubled from 150 in 2021 to 300 in 2022, and deaths during pursuits increased from 2 in 2019 to 14 in 2021 and 22 in 2022.³⁹ From 2015 to 2018, there were about 11 injuries for every death resulting from Border Patrol chases, implying that hundreds of people have been injured across the border in the

²⁹ Alan Gomez, “Local governments spend millions caring for migrants dumped by Trump’s Border Patrol,” USA Today, September 2019, <https://www.usatoday.com/in-depth/news/nation/2019/09/23/border-crisis-trump-administration-real-cost-tax-money/1739727001/>.

³⁰ Cora Currier, “HOW A CALIFORNIA COMMUNITY HELPED HUNDREDS OF MIGRANTS THE BORDER PATROL DROPPED AT A GREYHOUND STATION,” The Intercept, June 2019, <https://theintercept.com/2019/06/01/border-patrol-migrants-greyhound-bus-station/>.

³¹ “Migrants inundating San Antonio bus station,” Express News, March 2019, <https://www.expressnews.com/news/local/article/Migrants-inundating-San-Antonio-bus-station-13727999.php>.

³² “‘At Least Let Them Work’, The Denial of Work Authorization and Assistance for Asylum Seekers in the United States,” Human Rights Watch, November 2013, <https://www.hrw.org/report/2013/11/12/least-let-them-work/denial-work-authorization-and-assistance-asylum-seekers-united>.

³³ “Historical National Median Processing Time (in Months) for All USCIS Offices for Select Forms By Fiscal Year, Fiscal Year 2018 to 2023 (up to January 31, 2023),” USCIS, February 2023, <https://egov.uscis.gov/processing-times/historic-pt>.

³⁴ Berndatte Hogan, “Eric Adams wants to put thousands of migrants to work in New York,” New York Post, September 2022, <https://nypost.com/2022/09/13/eric-adams-wants-to-put-southern-border-migrants-to-work-in-ny/>.

³⁵ Francesco Fasani, Tommaso Frattini, and Luigi Minale, “Lift the Ban? Initial Employment Restrictions and Refugee Labor Market Outcomes,” Cato Institute, November 2020, <https://www.cato.org/publications/research-briefs-economic-policy/lift-ban-initial-employment-restrictions-refugee-labor>.

³⁶ “TITLE 42: ‘HUMAN RIGHTS STAIN, PUBLIC HEALTH FARCE’,” Human Rights First, December 2022, <https://humanrightsfirst.org/library/title-42-human-rights-stain-public-health-farce/>.

³⁷ Rafael Carranza, “Human smuggling attempt leads border agents on chase, ends in crash and barricade in Yuma,” AZCentral, November 2019, <https://www.azcentral.com/story/news/politics/border-issues/2019/11/22/smuggling-attempt-ends-chase-barricade/4271538002/>.

³⁸ Cindy Ramirez, “‘Severity of crime’ must be considered in Border Patrol pursuits,” El Paso Matters, January 2023, <https://elpasomatters.org/2023/01/24/border-patrol-vehicle-pursuit-policy-goes-into-effect-in-may/>.

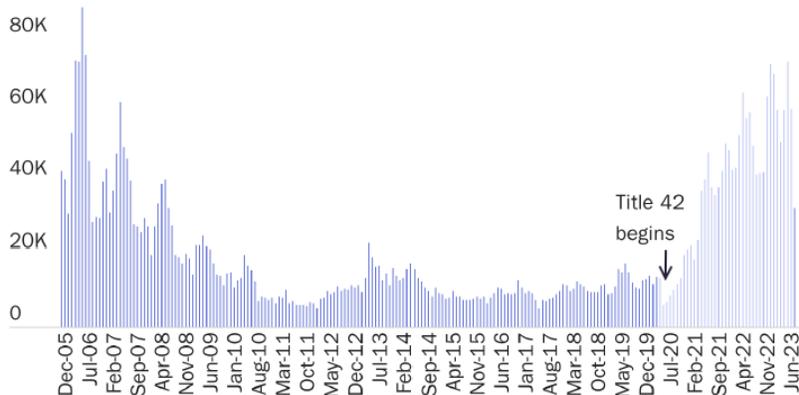
³⁹ “Fact Sheet: The Deadly Trend of Border Patrol Vehicle Pursuits,” ACLU Texas, February 2023, <https://www.aclutx.org/en/fact-sheet-deadly-trend-border-patrol-vehicle-pursuits>.

last 2 years in this way.⁴⁰ Smugglers also abandon migrants in deserts, where they may need to be airlifted to hospitals.⁴¹

Anti-asylum policies are not just bad for the safety of immigrants and residents—they are also bad for security. Since Border Patrol initiated the Title 42 policy that banned asylum for most crossers, evasion almost immediately exploded. The number of gotaways—detected successful crossings—grew four-fold from 2019 to 2022. The country has seen more crossings, arrests, illicit entries, and less security under the anti-asylum policy of the last 3 years. Title 42 ended in May 2023, and although asylum is still restricted between ports of entry, gotaways fell 55 percent from April to June 2023 as more people entered through ports of entry.⁴²

Title 42 has led to more successful illegal crossings

Border Patrol known "gotaways," Oct. 2005-June 2023



Sources: Cato Institute, Customs and Border Protection via Freedom of Information Act request; Fox News, Dec. 2022; Fox News, Oct. 2022; Fox News, Jan. 2023 (annual data for 2022 interpolated to individual months based on single adult apprehensions); February to June 2023 via Bethany Blankley, Center Square.

A major reason for the increased evasions is that when someone is returned to Mexico—and not processed for asylum or returned to their home country—they have little choice but to attempt to reenter illegally. The recidivism or re-encounter rate started to spike under the Remain in Mexico policy, which sent people back to wait for hearings. That policy had a re-encounter rate of 33 percent (as of June 2021), and the only reason it wasn't higher is because the program was canceled.⁴³ Under Title 42, the situation deteriorated further, with a 1-year re-encounter rate exceeding 50 percent in 2021.⁴⁴

This is not due to insufficient enforcement of Title 42. Title 42 encouraged more crossings. Encounters of the demographic group most targeted under Title 42—single adults from the Northern Triangle and Mexico—had increased four-fold, even though they have been expelled more than 90 percent of the time. The number of Southwest Border arrests by single adults from the four targeted countries declined

⁴⁰ Kavitha Surana, Brittny Mejia, James Queally, and Agnes Chang, "Trapped in a Deadly Chase," ProPublica, April 2019, <https://features.propublica.org/border-crashes/death-injuries-in-high-speed-border-patrol-chases/>.

⁴¹ Christina Aguayo, "Border Patrol: Cartels cash in on billion-dollar human smuggling business," Border Report, October 2021, <https://www.borderreport.com/immigration/border-crime/border-patrol-cartels-cash-in-on-billion-dollar-human-smuggling-business/>.

⁴² Bethany Blankley, "Southern border apprehensions and gotaways total over 135,000 in June," *The Center Square*, July 2023, https://www.thecentersquare.com/national/article_4a0afad6-2047-11ee-96c6-8b863db81ee6.html. Bethany Blankley, "Nearly 285,000 foreign nationals apprehended, evaded capture at border in April," *The Center Square*, May 2023, https://www.thecentersquare.com/national/article_990a47e6-f599-11ed-ae0d-e31e54aafcce.html.

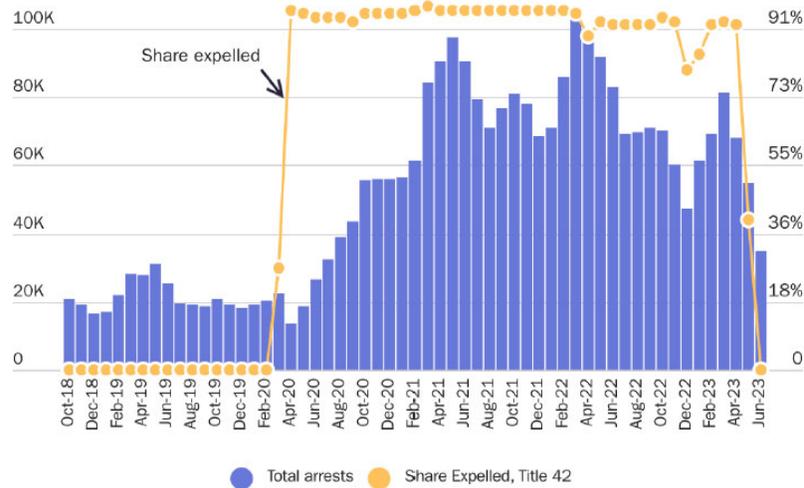
⁴³ "Explanation of the Decision to Terminate the Migrant Protection Protocols," DHS, October 2021, https://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-justification-memo-508.pdf.

⁴⁴ Sean Leong, "Immigration Enforcement Actions: 2021," DHS, November 2022, https://www.dhs.gov/sites/default/files/2022-12/2022_1114_plcy_enforcement_actions_fy2021.pdf.

by 57 percent in June 2023.⁴⁵ This accounted for two-thirds of the decline in border arrests in June 2023, much steeper than the 22 percent decline for all other groups.

Did Title 42 deter single adults from the Northern Triangle and Mexico?

Single adults from the Northern Triangle and Mexico, share expelled, Oct. 2018-Oct. 2022



Sources: Customs and Border Protection, "Nationwide Encounters," 2022.
 Notes: "Single adults" = adults traveling without their children. "N. Triangle" = Honduras, El Salvador, and Guatemala.

Title 42 and its sibling, the Migrant Protection Protocols ("Remain in Mexico"), also had the unintended consequence of causing more children from Central America to cross the border alone. Under both policies, if children crossed with their families, the parents and children had a high probability of being returned to Mexico. By contrast, unaccompanied children were—except for a short-lived period when Title 42 was first in effect—exempt from return to Mexico under both policies.⁴⁶

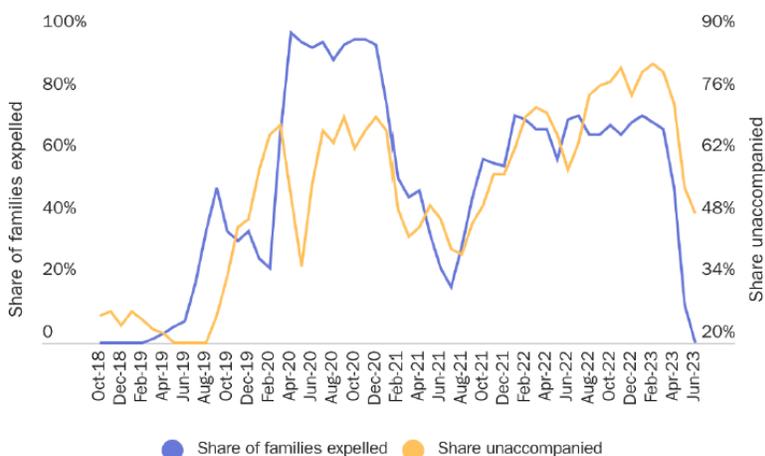
This discrimination against families meant that parents felt compelled to allow their children to enter alone.⁴⁷ The chart below shows the share of Central American families with children expelled to Mexico and the share of children coming unaccompanied. In the 31 months when a majority of Central American families were expelled to Mexico, 30 of those months saw a majority of Central American children enter without their parents. The causal relationship is clear: closing asylum to families creates an incentive to send children without their parents. After Title 42 ended, a majority of Central American children came with their parents for the first time in 20 months.

⁴⁵ "Nationwide Encounters," U.S. Customs and Border Protection, July 2023, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

⁴⁶ "Migration Protection Protocols," U.S. Department of Homeland Security, January 2019, <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols#:~:text=Unaccompanied%20alien%20children%20and%20aliens,case%2Dby%2Dcase%20basis>.

⁴⁷ David J. Bier, "DHS Expels Families to Mexico & Kids Come Back Alone: La Separación," Cato Institute, March 2021, <https://www.cato.org/blog/dhs-expels-families-mexico-kids-come-back-alone-la-separacion>.

Share of Central American minors without parents and share of families sent to Mexico
Border Patrol arrests, Apr. 2018-June, 2023



Download data

Sources: CBP, "Southwest Border Encounters," 2023; TRAC, MPP, 2023.

Note: Expelled=Title 42 or MPP placement in Mexico. Accompanied children based on the annual ratio of parents to children in family units in 2019. Central American = El Salvador, Guatemala, and Honduras

IMMIGRANTS ARE NOT DRIVING THE FENTANYL CRISIS

The subcommittees are right to pay particular attention to the scourge of fentanyl overdoses. But immigrants are not the cause. Fentanyl trafficking is funded by fentanyl consumers, and nearly 99 percent of the users are U.S. citizens.⁴⁸ It is not surprising that research has shown that "increases in immigration are associated with significantly lower homicide and lower overdose death rates overall and across substance type."⁴⁹

U.S. citizens are also the primary smugglers of fentanyl. In 2021, they made up 86 percent of convicted fentanyl traffickers.⁵⁰ Cartels employ U.S. citizen traffickers because smuggling is significantly easier at ports of entry than between them, and U.S. citizens have legal access to the United States and are subject to less scrutiny at ports of entry.

For this reason, from fiscal year 2019 to June 2023, 93 percent of fentanyl seizures by Customs and Border Protection (CBP) have occurred at ports of entry or vehicle checkpoints, not along illegal migration routes.⁵¹ The graph below displays the available data on seizure locations for fiscal year 2023. About 96 percent was seized from vehicles at checkpoints, traffic stops, or ports of entry, while one-half of a percent was seized on people carrying the drug over the border. Another 4 percent was not reported.

⁴⁸ Altekruze SF, Cosgrove CM, Altekruze WC, Jenkins RA, Blanco C. Socioeconomic risk factors for fatal opioid overdoses in the United States: Findings from the Mortality Disparities in American Communities Study (MDAC). *PLoS One*. 2020 Jan 17;15(1):e0227966. doi: 10.1371/journal.pone.0227966. PMID: 31951640; PMCID: PMC6968850.

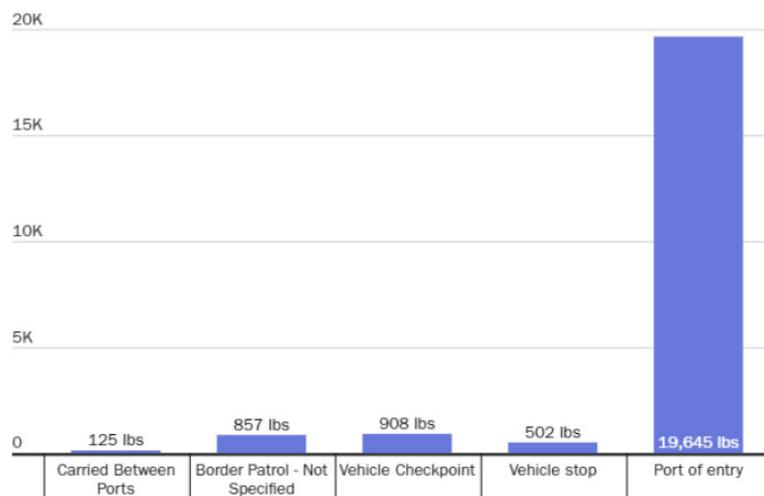
⁴⁹ Ben Feldmeyer, Diana Sun, Casey T. Harris, Francis T. Cullen, "More immigrants, less death: An analysis of immigration effects on county-level drug overdose deaths, 2000–2015," *Criminology*, September 2022, <https://onlinelibrary.wiley.com/doi/pdf/10.1111/1745-9125.12318>.

⁵⁰ David J. Bier, "Fentanyl Is Smuggled for U.S. Citizens By U.S. Citizens, Not Asylum Seekers," *Cato Institute*, September 2022, <https://www.cato.org/blog/fentanyl-smuggled-us-citizens-us-citizens-not-asylum-seekers>.

⁵¹ CBP, "Drug Seizure Statistics fiscal year 2023," February 2023, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

Customs and Border Protection Fentanyl Seizures by Type

Southwest Border, Fiscal Year 2023 (as of June 2023)



Sources: Customs and Border Protection, "CBP Enforcement Statistics Fiscal Year 2023," February 10, 2023; CBP, "Drug Seizure Statistics FY2023," February 8, 2023; CBP, "Border Patrol Seizes \$4 Million in Narcotics in One Day," January 27, 2023; CBP, "Border Patrol Agents Seize Over \$500,000 Worth of Fentanyl," October 19, 2022; CBP, "Del Rio Sector Agents Seize over \$100,000 in Mixed Narcotics," October 24, 2022; Chief Agent Gloria I. Chavez, Twitter, November 15, 2022; John Modlin, U.S. Border Patrol Chief TCA, Twitter, November 21, 2022; CBP, "Media Releases," 2023.

Although CBP's data obviously does not include the fentanyl that escapes their detection—both at ports and between them—CBP's seizures provide a sample to estimate the rate at which people who evade detection are carrying fentanyl. As of June 2023, Border Patrol had arrested about 9,000 people for every single event where fentanyl was seized at a location away from vehicle checkpoints. The people who are crossing between ports of entry are primarily seeking safety and opportunity, not seeking to smuggle fentanyl.

CBP has not estimated the quantity of fentanyl successfully smuggled through ports of entry, but for several years, it has calculated the probability of seizure of cocaine at ports of entry. In 2020, CBP estimated that it seized just 2 percent of the cocaine entering the country at ports.⁵² Given its potency, significant amounts of fentanyl are even easier to conceal than cocaine. By contrast, CBP estimates that it interdicts a majority of the people crossing the border illegally.⁵³ Thus, it is more than 90 percent easier to enter the country legally with hard drugs than cross the border illegally with them.

Border Patrol also does not seize more fentanyl when arrests fall. Notably, despite a 42 percent drop in arrests in January, Border Patrol seized almost no fentanyl (just 4 pounds) outside of vehicle stops and checkpoints, the same amount as the prior month.⁵⁴ In June 2023, arrests again fell 42 percent, and the amount of fentanyl seized by Border Patrol outside of checkpoints went down 67 percent.⁵⁵

⁵²Department of Homeland Security, "Department of Homeland Security Border Security Metrics Report: 2021," April 2022, https://www.dhs.gov/sites/default/files/2022-06/2022_0427_ply_border_security_metrics_report_FY2021_%282020_data%29.pdf.

⁵³Department of Homeland Security, "Department of Homeland Security Border Security Metrics Report: 2021," April 2022, https://www.dhs.gov/sites/default/files/2022-06/2022_0427_ply_border_security_metrics_report_FY2021_%282020_data%29.pdf.

⁵⁴Customs and Border Protection, "CBP Enforcement Statistics Fiscal Year 2023," February 10, 2023; CBP, "Drug Seizure Statistics fiscal year 2023," February 8, 2023; CBP, "Border Patrol Seizes \$4 Million in Narcotics in One Day," January 27, 2023; CBP, "Border Patrol Agents Seize Over \$500,000 Worth of Fentanyl," October 19, 2022; CBP, "Del Rio Sector Agents Seize over \$100,000 in Mixed Narcotics," October 24, 2022; Chief Agent Gloria I. Chavez, Twitter, November 15, 2022; John Modlin, U.S. Border Patrol Chief TCA, Twitter, November 21, 2022.

⁵⁵CBP, "Drug Seizure Statistics fiscal year 2023," February 2023, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

Qualitative assessments based on law enforcement intelligence also indicate that trafficking organizations understand that hard drugs are more easily smuggled through ports. The Drug Enforcement Administration's (DEA) National Drug Threat Assessment for 2021 has said that drug traffickers "exploit major highway routes for transportation, and the most common method employed involves smuggling illicit drugs through U.S. POEs in passenger vehicles with concealed compartments or commingled with legitimate goods on tractor-trailers."⁵⁶ DEA testified that its investigations have found that "the vast majority of fentanyl is coming in the ports of entry."⁵⁷ CBP and other agencies have made similar assessments.⁵⁸ It is precisely because these ports of entry are both scarce and incredibly valuable that cartels war for control over them.⁵⁹

The reasons for the ease at which drugs enter through ports are multifaceted. Only as much as 17 percent of commercial trucks and 2 percent of passenger vehicles are scanned for any drugs.⁶⁰ CBP reports of drug interdiction arrests indicate that it is most often the driver's behavior that tips off agents to conduct a search, meaning that interdiction is dependent on a factor almost entirely outside of the agency's control.⁶¹ The motivation for traffickers to innovate to evade detection is much stronger than the motivation to innovate to detect drugs crossing, which results in increasingly sophisticated smuggling techniques that quickly defeat interdiction efforts.

Even when a drug is easier to detect, the massive difference between the cost of production abroad and its value in the United States means that trafficking organizations can respond to greater interdiction simply by increasing production and smuggling more. From 2003 to 2009, for instance, Border Patrol more than doubled its staffing and built hundreds of miles of fences. As a result, Border Patrol marijuana seizures doubled, but cartels simply smuggled more to compensate, and the effort made no difference to the availability of Mexican marijuana in the United States.⁶² In fact, the effort backfired. During Border Patrol's hiring surge, the potency of marijuana increased by 37 percent.⁶³

Fentanyl trafficking itself developed as a border-evasion measure to supply the market for heroin and other opioids. It initially had little natural demand because the fentanyl experience is so fundamentally different from heroin.⁶⁴ Fentanyl has the advantage of being 50 times more powerful than heroin, which means that the same weight can supply 50 times as many consumers. This creates a massive economic incentive for smugglers to prefer it to heroin.

Despite fentanyl's built-in economic advantage, it took the massive restriction on imports and travel during the pandemic—particularly the U.S. policy of limiting travel with Mexico—to force U.S.-Mexico border traffickers to shift from heroin to fentanyl. Within 2 months of the pandemic, fentanyl seizures overtook heroin by

⁵⁶ DEA, "2020 National Drug Threat Assessment," March 2021, <https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment%20WEB.pdf>.

⁵⁷ Foreign Relations Committee, "COUNTERING ILLICIT FENTANYL TRAFFICKING," February 2023, <https://www.foreign.senate.gov/hearings/countering-illicit-fentanyl-trafficking>.

⁵⁸ Senate Homeland Security and Governmental Affairs Committee, Subcommittee on Government Operations and Border Management, "Federal Government Perspective: Improving Security, Trade, and Travel Flows at the Southwest Border Ports of Entry," November 17, 2021, <https://www.hsgac.senate.gov/hearings/federal-government-perspective-improving-security-trade-and-travel-flows-at-the-southwest-border-ports-of-entry>.

⁵⁹ Salvador Rivera, "Murders pile up as cartels battle for control of Tijuana's drug-trafficking corridor," *Border Report*, August 2022, <https://www.borderreport.com/immigration/border-crime/murders-pile-up-as-cartels-battle-for-control-of-tijuana-s-drug-trafficking-corridor/>.

⁶⁰ <https://www.govinfo.gov/content/pkg/CRPT-116srpt267/pdf/CRPT-116srpt267.pdf>. "The White House will work to add 123 new large-scale scanners at border crossings by September 2026. This would increase the number of scanned personal vehicles from just 2% to 40%, while expanding the number of cargo vehicles from 17% to 70%, CBP said." https://www.tucsonsentinel.com/local/report/070323_border_scanners_in_nogales-white-house-official-touts-vehicle-scanners-combat-fentanyl-smuggling/.

⁶¹ Angelina Hicks and Alex Riggins, "Border Patrol seizes \$3.7M-worth of fentanyl hidden in truck near Campo," *San Diego Tribune*, 2022, <https://www.sandiegouniontribune.com/news/public-safety/story/2022-07-19/border-patrol-seize-3-7-million-pounds-of-fentanyl>.

⁶² "Marijuana smuggling into the United States has occurred at consistently high levels over the past 10 years, primarily across the US-Mexico border" <https://www.dea.gov/sites/default/files/2018-07/DIR-017-13%20NDTA%20Summary%20final.pdf>.

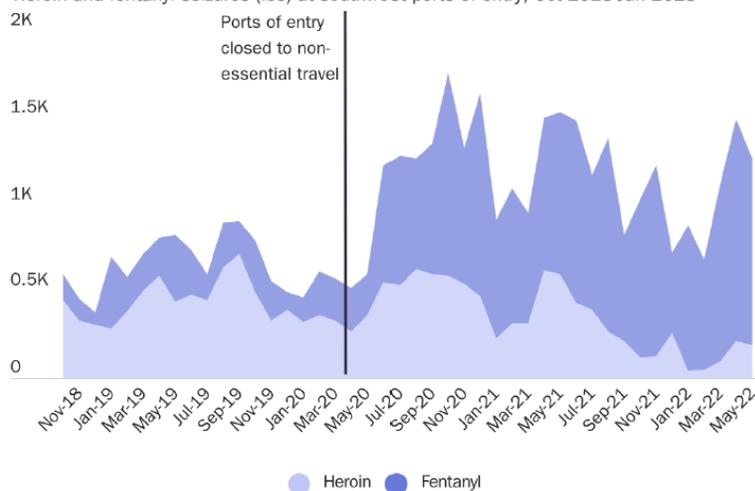
⁶³ U.S. Drug Enforcement Administration (DEA), "2013 National Drug Threat Assessment Summary," 2013, p. 12, <https://www.dea.gov/sites/default/files/2018-07/DIR-017-13%20NDTA%20Summary%20final.pdf>.

⁶⁴ Mars, S.G., Ondocsin, J., & Ciccarone, D., "Sold as Heroin: Perceptions and Use of an Evolving Drug in Baltimore, MD," *Journal of Psychoactive Drugs*, vol. 50, no. 2, p. 167–176, December 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6114137/>.

weight, and by the time the restrictions were lifted, fentanyl accounted for over 90 percent of the seizures.

Fentanyl smuggling became more prevalent after most legal travel was banned

Heroin and fentanyl seizures (lbs) at southwest ports of entry, Oct 2018-Jan 2023



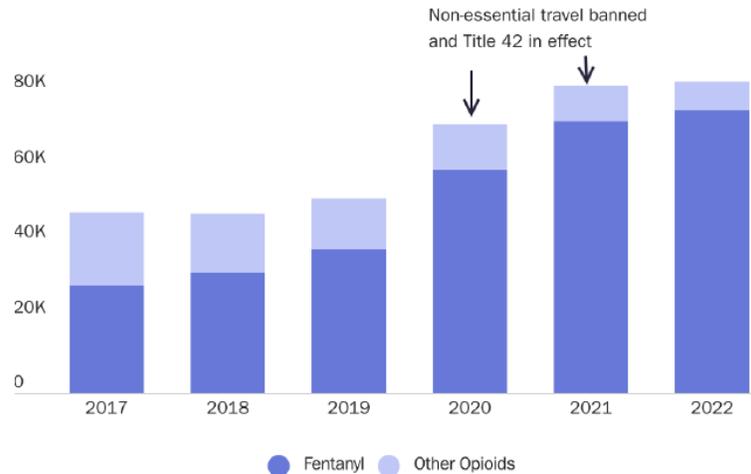
Sources: Customs and Border Protection, "Drug Seizure Statistics," 2022.

Tragically, the shift toward fentanyl and away from heroin caused a spike in fentanyl deaths. From 2019 to 2021, fentanyl deaths nearly doubled as trade and travel were restricted with Mexico. Unfortunately, additional efforts to restrict the trade in fentanyl will likewise backfire. There are already synthetic opioids many times more powerful than fentanyl that cartels could switch to if fentanyl trafficking becomes more difficult. For instance, the Tennessee Department of Health reported a four-fold increase in deaths in 2021 from Nitazenes—synthetic opioids 10 to 20 times more potent than fentanyl.⁶⁵

This process of enforcement increasing the potency of prohibited items is called the "Iron Law of Prohibition." It occurred under Alcohol Prohibition when liquor dominated wine and beer, and it has repeatedly played out under drug prohibition: crack cocaine as a substitute for powdered cocaine, heroin as a substitute for prescription drugs, and fentanyl as a substitute for heroin. To stop drug deaths, policy makers must focus on demand, not supply.

⁶⁵Roberts A, Korona-Bailey J, Mukhopadhyay S. *Notes from the Field: Nitazene-Related Deaths—Tennessee, 2019–2021*. MMWR Morb Mortal Wkly Rep 2022;71:1196–1197. DOI: <http://dx.doi.org/10.15585/mmwr.mm7137a5>.

Deaths from fentanyl and other opioids, 2017-2022



Sources: "Provisional Drug Overdose Death Counts," Centers for Disease Control and Prevention, 2023.

Note: 12-month periods before each January.

The drug war and restrictive border policies have failed people with addictions and their families. Government should stop criminalizing drug users, which pushes them away from services that could help them, and Congress should legalize overdose prevention sites, places where people can intervene to reverse an overdose.⁶⁶ States should allow users to protect themselves against overdoses by legalizing fentanyl test strips, which most States criminalize as "drug paraphernalia."⁶⁷ Physicians should be empowered to treat addiction by weaning addicts off these potent drugs and by issuing at-home prescriptions for methadone.⁶⁸ These are all ideas that have worked in other countries to reduce deaths.⁶⁹

Restricting immigration also has another side benefit for smugglers: they can charge immigrants to cross illegally into the United States.⁷⁰ Two migrants in Tijuana were stoned to death, and another was shot for failing to pay a fee in February.⁷¹ Migrant smuggling has now become a \$13 billion industry.⁷² The United States could immediately remove this profit from the cartels by creating legal ways to enter the country.

⁶⁶ Jeffrey A. Singer, "Overdose Prevention Centers: A Successful Strategy for Preventing Death and Disease," Cato Institute, February 2023, https://www.cato.org/briefing-paper/overdose-prevention-centers-successful-strategy-preventing-death-disease?au_hash=4jaxl1ucCsJQ6Jr-B3YilVA9nAl4Whs3s425lPUjvKIM.

⁶⁷ Jeffrey A. Singer, "Fentanyl Test Strips Save Lives, Yet Most States Ban Them As 'Drug Paraphernalia,'" Cato Institute, January 2023, <https://www.cato.org/blog/fentanyl-test-strips-save-lives-yet-most-states-ban-them-drug-paraphernalia>.

⁶⁸ Jeffrey A. Singer, "New Evidence That Take-Home Methadone Is Safe and Effective," Cato Institute, July 2022, <https://www.cato.org/blog/new-evidence-take-home-methadone-safe-effective>. Jeffrey A. Singer, "Harm Reduction: Shifting from a War on Drugs to a War on Drug-Related Deaths," Cato Institute, December 2018, <https://www.cato.org/policy-analysis/harm-reduction-shifting-war-drugs-war-drug-related-deaths>.

⁶⁹ Methadone is prescribed on a take-home basis by primary care providers since the 1960's in the United Kingdom, Australia, and Canada. Rebecca A. Clay, "How Portugal is solving its opioid problem," APA, October 2018, <https://www.apa.org/monitor/2018/10/portugal-opioid>.

⁷⁰ Christina Aguayo, "Border Patrol: Cartels cash in on billion-dollar human smuggling business," Border Report, October 2021, <https://www.borderreport.com/immigration/border-crime/border-patrol-cartels-cash-in-on-billion-dollar-human-smuggling-business/>.

⁷¹ Salvador Rivera, "2 migrants stoned to death by smugglers along border wall in Tijuana," Fox 5 San Diego, February 2023, <https://fox5sandiego.com/news/border-report/2-migrants-stoned-to-death-by-smugglers-along-border-wall-in-tijuana/amp/>.

⁷² Miriam Jordan, "Smuggling Migrants at the Border Now a Million Dollar Business," New York Times, July 2022, <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

IMMIGRATION CREATES WEALTH FOR IMMIGRANTS AND AMERICANS

Immigration benefits immigrants and Americans. In their home countries, immigrants usually lack the freedom to achieve their full potential. Immigrants want little more than to participate in the freedom that the U.S. Constitution offers to improve their lives. For many nations, a majority of their people who live above the poverty line (by developed world standards) live in the United States.⁷³ They achieve this higher standard of living not through theft or welfare but through hard work.

Why do immigrants command higher wages in the United States than in their home countries? Because the United States has free institutions that create incentives for work and investment that empower workers to be more productive. In other words, immigrants produce more and better goods and services here than in their home countries. It is easy to understand why. Here, American capitalism incentivizes investment in technology that increases the productivity of workers, while socialism, corruption, and crime make those investments impossible in many countries. The result is that U.S. immigrants commonly command wages that are between 2 to 15 times the wages in their home countries for doing the exact same work.⁷⁴

Of course, higher incomes are not the only motivating factor for migration, but these massive wage differentials make stopping immigration a fool's errand. The benefits are simply so great that desperate people will continue to put their lives on the line to achieve the freedom and opportunity that they lack at home. But the fact that so many people from around the world are willing to uproot their lives and join us—to contribute to our Nation and to make our lives better—is the most profound opportunity for the United States. A better legal immigration system would harness this massive potential to fulfill the needs of an America on the verge of demographic decline.

AMERICA BENEFITS FROM IMMIGRATION

Immigrants can succeed in the United States precisely because the country needs workers. Immigrants are more likely to work than U.S.-born citizens overall and at every education level—a difference that grows significantly among the least skilled—and about 97 percent of immigrants who looked for jobs in 2022 found them.⁷⁵ This should not be surprising, given that the United States is currently experiencing an unprecedented labor shortage.

From January 2021 to May 2023, the United States averaged 10.5 million job openings per month. Every single month after January 2021 had more job openings than any month before it, back to the start of the job openings data series in the year 2000.⁷⁶ The average number of job openings during this period was double the number of job openings before 2021.⁷⁷ Filling these jobs over the last 2½ years would have increased U.S. Gross Domestic Product cumulatively by about \$2 trillion.⁷⁸ As of May 2023, the number of open jobs exceeded the number of unemployed workers by nearly 4 million.

⁷³ David J. Bier, "Immigrating to the U.S. Is The Main Way To Escape Poverty in Dozens of Countries," Cato Institute, February 2023, <https://www.cato.org/blog/immigrating-us-main-way-escape-poverty-dozens-countries>.

⁷⁴ Michael A. Clemens, Claudio E. Montenegro, Lant Pritchett, "The Place Premium: Bounding the Price Equivalent of Migration Barriers," *The Review of Economics and Statistics*, vol. 101, no. 2, p. 201–213, 2019, <https://direct.mit.edu/rest/article-abstract/101/2/201/58518/The-Place-Premium-Bounding-the-Price-Equivalent-of?redirectedFrom=fulltext>.

⁷⁵ U.S. Bureau of Labor Statistics, "FOREIGN-BORN WORKERS: LABOR FORCE CHARACTERISTICS," 2022, <https://www.bls.gov/news.release/pdf/forbrn.pdf>.

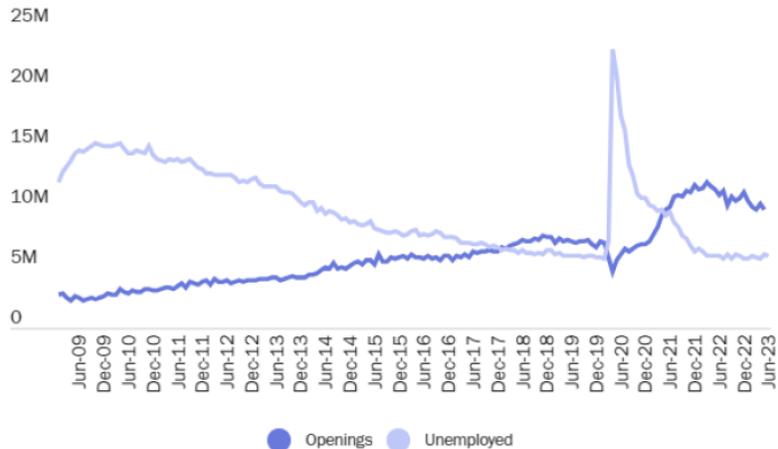
⁷⁶ U.S. Bureau of Labor Statistics, Job Openings: Total Nonfarm [JTSJOL], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/JTSJOL>, July 18, 2023.

⁷⁷ U.S. Bureau of Labor Statistics, Unemployment Level [UNEMPLOY], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/UNEMPLOY>, July 18, 2023.

⁷⁸ World Bank Data, "GDP per capita (current US\$) _United States," July 2023, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=US>.

Job openings and unemployed persons

January 2009–July 2023



Sources: U.S. Bureau of Labor Statistics, Unemployment Level [UNEMPLOY]; U.S. Bureau of Labor Statistics, Job

Openings: Total Nonfarm [JTSJOL], June 2023.

The immigrant population increased, according to Census Bureau's Current Population Survey, by approximately 2.7 million from January 2021 to June 2023.⁷⁹ These immigrants found jobs in a wide variety of industries—everything from landscaping and construction to computer programming and management. Immigrant workers were key to helping propel the recovery. They were also helpful in bringing down inflation.

This effect on inflation comes not through lowering wages but through increasing production. The purpose of the economy is to produce goods and services that fulfill the needs of U.S. consumers. Staffing shortages that closed stores, kept trucks off the road and prevented ships from being unloaded were critical components of inflation in 2021 and 2022. Immigrants allow more goods and services to reach consumers, which brings down prices in real terms.

Going forward, the United States is facing a severe population challenge, which will cause demand for foreign workers to increase. The U.S. population is growing slower than at any point in its history. In 2022, international migration already accounted for 80 percent of the meager 0.4 percent population growth.⁸⁰ Without immigration, the U.S. population will start to decline. Already in 2022, about half of all the counties in the United States saw declining populations. Over the next two decades, the U.S. working-age population will decline without new immigrant workers.⁸¹

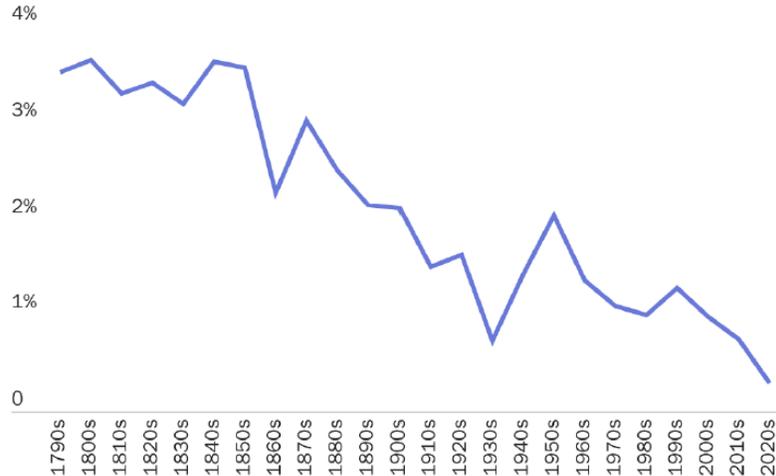
⁷⁹ Current Population Survey, Basic Monthly, January 2021, June 2023.

⁸⁰ U.S. Census Bureau, "National Population by Characteristics: 2020–2022," 2022, <https://www.census.gov/data/tables/time-series/demo/popest/2020s-national-detail.html>.

⁸¹ Madeline Zavodny, "Why the United States Still Needs Foreign-Born Workers," National Foundation for American Policy, July 2023, <https://nfap.com/research/new-nfap-policy-brief-why-the-united-states-still-needs-foreign-born-workers/>.

Annual average U.S. population growth by decade

1790–2022



Sources: U.S. Census Bureau, Decennial Censuses, 1790–2020; "Vintage 2022," 2023.

AMERICA NEEDS WORKERS ACROSS THE SKILL SPECTRUM

With a slowing population, the country is also growing older.⁸² This will suppress labor force participation among the U.S. population and create a need for more workers in industries related to elder care. With nearly a million new jobs, home health aides are projected to see the largest increase in employment of any single occupational category, according to the Bureau of Labor Statistics (BLS).⁸³ This example highlights how job growth will not just be concentrated among the highest-skilled positions but will be broadly available. In fact, the BLS predicts that most jobs created this decade will not require a college degree.

Of course, if these jobs fail to materialize, it would likely be because the Government intervened to stop U.S. employers from hiring immigrants. That would be devastating for American families that desperately need help. Shockingly, despite record demand, the number of employees in skilled nursing care facilities has declined from 1.7 million to 1.4 million from 2011 to 2023.⁸⁴

Many nursing homes are closing because they cannot properly staff their operations—particularly in rural areas. In Minnesota alone, 45 facilities have closed.⁸⁵ Another 60 have closed in Texas.⁸⁶ The Good Samaritan Society facility in Postville, Iowa, closed in September 2022.⁸⁷ At open facilities, huge numbers of beds remain empty, with the vacancies Nation-wide reaching 32 percent.⁸⁸ An analysis of nursing homes by researchers from Harvard, MIT, and Rochester showed that “increased

⁸² U.S. Census Bureau, “America is Getting Older,” June 2023, <https://www.census.gov/newsroom/press-releases/2023/population-estimates-characteristics.html#:text=JUNE%2022%2C%202023%20%E2%80%94%20The%20nation%27s%20the%20population%20is%20younger>.

⁸³ U.S. Bureau of Labor Statistics, “Employment Projections,” July 2023, <https://www.bls.gov/emp/tables/emp-by-detailed-occupation.htm>.

⁸⁴ Federal Reserve Economic Data (FRED), “All Employees, Skilled Nursing Care Facilities,” June 2023, <https://fred.stlouisfed.org/series/CES6562310001>.

⁸⁵ Jennifer Hoff, “Nursing Homes Keep Losing Jobs, Leading to Closures,” KARE 11, March 2023, <https://www.kare11.com/article/news/local/nursing-homes-losing-jobs-most-in-30-years-leading-to-closures/89-1f7fe7f3-5b7f-4ac7-b879-4fa420c3e440>.

⁸⁶ Chantel Barnes, “Workforce Crisis Plagues Texas Nursing Homes,” KXAN, November 2022, <https://www.kxan.com/news/texas/workforce-crisis-plagues-texas-nursing-homes/>.

⁸⁷ Tony Leys, “Small-Town Nursing Homes Closing Amid Staffing Crunch,” KFF Health News, January 2023, <https://www.nbcnews.com/health/aging/nursing-homes-small-towns-closing-staff-shortages-rcna66779>.

⁸⁸ CliftonLarsonAllen (CLA) LLP., “Initial Observations of SNF Trends Data Illustrates COVID-19 Challenges,” October 2021, <https://www.clconnect.com/en/resources/articles/2021/initial-observations-of-snf-trends-data-illustrates-covid-19-challenges>.

immigration significantly raises the staffing levels of nursing homes in the U.S., particularly in full-time positions,” which results in better patient outcomes.⁸⁹ The National Council of the State Boards of Nursing has found that 800,000 nurses plan to leave the labor force by 2027.⁹⁰ Meanwhile, nurses are crossing the border illegally, and one died in 2021.⁹¹

One reason why Americans are having fewer children is the cost of childcare. The cost of childcare not only directly reduces the growth in the future labor force but also indirectly reduces the growth in the labor force by driving mothers to drop out of the labor force. A majority of mothers with young children are not looking for jobs solely because of childcare or family responsibilities.⁹² A staffing crisis has caused massive wait lists for care in States across the country. In Pennsylvania, 7,000 open positions have led to 32,500 kids waiting for care.⁹³ It’s worse in Michigan, where nearly 54,000 kids are waiting.⁹⁴

Researchers Delia Furtado and Heinrich Hock have found that low-skilled immigrants have “substantially reduced” the costs of having a child.⁹⁵ Patricia Cortés and José Tessada similarly find, “low-skilled immigration increases average hours of market work and the probability of working long hours of women at the top quartile of the wage distribution.”⁹⁶

New home construction—a critical component in family formation—has also suffered from too few workers. Construction employment has reached record highs, while the construction unemployment rate is at near-record lows. Construction industry wages are now higher than the average wage for workers generally.⁹⁷ The number of job openings has repeatedly set records for the industry.⁹⁸ Yet thanks to too few workers, it now takes about 8 months to build a new home, which is up from 4 to 6 months before the pandemic.⁹⁹ One home builder in Florida estimated in 2023 that supply chain issues and the labor shortage were adding 20 percent to the cost of a new home in his area.¹⁰⁰

The United States is also facing critical shortages of skilled workers. For physicians per capita, America ranks far behind Germany, Sweden, Australia, and Switzerland, and it has half the number of physicians per capita as Austria—effectively a difference of nearly 1 million physicians.¹⁰¹ In rural areas, the shortages are dire. A study in the journal *Health Affairs* has shown that rural patients are far more

⁸⁹ David C. Grabowski, Jonathan Gruber, Brian McGarry, “IMMIGRATION, THE LONG-TERM CARE WORKFORCE, AND ELDER OUTCOMES IN THE U.S.,” *NBER Working Paper Series*, February 2023, https://www.nber.org/system/files/working_papers/w30960/w30960.pdf.

⁹⁰ National Council of State Boards of Nursing (NCSBN), “National Nursing Workforce Study,” April 2023, <https://www.ncsbn.org/research/recent-research/workforce.page>.

⁹¹ Tom Phillips, “A Nurse’s Journey from Treating COVID in Brazil to death in the US Desert,” *The Guardian*, October 2021, <https://www.theguardian.com/world/2021/oct/18/brazil-migrant-death-us-border-desert-dream>.

⁹² U.S. Department of Commerce, “Spotlight on Women and the Labor Force,” 2023, <https://www.commerce.gov/bureaus-and-offices/ousea/spotlight-women-labor-force>.

⁹³ Jodi Askins, “New Survey: Staffing Crisis Eliminates At Least 30,000 Child Care Slots; 32,000 Children Sit on Waiting Lists—Low Wages to Blame,” *Start Strong PA*, April 2022, https://static1.squarespace.com/static/5c2e545d0bdba3cf1389658c/t/6272dffa8acf020b2ea-34c3d/1651695610873/Staff_Crisis_Survey_RLS_041222.pdf.

⁹⁴ Luca Powell & Derek Kravitz, “Disappearing Day Care,” *Muckrock*, August 2022, <https://www.muckrock.com/childcare/>.

⁹⁵ Delia Furtado & Heinrich Hock, “Female Work and Fertility in the United States: Effects of Low-Skilled Immigrant Labor,” September 2010, https://www.ucy.ac.cy/econ/wp-content/uploads/sites/48/2021/06/Hock-Furtado_current_2010.pdf.

⁹⁶ Patricia Cortés & José Tessada, “Low-Skilled Immigration and the Labor Supply of Highly Skilled Women,” *American Economic Journal*, vol. 3, no. 3, p. 88–123, July 2011, <https://www.aeaweb.org/articles?id=10.1257/app.3.3.88>.

⁹⁷ U.S. Bureau of Labor Statistics, “Industries at a Glance,” July 2023, <https://www.bls.gov/iag/tgs/iag23.htm>. U.S. Bureau of Labor Statistics, “Real Earnings—June 2023,” June 2023, <https://www.bls.gov/news.release/pdf/realer.pdf>.

⁹⁸ Federal Reserve Economic Data (FRED), “Job Openings: Construction,” July 2023, <https://fred.stlouisfed.org/series/JTS2300JOL>.

⁹⁹ Terry Collins, “Few workers. Slow supplies. Why you’ll be waiting a while for that new house to be built,” *USA Today*, June 2022, <https://www.usatoday.com/story/money/2022/06/16/new-houses-longer-build-housing-labor-shortages/7572802001/>.

¹⁰⁰ Tallahassee Democrat, “Here’s How Construction Staff Supply Shortages Are Hitting Consumers,” July 2023, <https://www.tallahassee.com/story/money/business/2023/07/19/heres-how-construction-staff-supply-shortage-are-hitting-consumers/70262091007/>.

¹⁰¹ OECD Stat, Accessed July 2023, <https://stats.oecd.org/>.

likely to die because they lack the number of specialists to treat them effectively.¹⁰² This situation would be even worse if not for immigrants, who account for a quarter of all U.S. physicians.¹⁰³

Skilled science, technology, engineering, and math workers are also in short supply. A major project—funded in part by U.S. taxpayers—to build a new microchip manufacturing facility in Arizona is already being delayed because of a shortage of skilled workers.¹⁰⁴ McKinsey estimates that chip manufacturers will be short 390,000 engineers and skilled technicians by 2030, leading to more production setting up offshore.¹⁰⁵ But the U.S. immigration system is so broken that engineers from Venezuela were entering through the border in 2021.¹⁰⁶

Because immigrants are working, immigrants also improve government finances. Immigrants contributed \$736 billion in State, local, and Federal taxes in 2018—\$220 billion more than they received in Government benefits, including cash assistance, entitlements, and public education.¹⁰⁷ Even undocumented immigrants are paying nearly \$12 billion in taxes every year.¹⁰⁸ These contributions do not consider any complementarities between U.S. workers and immigrants, such as when immigrants allow U.S. workers to earn higher wages or work longer hours. The Social Security Administration Trustees Report emphasizes that immigration improves the Social Security outlook,¹⁰⁹ but the number of workers that it projects will be paying into Social Security in 2065 is still 70 million below the level needed to keep revenues in line with expenditures.¹¹⁰

The Congressional Budget Office (CBO) found in 2013 that comprehensive immigration reform would have “a net savings of about \$175 billion over the 2014–2023” and “would decrease Federal budget deficits by about \$700 billion (or 0.2 percent of total output) over the 2024–2033 period.” The CBO stated that there would be about another \$300 billion in savings from the indirect economic effects of more immigration.¹¹¹ The United States could already be enjoying these benefits had the bill become law.

IMMIGRANTS MAKE AMERICAN COMMUNITIES SAFER

Immigrants contribute to the safety and security of American communities in numerous ways. First, they directly lower the crime rate by committing fewer crimes. According to data from the Census Bureau’s American Community Survey, immigrants have been much less likely to end up in the criminal justice system and be-

¹⁰²Kenton J. Johnson, Hefei Wen, & Karen E. Joynt Maddox, “Lack Of Access To Specialists Associated With Mortality And Preventable Hospitalizations Of Rural Medicare Beneficiaries,” *Health Affairs*, December 2019, <https://www.healthaffairs.org/doi/10.1377/hlthaff.2019.00838>.

¹⁰³Jeanne Batalova, “Immigrant Health-Care Workers in the United States,” *Migration Policy Institute*, April 2023, <https://www.migrationpolicy.org/article/immigrant-health-care-workers-united-states>.

¹⁰⁴Yang Jie, “TSMC Delays Start of First Arizona Chip Factory, Citing Worker Shortage,” *The Wall Street Journal*, July 2023, <https://www.wsj.com/articles/tsmc-delays-start-of-first-arizona-chip-factory-citing-worker-shortage-4a9344e5>.

¹⁰⁵Ondrej Burkacky, Ulrike Kingsbury, Andrea Pedroni, Giulietta Poltronieri, Matt Schrimper, & Brooke Weddle, “How Semiconductor Makers Can Turn a Talent Challenge into a Competitive Advantage,” *McKinsey & Company*, September 2022, <https://www.mckinsey.com/industries/semiconductors/our-insights/how-semiconductor-makers-can-turn-a-talent-challenge-into-a-competitive-advantage>.

¹⁰⁶Joshua Goodman, “Driven by Pandemic, Venezuelans Uproot Again to Come to U.S.,” *Associated Press*, June 2021, <https://apnews.com/article/venezuela-immigration-business-coronavirus-pandemic-health-72e16118a21cf9ae3d0d4c9204f24643>.

¹⁰⁷Alex Nowrasteh, Sarah Eckhardt, & Michael Howard, “The Fiscal Impact of Immigration in the United States,” *Cato Institute*, March 2023, <https://www.cato.org/white-paper/fiscal-impact-immigration-united-states>.

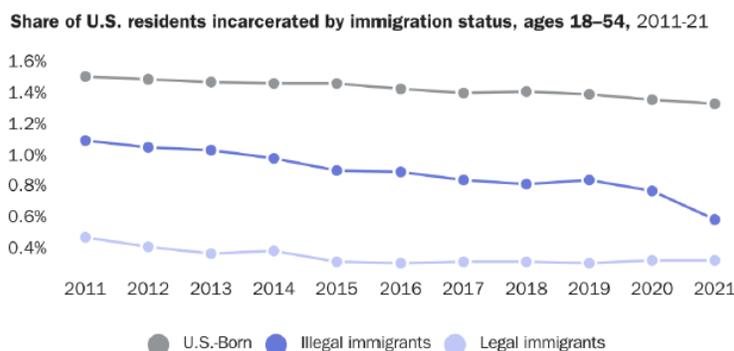
¹⁰⁸Lisa Christensen Gee, et al. “Undocumented Immigrants’ State & Local Tax Contributions,” *Institute on Taxation and Economic Policy*, March 2017, <https://itep.org/undocumented-immigrants-state-local-tax-contributions-2017/>.

¹⁰⁹Social Security Trustees, “The 2023 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds,” 2023, <https://www.ssa.gov/oact/TR/2023/tr2023.pdf>.

¹¹⁰“With currently scheduled tax rates and benefits, the system needs a worker-to-beneficiary ratio of about 2.8 to function at a pay-as-you-go level (meaning that tax revenue approximately equals benefit payments).” To keep the ratio at the 2.8 workers per beneficiary required to continue as pay as you go, you’d need about 70 million more workers. Gayle L. Reznik, Dave Shoffner, and David A. Weaver, “Coping with the Demographic Challenge: Fewer Children and Living Longer,” *Social Security Office of Policy, Social Security Bulletin*, Vol. 66, No. 4, 2005/2006, <https://www.ssa.gov/policy/docs/ssb/v66n4/v66n4p37.html#:~:text=With%20currently%20scheduled%20tax%20rates,revenue%20approximately%20equals%20benefit%20payments>.

¹¹¹Doug Elmendorf, “CBO Releases Two Analyses of the Senate’s Immigration Legislation,” *Congressional Budget Office*, June 2013, <https://www.cbo.gov/publication/44345>.

hind bars for the entirety of the last decade (Graph).¹¹² This is true, even for immigrants in the country illegally, despite thousands of those immigrants being incarcerated solely for immigration offenses that U.S. citizens cannot commit. The share of illegal immigrants incarcerated has even declined by 44 percent from 2011 to 2021.



Source: American Community Survey, 1-Year Estimates, 2021 analysis by Landgrave, Michelangelo, and Alex Nowrasteh. "Illegal Immigrant Incarceration Rates, 2010–2021: Demographics and Policy Implications." Forthcoming.

The lower crime rates create safer communities for Americans to live in. During the 1990's, when the immigrant population grew faster than at any time in over a century, crime fell rapidly across the country.¹¹³ Immigrant-dense cities saw crime fall further and faster than elsewhere in the country during that time.¹¹⁴

Immigrants also directly affect the crime rate through their participation in or cooperation with law enforcement. There were over 80,000 immigrants serving as detectives and police officers in 2021 and about 350,000 immigrants in protective service roles, including corrections officers, bailiffs, private security, firefighters, and other similar positions.¹¹⁵ Training more police officers is a proven way to reduce crime,¹¹⁶ yet many cities are finding it difficult to fill open jobs. In Tulsa, Oklahoma, for instance, there are 160 officer jobs unfilled.¹¹⁷ In 2015, Nashville Police Chief Steve Anderson convinced legislators in Tennessee to open police recruitment to noncitizens with military service to help address the shortage, and other departments are opening to immigrants as well.¹¹⁸

Even if they don't or can't serve directly, immigrants aid law enforcement through cooperation with authorities. Immigrants to New Jersey helped turn around South Paterson, an area once beset by crime and corruption. The Paterson police commis-

¹¹² Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010–2018: Demographics and Policy Implications," Cato Institute, April 2020, <https://www.cato.org/publications/policy-analysis/illegal-immigrant-incarceration-rates-2010-2018-demographics-policy>.

¹¹³ Lauren Brooke-Eisen, Oliver Roeder, and Julia Bowling, "What Caused the Crime Decline?," Brennan Center for Justice, February 2015, <https://www.brennancenter.org/our-work/research-reports/what-caused-crime-decline>.

¹¹⁴ Wadsworth, T. (2010), Is Immigration Responsible for the Crime Drop? An Assessment of the Influence of Immigration on Changes in Violent Crime Between 1990 and 2000. *Social Science Quarterly*, 91: 531–553. <https://doi.org/10.1111/j.1540-6237.2010.00706.x>. STOWELL, J.L., MESSNER, S.F., MCGEEVER, K.F. and RAFFALOVICH, L.E. (2009), IMMIGRATION AND THE RECENT VIOLENT CRIME DROP IN THE UNITED STATES: A POOLED, CROSS-SECTIONAL TIME-SERIES ANALYSIS OF METROPOLITAN AREAS. *Criminology*, 47: 889–928. <https://doi.org/10.1111/j.1745-9125.2009.00162.x>.

¹¹⁵ "MDAT," Census Bureau, February 2023, <https://data.census.gov/mdat/#/search?ds=ACSPUMSIY2021&cv=CIT&rv=OCCP&wt=PWGTP>.

¹¹⁶ MacDonald, J.M., Klick, J. and Grunwald, B. (2016), The effect of private police on crime: evidence from a geographic regression discontinuity design. *J. R. Stat. Soc. A*, 179: 831–846. <https://doi.org/10.1111/rssa.12142>.

¹¹⁷ Daphne Duret and Weihua Li, "It's Not Just a Police Problem, Americans Are Opting Out of Government Jobs," The Marshall Project, January 2023, <https://www.themarshallproject.org/2023/01/21/police-hiring-government-jobs-decline>.

¹¹⁸ Simone Weichselbaum, "Desperate for Recruits, Police Consider Non-Citizens," The Marshall Project, February 2019, <https://www.themarshallproject.org/2019/02/14/desperate-for-recruits-police-consider-non-citizens>.

sioner pointed to the willingness of immigrant business owners to work with police as one major reason for its lower crime rate.¹¹⁹

There are countless examples of immigrants helping law enforcement to stop criminals or prevent crimes. Two foreign students stopped a sexual assault at Stanford, testifying against the rapist at trial.¹²⁰ Another immigrant lost his life stopping a rape in Virginia.¹²¹ A video filmed on a Dominican immigrant's phone was the basis of a homicide conviction in South Carolina.¹²² A Colombian immigrant in Miami drove his van between an officer and an active shooter, saving the officer's life.¹²³ A major source of funding for local police comes from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Byrne was a New York city officer killed guarding a Guyanese immigrant who had repeatedly reported criminal activity by U.S. citizens in his community.¹²⁴ The immigrant then again risked his life to testify against Byrne's killers.

Immigrants without legal status also can help stop crimes. An unauthorized immigrant acting as a convenience store nightwatchman stopped a burglary in Texas.¹²⁵ Another in New Mexico chased down a child abductor, returning a 6-year-old girl to her parents.¹²⁶ It is not even uncommon. About 100,000 immigrants have obtained legal status through their cooperation with law enforcement over the last decade,¹²⁷ and local agencies have more than 315,000 requests pending for unauthorized immigrants to receive legal status based on their cooperation with them right now.¹²⁸

Immigrants also lower crime indirectly. One important mechanism is economically revitalizing neighborhoods. Based on data from the Census Bureau's Current Population Survey, immigrants increase State and local tax revenues by over \$250 billion per year—52 percent higher than the benefits that they receive and a net fiscal contribution of tens of billions annually.¹²⁹ Tax revenue from new arrivals allows cities to expand police forces, clean up streets, and make other improvements that lower crime.

Research published in the *Journal of Criminal Justice* has shown that just filling abandoned buildings makes residents less likely to commit crimes,¹³⁰ and immigration is associated with fewer vacancies.¹³¹ Research by economist Jacob Vigdor has shown that immigrants seek out areas where real estate prices are low or falling, which prevents community decline.¹³² Over the last two decades, refugees and asylum seekers went into the lower-cost and higher-crime West Side of Buffalo, for example. They took over vacant lots and businesses, and crime fell there by 70 per-

¹¹⁹Zahra Hankir, "Immigrants are reviving Paterson, N.J., from its difficult past," *Los Angeles Times*, September 2019, <https://www.latimes.com/world-nation/story/2019-09-25/immigrants-are-reviving-south-paterson-n-j-from-its-difficult-past>.

¹²⁰Tobias Salinger, "Hero grad student describes catching Stanford rapist: 'The guy stood up then we saw she wasn't moving,'" *New York Daily News*, June 2016, <https://www.nydailynews.com/news/crime/hero-grad-student-describes-catching-stanford-rapist-article-1.2664718>.

¹²¹Stuart Anderson, "The Immigrant Who Died Defending A Crime Victim," *Forbes*, 2018, <https://www.forbes.com/sites/stuartanderson/2018/11/02/the-immigrant-who-died-defending-a-rape-victim/?sh=3fc89a3c2c0d>.

¹²²"Feidin Santana, Who Recorded Police Shooting Of Walter Scott, Speaks Out," *NBC News*, April 2015, <https://www.nbcnews.com/news/latino/feidin-santana-who-recorded-man-shot-police-officer-speaks-out-n338171>.

¹²³CHARLES RABIN AND DAVID OVALLE, "Man who saved Miami officer: 'How could I not?'" *Miami Herald*, April 2015, <http://web.archive.org/web/20170318151546/http://www.miamiherald.com/news/local/crime/article18631896.html>.

¹²⁴"Witness in New York Police Killings Passes Lie Detector Test, Leaves Town," *AP News*, September 1989, <https://apnews.com/article/db245e3b1b1b56708d004398c6f90c6c>.

¹²⁵David Bier, "Donald Trump Is Wrong—Immigrants Don't Commit More Crimes," *Time*, September 2016, <https://time.com/4509413/presidential-debate-donald-trump-immigration/>.

¹²⁶Jeri Clausing, "Man who saved girl says he's illegal immigrant," *NBC News*, August 2011, <https://www.nbcnews.com/id/wbna44206940>.

¹²⁷There is an annual cap of 10,000 U visas.

¹²⁸"Number of Service-wide Forms Fiscal Year To Date," USCIS, October 2022, https://www.uscis.gov/sites/default/files/document/data/Quarterly_All_Forms_FY2022_Q4.pdf.

¹²⁹"Current Population Survey," Census Bureau, 2018.

¹³⁰"ABANDONED BUILDINGS: MAGNETS FOR CRIME?," DOJ, 1993, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/abandoned-buildings-magnets-crime>.

¹³¹Domenic Vitiello & Thomas J. Sugrue, "Immigration and Metropolitan Revitalization in the United States." *University of Pennsylvania Press, Incorporated*, pp. 17–22, 2017, https://www.google.com/books/edition/Immigration_and_Metropolitan_Revitalizat/GQu_DgAA-QBAJ?hl=en&gbpv=1&bsq=vacancies.

¹³²Jacob L. Vigdor, "Immigration, Housing Markets, and Community Vitality," *Cato Institute*, Fall 2017, <https://www.cato.org/cato-journal/fall-2017/immigration-housing-markets-community-vitality#what-the-data-show-immigration-raises-home-prices-and-creates-opportunities-for-natives>.

cent.¹³³ This pattern has been observed in New York, Chicago, Los Angeles, and other cities.¹³⁴

Immigrants also bring more businesses to these areas as both consumers and entrepreneurs. Immigrants are 80 percent more likely to start businesses than the U.S.-born population,¹³⁵ and they make up a disproportionate 28 percent of brick-and-mortar “main street” businesses Nation-wide.¹³⁶ In many major metropolitan areas, immigrants account for about half of all main street businesses. Immigrants own astounding shares of small businesses in New York City: 90 percent of dry cleaning and laundry services, 84 of grocery stores, 75 percent of child day cares, and 69 percent of restaurants.¹³⁷

Legal pathways, including asylum, would allow Border Patrol to focus on true threats to Americans, but these threats should not be exaggerated. In fiscal year 2023, as of June, 9,244 convicts were encountered.¹³⁸ Of the convictions listed, the most common were convictions for illegal entry and reentry with 5,332. As a percentage of total encounters, convicts have declined by 89 percent from nearly 6 percent of encounters in fiscal year 2015 to 0.6 percent in fiscal year 2023.

Encounters with suspected gang members have seen a similar decline. The 493 suspected gang members encountered in fiscal year 2023 represented 0.03 percent of encounters, which was 90 percent below its 2011 peak of 0.34 percent of encounters. In absolute terms, the number of gang encounters fell from 1,203 in 2012 to 751 in 2022.¹³⁹ In 2023, there was one suspected gang encounter for every 3,097 non-gang encounters.

¹³³ Emma Sapong, “Bangladeshis transforming Buffalo, one block at a time,” *The Buffalo News*, December 2015, <http://web.archive.org/web/20160305082034/https://buffalonews.com/city-region/east-side/bangladeshis-transforming-buffalo-one-block-at-a-time-20151212/>.

¹³⁴ Domenic Vitiello & Thomas J. Sugrue, “Immigration and Metropolitan Revitalization in the United States,” *University of Pennsylvania Press, Incorporated*, pp. 17–22, 2017, https://www.google.com/books/edition/Immigration_and_Metropolitan_Revitalizat/GQu_DgAA-QBAJ?hl=en&gbpv=1&bsq=vacancies.

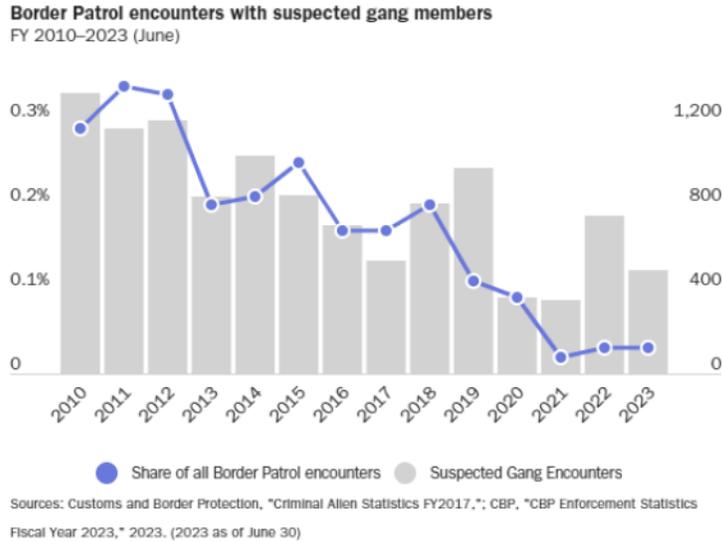
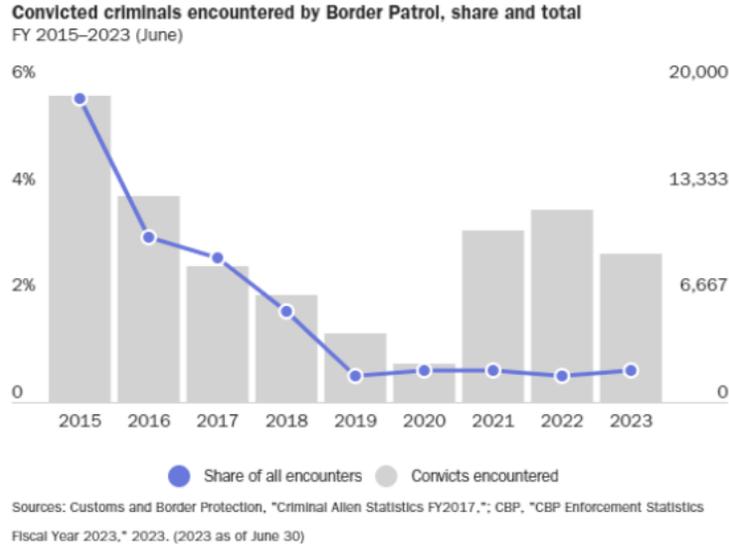
¹³⁵ Pierre Azoulay, Benjamin F. Jones, J. Daniel Kim, & Javier Miranda, “Immigration and Entrepreneurs in the United States,” *American Economic Review: Insights*, vol. 4, no. 1, p. 71–88, March 2022, <https://www.aeaweb.org/articles?id=10.1257/aeri.20200588>.

¹³⁶ David D. Kallick, “Bringing Vitality to Main Street: How Immigrant Small Businesses Help Local Economies Grow,” *Fiscal Policy Institute*, January 2015, <https://www.as-coa.org/sites/default/files/ImmigrantBusinessReport.pdf>.

¹³⁷ David D. Kallick, “Immigrant Small Businesses in New York City,” *Fiscal Policy Institute*, October 2011, https://fiscalspolicy.org/wp-content/uploads/2012/04/FPI_ImmigrantSmall-BusinessesNYC_20111003.pdf.

¹³⁸ U.S. Customs and Border Protection, “Criminal Noncitizen Statistics Fiscal Year 2023,” 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics>. U.S. Customs and Border Protection, “Criminal Alien Statistics fiscal year 2017,” 2017, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-alien-statistics-fy2017>.

¹³⁹ CBP FOIA, 2019; CBP, “Enforcement Statistics,” 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.



CBP has reported a dramatic increase in encounters whose information appears on the Terrorism Screening Dataset.¹⁴⁰ There were 98 such encounters in 2022. According to nonpublic data obtained by the media, 93 percent of the terrorist database hits were for Colombians.¹⁴¹ The evidentiary bar for inclusion in this dataset is so low that it is impossible to conclude much from this statistic. CBP even says that the data include people supposedly associated with terrorist groups or activi-

¹⁴⁰ "CBP Enforcement Statistics Fiscal Year 2023," CBP, February 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

¹⁴¹ Anna Giaritelli, "Nearly 100 FBI terror watchlist suspects nabbed at southern border," Washington Examiner, October 2022, <https://www.washingtonexaminer.com/policy/defense-national-security/nearly-100-fbi-terror-watch-list-suspects-caught-southern-border>.

ties.¹⁴² As importantly, matches can occur based on biographic information like a person's name and date of birth, leading to numerous false positives. One false positive was reported in the media just this month.¹⁴³

Unlike Border Patrol, CBP ports of entry officers encounter thousands of people on the terrorist watch list every year.¹⁴⁴ It is telling that none of these encounters have produced any convictions for a plot to attack the United States.¹⁴⁵ In fact, over the last four decades, not a single American has died or been injured in a terrorist attack carried out by a person who entered the country illegally, and no one who crossed the Southwest Border has carried out a terrorist attack in the United States.¹⁴⁶ The threat of terrorism is not a reason to eliminate asylum, and the entities that need more resources to deal with terror suspects are ports of entry, not Border Patrol stations.

Immigrants have just as much of a stake in safe communities as Americans. When immigrants do commit crimes, their victims are usually other immigrants.¹⁴⁷ If we want to root out the bad apples, we should want to create policies that make it easier for immigrants to cooperate with law enforcement. That means providing a path to citizenship for law-abiding immigrants and assuring that future immigrants have a lawful way to enter and reside in this country.

ILLEGAL IMMIGRATION IS A POLICY CHOICE

Creating legal pathways for immigrants to live and work in the United States can restore Border Patrol's mission to one of national security, not managing peaceful migration. Legal pathways can dramatically reduce illegal immigration and related problems. Here are six examples:

1. The Bracero guest worker program from 1954 to 1965 was expanded to direct Mexican farm workers to enter the United States legally. The program reduced border apprehensions by more than the number of Braceros admitted legally because workers were willing to wait to come legally.¹⁴⁸

¹⁴² "CBP Enforcement Statistics Fiscal Year 2023," CBP, February 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

¹⁴³ Adam Shaw and Bill Melugin, "Iranian illegal immigrant caught at border not on terror watchlist after further vetting: DHS official," Fox News, February 2023, <https://www.foxnews.com/politics/iranian-illegal-immigrant-terror-watch-list-caught-southern-border-sources>.

¹⁴⁴ Justin Fishel and Luke Barr, "Fact Check: State Department says 'no credible evidence' terrorists entering through southern border," ABC News, January 2019, <https://abcnews.go.com/politics/fact-check-state-department-credible-evidence-terrorists-entering/story?id=60209995>.

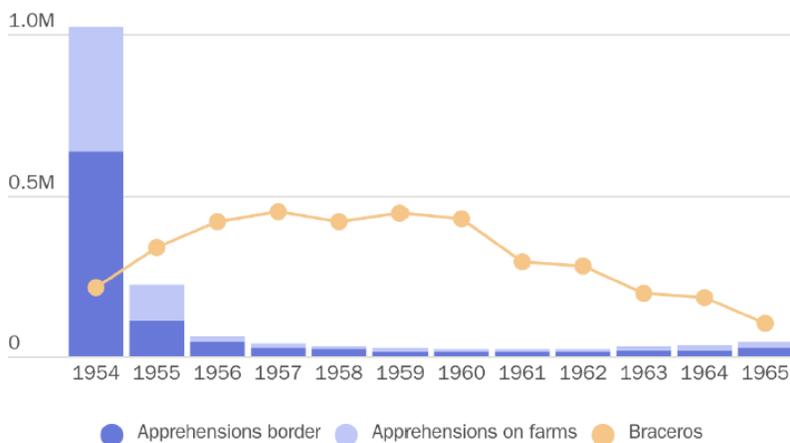
¹⁴⁵ Alex Nowrasteh, "Terrorists Are Not Crossing the Mexican Border," Cato Institute, March 2021, <https://www.cato.org/blog/terrorists-are-not-crossing-mexican-border>.

¹⁴⁶ Alex Nowrasteh, "Terrorists by Immigration Status and Nationality: A Risk Analysis, 1975–2017," Cato Institute, May 2019, <https://www.cato.org/publications/policy-analysis/terrorists-immigration-status-nationality-risk-analysis-1975-2017>.

¹⁴⁷ "The Gang Murders in the Long Island Suburbs," New York Times, July 2017, <https://www.nytimes.com/2017/07/12/nyregion/ms-13-murders-long-island.html>.

¹⁴⁸ David J. Bier, "How Guest Workers Affect Illegal Immigration," Cato Institute, December 2022, <https://www.cato.org/policy-analysis/how-guest-workers-affect-illegal-immigration#2-main-bracero-era-1954-1964-relative-visa-openness-strengthened-enforcement>.

Braceros first replaced many arrests, and even after braceros were cut, arrests remained low

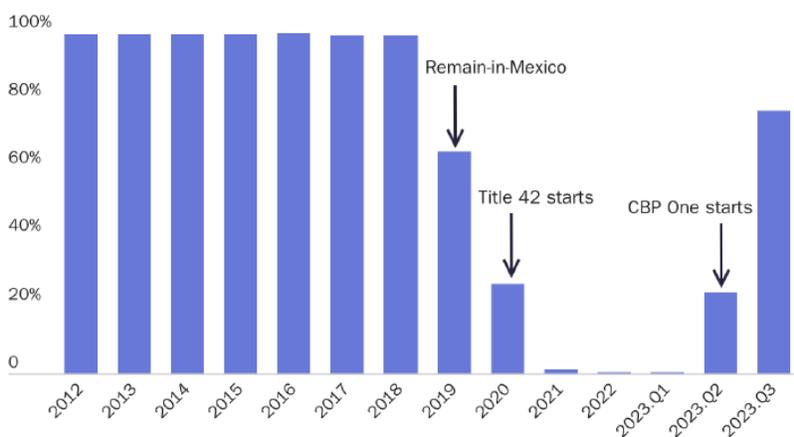


Sources: U.S. Department of State, "Annual Reports of the Visa Office," 1966–1996; U.S. Department of State, "Nonimmigrant Visa Statistics," 2022; and Congressional Research Service, *Temporary Worker Programs: Background and Issues* (Washington: Government Printing Office, 1980).
 Note: "Apprehensions on farms" include all apprehensions of immigrants already working in the United States.

2. Wet Foot, Dry Foot, as applied at U.S.-Mexico land ports of entry from 1995 to 2017, allowed tens of thousands of Cubans to enter the country legally with a status known as humanitarian parole, and the U.S.-Mexico border had almost no issue with Cubans crossing the border illegally. Remain-in-Mexico and Title 42 ended this policy, creating a massive Cuban illegal immigration problem.¹⁴⁹ However, after implementing the CBP One scheduling app (discussed further below) in January 2021, the situation reversed itself. In June 2023, 87 percent of Cubans at the Southwest Border entered legally. When combined with the parole sponsorship program (discussed further below), over 90 percent of Cubans entered legally in June 2023.

¹⁴⁹ David J. Bier, "How the U.S. Created Cuban and Haitian Illegal Migration," Cato Institute, February 2022, <https://www.cato.org/blog/how-us-created-cuban-haitian-illegal-migration>.

Legal Share of Undocumented Cubans Processed at the U.S.-Mexico Border

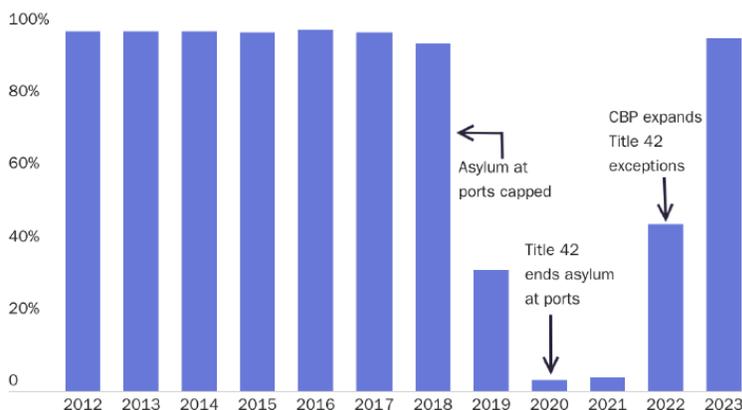


Source: Customs and Border Protection, "Nationwide Encounters", 2023; CBP, "Southwest Border Inadmissibles by Field Office," 2017-2019; CBP, FOIA, 2019.

3. Following the Earthquake in 2010, the United States stopped deporting Haitians, and U.S.-Mexico land ports of entry stopped detaining Haitians requesting asylum. Instead, it let them enter legally into the United States. As a result, from 2010 to 2016, nearly all Haitians entered the country legally. In late 2016, CBP reversed the non-detention and non-removal policy, and in 2018, it covertly capped asylum requests at ports of entry, causing more to cross illegally. Title 42 ended all asylum at ports of entry, and nearly all Haitians entered illegally, culminating in the disaster in Del Rio when Haitians were trapped in a detention camp without food for weeks.¹⁵⁰ In early 2022, CBP began processing Title 42 exception requests at ports of entry, and Haitians resumed entering the country legally as they had before. In 2023, 98 percent of those Haitians processed at the U.S.-Mexico border entered legally.

¹⁵⁰ "Report of Investigation," DHS, June 2022, <https://www.cbp.gov/sites/default/files/assets/documents/2022-Jul/202112280-cbp-closing-report-public-redacted-final.pdf>.

Legal Share of Undocumented Haitians Processed at the U.S.-Mexico Border



Source: Customs and Border Protection, "Nationwide Encounters", 2022; CBP, "Southwest Border Inadmissibles by Field Office," 2017-2019.

4. Following the Russian invasion of Ukraine, Ukrainians began to show up at the U.S.-Mexico border by the tens of thousands. CBP granted them exceptions to the Title 42 policy and let them into the country legally. In May, it improved on this policy by creating the Uniting for Ukraine parole program, which has already allowed over 117,000 Ukrainians to fly directly to the United States if they lined up a U.S. financial sponsor.¹⁵¹ This policy reduced the flow of Ukrainians to the U.S.-Mexico border by over 90 percent.

5. The administration recently created new parole programs modeled on the Uniting for Ukraine program for Venezuelans in October 2022 and Nicaraguans, Cubans, and Haitians in January 2022. These programs have also diverted many immigrants away from illegal immigration. Reuters reported in mid-January that Cubans "previously flocking to Nicaragua to head overland had largely changed strategies, many opting instead to try their luck with the parole program."¹⁵² Simultaneously, it implemented the CBP One app, allowing people to schedule appointments at southwest ports of entry to enter legally.¹⁵³ The combination of these different programs has led to huge increases in the percentage of people entering legally from the four countries.

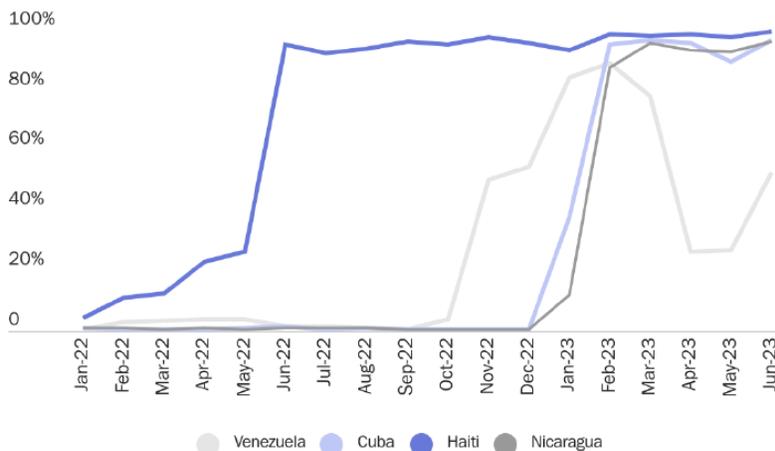
¹⁵¹ Julia Ainsley, "U.S. has admitted 271,000 Ukrainian refugees since Russian invasion, far above Biden's goal of 100,000," NBC News, February 2023, <https://www.nbcnews.com/politics/immigration/us-admits-271000-ukrainian-refugees-russia-invasion-biden-rcna72177>.

¹⁵² Alexandre Meneghini and Dave Sherwood, "A Cuban fishing village ponders its options as U.S. policy shifts," Reuters, February 2023, <https://www.reuters.com/world/americas/cuban-fishing-village-ponders-its-options-us-policy-shifts-2023-02-08/>.

¹⁵³ U.S. Customs and Border Protection, "CBP One Mobile Application," July 2023, https://help.cbp.gov/s/article/Article-1701?language=en_US#:text=Effective%20on%20January%20-18%2C%202023,the%20CBP%20One%E2%84%A2%20website.

Legal share of CBP encounters, citizens of nations with parole programs

January 2022-June 2023



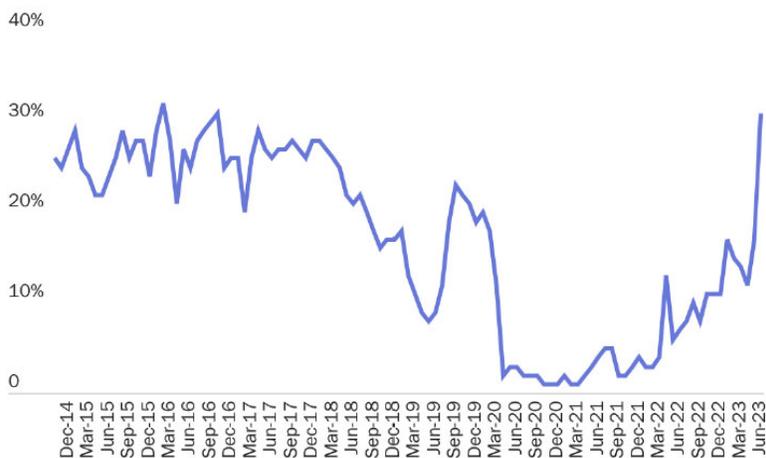
Sources: Customs and Border Protection, "Nationwide Encounters," 2023

6. In January 2023, CBP also rolled out its CBP One phone app that allows people to schedule appointments at ports of entry. CBP has capped the number of Title 42 exceptions, but it has helped reduce the number of illegal crossings because people are willing to wait for an appointment rather than cross illegally.¹⁵⁴ CBP should open more asylum appointments at ports of entry to reduce violations of the law. Since CBP One was implemented, the share of southwest CBP encounters at legal crossing points has increased from 11 percent to 31 percent—matching the highs before President Trump came into office. Obviously, there is still much more to do, and the administration could help build on this progress by removing the cap on appointments.

¹⁵⁴ Andrew Castillo, "Asylum seekers face decision to split up families or wait indefinitely under new border policy," Los Angeles Times, February 2023, <https://www.latimes.com/politics/story/2023-02-24/asylum-seeking-families-consider-separation-shortage-mobile-app-appointments> "DEFENDANTS' MONTHLY REPORT FOR THE MONTH OF DECEMBER PURSUANT TO THE COURT'S PRELIMINARY INJUNCTION," UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA LAFAYETTE DIVISION, January 2023, <https://storage.courtlistener.com/recap/gov.uscourts.lawd.188754/gov.uscourts.lawd.188754.174.0.pdf>.

Share of southwest CBP encounters at ports of entry

October 2014-June 2023



Sources: Customs and Border Protection, "Nationwide Encounters," 2023; CBP, FOIA, 2019.

Although these particular recent programs are discretionary, every administration has the mandate to process people seeking asylum under sections 208 and 235 of the Immigration and Nationality Act at or between ports of entry. Section 208 states in the relevant part:

"Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum"

Section 235 states in the relevant part:

"If an immigration officer determines that an alien . . . who is arriving in the United States . . . is inadmissible . . . and the alien indicates either an intention to apply for asylum under section 208 of this title or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer"

The administration is subject to a court order that bans it from preventing someone from seeking asylum at the ports of entry.¹⁵⁵ Thus, the administration must create programs that enable it to meet asylum law requirements. Still, even without these clear mandates, the administration should use every legal tool to create humane and orderly processing for immigrants to reduce illegal immigration. The parole authority has been used 126 times by nearly every administration since its creation in 1952.¹⁵⁶

Illegal immigration is a choice that policy makers select when they restrict lawful ways to enter the United States. Congress should work with the administration to expand on these successful initiatives to eliminate illegal immigration and help address the needs of communities across this country.

Mr. HIGGINS. Thank you, Mr. Bier.

We are going to move into questioning and I am going to recognize myself for questioning for 5 minutes.

¹⁵⁵ *Al Otro Lado v. Mayorkas*, U.S. District Court, Southern District of California, 3:17-cv-02366-BAS-KSC, September 2021, <https://ccrjustice.org/sites/default/files/attach/2021/09/742%20Order%20granting%20in%20part%20Plaintiffs%20Motion%20for%20Summary%20Judgment%202021.08.02.pdf#page=19>.

¹⁵⁶ David J. Bier, "126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders," *Cato Institute*, July 2023, <https://www.cato.org/blog/126-parole-orders-over-7-decades-historical-review-immigration-parole-orders>.

We have quite a task ahead of us as a Nation to deal with what my colleagues have described as a world-wide migrant era and an immigration crisis that nations face world-wide. There is some truth to that statement, but America is a land of law and order or else we are not. This Congress is a body made up of 435 elected representatives of citizens of the United States of America. This is the legislative body of our government. We have a responsibility to serve and protect the citizens of America first. This is a simple acknowledgement of the foundational principles of our Republic. It would be difficult to find disagreement to that precept on either side of the aisle.

What we face on our Southern Border is a disintegration of law and order. Now, there has been argument that perhaps we can make the absence of law and order more orderly and conduct our business of allowing the violation of our sovereign laws in a more effective manner. But I would argue that I choose not to be a part of a better-managed decline of our Nation.

I am going to ask Mr. Bensman to give us some insight there. But before I do, Mr. Bier, I would like to ask you respectfully, sir, have you ever been to court for litigation or traffic court or anything like that?

Mr. BIER. Probably at some point. I don't remember.

Mr. HIGGINS. I mean, have you ever had to go before a court for any reason?

Mr. BIER. I'm sure I've had a ticket before, if that's what you're asking me.

Mr. HIGGINS. The court. Yes. It is not a trap question.

Mr. BIER. Well—

Mr. HIGGINS. The point is we have all experienced that. We arrive in front of that judicial procedure according to a schedule determined by the judicial system. We don't barge into the courtroom and demand that our traffic case be heard first. We don't overpower the deputies guarding the door and demand that the judge hear our case. This is what is happening at our Southern Border. It is overwhelming our system and the backlog for judicial procedures is incredible, impact similar to what Mr. Bensman talked about with our schools. This is injuring America.

Mr. Bensman, your background gives you tremendous experience covering national security issues extensively, specifically regarding immigration. How would you count the number of illegal aliens that are currently in our country, both from prior administrations and for decades of presence here in our country? What would you put that number at?

Mr. BENSMAN. The Center for Immigration Studies before this mass migration crisis held, we agreed with the 12 million figure. We can no longer say it's 12 million, though. We have to say it's 16 million. We can't just talk about the presence of illegals inside the United States as 12 million anymore.

Mr. HIGGINS. So, as we move forward as a Congress to discuss immigration law and border security enforcement, would we not, based upon your experience, is it not the responsibility of Congress to get a grasp upon the number of aliens actually present in our country so we can stop guessing?

Mr. BENSMAN. Sure. Of course. I mean at some point, the Government will have to resume interior enforcement operations. Interior enforcement operations have been suspended by and large for 2½ years. At some point, we're going to have to—somebody will decide, well, you know, there are judges' orders, removal orders, that have to be enforced again. We'll have to be able to—

Mr. HIGGINS. Sir, I concur that that would be ideal. My time has expired. Let me just close by saying that I believe the number is far greater and I think it should be part of our narrative that we discuss across the aisle to determine the number of illegal aliens in our country so we can get a handle on what needs to be done there.

My time has expired and I recognize the Ranking Member, Mr. Correa, for 5 minutes for questioning.

Mr. CORREA. Thank you, Mr. Chairman. I essentially concur with your statements.

Just wanted to, first of all, Ms. Tambunga, I just want to let you know my daughter's name is Emilia as well. So, I can't imagine your tragic situation. My heart and prayers go out to you and your family.

Mr. Bier, we are here to address the specific issue of the challenges these individuals have at the border. High-speed chase, you got somebody, 11 people in that van, did you say? How do you stop the cartels? How do you take away the profit? How do you stop them from making money off the system?

Mr. BIER. Well, we know that this is a \$13 billion industry.

Mr. CORREA. Thirteen billion?

Mr. BIER. Thirteen billion dollars. That's a lowball estimate. You know, we don't see all the money that's transferred, we can't measure it. But we can have surveys of this is how much people are saying they're paying. It's \$5- to \$10,000 to people who are going to smuggle them into the United States.

We could defund that billion-dollar industry with legal immigration reform. We know we can do it because we have now examples of it happening.

Cubans largely entered the country legally for decades at the U.S.-Mexico border. For decades, they entered the country legally. There was no illegal immigration problem among Cubans.

Then the Trump administration said, no more, we're not going to let them apply legally anymore, shut down the border. What happened? We had a huge illegal immigration problem by Cubans. They were showing up in Texas. Every single Member who studied this issue can remember the problem in 2022.

In 2023, the Biden administration came out with its parole programs and CBP One. The problem has been almost eliminated, reduced by more than 90 percent.

Mr. CORREA. It is almost eliminated, but it is still there. I mean the parole program, probably, in my opinion, is not the answer, but it is a good answer.

What do these cartels charge right now for somebody coming across the border, somebody coming from Central America, somebody coming from China?

Mr. BIER. Well, it's staged based on where you're from. So, you're talking somewhere in the neighborhood of \$6,000 if you're from

Central America. If you're from China, they're going to charge you even more. So, you're talking tens of thousands of dollars if you're being smuggled all the way from China. So, it is a massive—

Mr. CORREA. The human cost, it is my understanding that if you are coming from Central America, 80 percent of the women by the time they get to the border will have been sexually assaulted or raped. So, a lot of those ladies before they actually undertake that trip actually prepare their bodies for that eventuality.

So, taking the profit motive, I mean do you have examples of people that you have run across, have you met people in the situation?

Mr. BIER. Yes. Absolutely. I was in El Salvador in December and I met with people who had planned to go to the border. They ended up getting a visa under the H-2B visa program. They abandoned that and they said, now that I have the opportunity to go legally, I will never pay anyone to smuggle me or my family to the U.S.-Mexico border. So, the opportunity is there—

Mr. CORREA. Can you explain to me what an H-2B visa is?

Mr. BIER. H-2B visa is someone who's coming for nonseasonal agricultural employment in the United States. It has to be a temporary job. These particular positions were for Alaskan seafood. He went to the United States, he made some money—

Mr. CORREA. What nations have that availability to apply for these visas?

Mr. BIER. Well, there's a limited list of about 80 countries, but almost all of them go to Mexico. The Biden administration made a special effort set-aside for the Northern Triangle, which allowed this gentleman to have the opportunity to get a H-2B visa and come to the United States legally.

Mr. CORREA. Thank you very much.

I am running out of time here, but I would like to hear, later on I will present to you some questions about what other ways we can dismantle the cartels and the profits.

I wanted to go into the fentanyl issue but we will do that another time.

Mr. Chairman, I ran out of time. I yield.

Mr. HIGGINS. The gentleman yields.

I now recognize the gentleman from Texas, Mr. Pfluger, for 5 minutes of questioning.

Mr. PFLUGER. Thank you, Mr. Chairman. Again, thank the witnesses for being here.

As a reminder, there is another committee in Congress, Judiciary, that handles immigration. This is the border security hearing and we are talking about the security of the United States of America, just to set the stage for some of the testimony that we have heard.

Mr. Ramirez, thank you for joining us. Thank you being a member of Texas Southwestern Cattle Raisers Association, a very proud organization. You mentioned the border security survey that the TSCRA has done. Would you be willing to share that with the committee?

Mr. RAMIREZ. Absolutely. If you find that valuable information, I could speak to our leadership and get it to you.

Mr. PFLUGER. I would. Mr. Chairman, I would like to enter that survey into the record.

Mr. HIGGINS. Without objection.*

Mr. PFLUGER. Thank you.

You have had five generations of proud ranching history in your family on the ranch that you are on now. I just kind-of want to put it in perspective for people. From your experience, have you seen a situation in those five generations that is like this, with the chaos, with the damages, the high-speed chases? I mean, have you seen anything like this past 2½-year period previously?

Mr. RAMIREZ. Talking to my grandfather, who was raised on the ranch, and, you know, at least going back that far, he's never talked about a time where it was like it is now. People used to come across in smaller numbers, from what he recalls, and looking for work and were willing to work. It wasn't the situation that it is now.

The volume of people that are—and by the way, everything I talked out, this is 40 miles away from the border. I have friends 100 miles away from the border that are going through the same situation. You know, these are people that, you know, they aren't walking or swimming across the river throwing up their hands and letting themselves, you know, get documented or whatever happens there. These are people that are trying to circumvent that process.

Mr. PFLUGER. What is causing it? I mean, from your experience there talking to law enforcement, Border Patrol, what is causing this?

Mr. RAMIREZ. Well, there's certainly a reason to go through the trouble of hiring a coyote to take them through. That's an expensive process, from what I understand. There's got to be a reason why they do not want to be documented. What that reason is I don't know. But they are coming through in droves through our country.

Mr. PFLUGER. We are talking 5½ million people that have been encountered. This notion that President Trump caused illegal immigration to surge is nonsense. You have a million-and-a-half known got-aways, over 140 people who have matched the terror watch list that we know about this year. So, I have more questions for you but I want to move on to Ms. Tambunga.

Thank you again for once again being in this committee room for your heartfelt testimony. In previous conversations, you have discussed how the driver of the vehicle was recruited by the cartels. There is a narrative that is in this committee—

Ms. TAMBUNGA. Yes.

Mr. PFLUGER [continuing]. And sometimes espoused by my colleagues on the other side of the aisle that the cartels are not at all linked to the issue of illegal immigration. I want to get your take on that because I am offended when I hear that. I know that this is a very personal issue.

Ms. TAMBUNGA. As far as the information that we know now, and this is coming from Texas DPS, that the driver, murderer, of the vehicle, he was recruited on TikTok by the cartel.

Mr. PFLUGER. Wow. I mean, when you hear that, and I hope my colleagues are listening to that, that we can talk economics, we can talk immigration, we can talk the things that was said by Mr. Bier,

*The information was not available at the time of publication.

but, you know, we are talking about the security of our communities, that this person was recruited, that this person went on a high-speed chase over 100 miles an hour, and tragically ended the lives of two people, and changed the lives of this family forever. That is directly linked to the massive amounts of people that are coming across illegally, not following law and order.

Mr. Ramirez said in his testimony that these high-speed chases are a daily occurrence. Ms. Tambunga, Mr. Bensman, anything to add to that based on either the community of Ozona or Mr. Bensman what you in your research has seen?

Mr. BENSMAN. Sure. I spend a lot of time on the border, on both side of the border, talking to people and with law enforcement. There are so many high-speed chases in the borderlands for so long that there are certain communities that, for example, have built protective retaining walls around their schools. One town in Brackettville actually has developed a siren system, kind of like if a tornado was coming, except it's like here comes a car chase. They hit that and all the kids go under the desk. It is just absolutely rampant everywhere you go. It's like nothing anybody has ever seen.

Mr. PFLUGER. Thank you. My time has expired. I know my colleague, Mr. Gonzales, has a very good piece of legislation on that exact issue.

But, Mr. Chairman, I yield back.

Mr. HIGGINS. The gentleman yields.

I now recognize Mr. Magaziner for 5 minutes of questioning.

Mr. MAGAZINER. Thank you, Chairman.

You know, it was said earlier, and I agree, that we are a country of laws, we are a country of law and order. But agencies, administrations, all of us as citizens don't get to pick and choose which laws we follow. I think it is important to note that under the law, migrants fleeing violence and persecution are entitled to claim legal asylum. That is not a law that we can just ignore.

So, Mr. Bier, you can correct me if I am wrong on this, but is it not true that under the law, migrants who are fleeing persecution, fleeing violence are entitled to apply for and claim if they are granted legal asylum?

Mr. BIER. Absolutely. Section 208 of the Immigration and Nationality Act makes it perfectly clear that anyone who is arriving in the United States or in the United States may apply for asylum. That is a right protected under our laws. Further, other sections of the INA require this administration and any administration to refer them for a credible fear interview and interview that person to see if they're eligible for—

Mr. MAGAZINER. So, just to be clear, if an administration, this administration or any other, were to deny a migrant an interview to see if they qualify for legal asylum, that administration would be breaking the law. Right?

Mr. BIER. Absolutely. In fact, multiple courts have found that this administration and the last administration broke the law in doing that.

Mr. MAGAZINER. So, let's turn the focus back onto the impact on American citizens from a failure to have a legal immigration system that is orderly and safe. Mr. Ramirez, I heard you talk, and

I thank you for sharing your perspective, about the impact that migration and trafficking is having on your land and the land of your colleagues. Would it be easier for you if migrants were instead going to legal ports of entry to have their asylum claims processed than illegally going across your property or the property of your colleagues?

Mr. RAMIREZ. I would agree with that. With what we're dealing with, if it was structured, then that would eliminate the problem.

Mr. MAGAZINER. Yes. Absolutely. I think that is an important point that really cannot be lost here, that if we straighten out the system for people to have their applications processed at legal ports of entry, it would save everyone, particularly American citizens, a lot of violence and heartache and hassle.

It was said or suggested by my friend on the other side that that is not the purview of this committee, that that belongs under the jurisdiction of another committee. Well, if that was the case, my colleagues on this committee would not have passed a bill through this committee that did things like restrict the use of the CBP One app. It is just an app that allows people to schedule an appointment at a legal port of entry to have their asylum claim processed.

So, I would just point out again, in the interest of border security, making the border safer for migrants and for American citizens, we need to have part of the conversation be how we make the system for claiming legal asylum at legal ports of entry more streamlined and safer and more accessible, so that we can save everybody between the ports of entry a lot of pain and violence and heartache.

I also just want to make sure that we don't lose sight of another issue. You know, when that, it was H.R. 2, when that bill passed through this committee a couple months ago, one of the provisions gave the Department of Homeland Security some guidance on things that they should prioritize in their strategic plan, which is a good thing to do, and I agreed with much of it, as I know my colleagues on the Democratic side did as well. But there was a glaring omission, which was no mention whatsoever of the fact that half a million illegal guns a year are being trafficked from the United States to Mexico, arming the cartels.

So, I will open up to any of you. Do any of you feel that it should be a priority of DHS to reduce the flow of weapons to the cartels? Or do any of you disagree with that? Let me rephrase.

Mr. BIER. This is certainly a national security issue. The cartels are adversaries of the United States. There's no question about that. The fact that the United States citizens are participating in providing arms to this adversary is a legitimate function of Government to intervene to prevent that from happening.

Mr. MAGAZINER. I see my time is about to expire. So, I will just note, as a country of laws and law of order, we have to follow all the laws, and that includes cracking down on those who are illegally smuggling weapons to our adversaries on the other side of the border.

Thank you for exploring these bipartisan potential solutions.

I yield back.

Mr. HIGGINS. The gentleman yields.

I now recognize the gentleman from Mississippi, Mr. Guest, for 5 minutes of questioning.

Mr. GUEST. Thank you, Mr. Chairman.

Mr. Bensman, in your written testimony, you describe currently that we are experiencing the worst mass migration in American history. You go on to set forth your background, what brought you to that conclusion. Then, throughout your testimony, you talk about some of the impacts of that mass migration.

As a former prosecutor, I want to talk about one of those impacts that you began speaking about on page 5 of your written testimony. You described it as “a great unnecessary crime wave”. You continue over on to page 6, where you set forth that, “Most U.S. States do not keep track of crimes committed by illegal immigrants and neither does the Federal Government.” Then, you opined that, “Only Texas tracks much of the crime by non-U.S. citizens.”

Then you cite roughly a decade of statistics from the Texas Department of Public Safety, and those statistics are found on page 7, between June 1, 2011, and July 31, 2022, that there were 259,000 illegal aliens charged with more than 433,000 criminal offenses. Those were just in the State of Texas. That of those offenses, there were 800 charged with homicide, 822 charged with kidnapping, 5,470 charged with sexual assault, 6,485 charged with other sexual offenses, and 4,945 charged with weapon offenses.

You then, Mr. Bensman, go on later on page 7 to talk about some of those cases in particular. You talk about that in the State of Texas on April the 29th that there was five-time deported Mexican national who murdered five individuals. Then, in the next paragraph, you talk about that in April 2023 that there were two former middle school students who were found dead, their car riddled with bullets.

We know that sitting to your left, Ms. Tambunga, just testified in her opening statement about her tragic loss. Thank you for being here. I want to let you know that our heart goes out to you for the loss of your mother, the loss of your child. But what you are doing here today by calling attention to that is extremely important.

So, Mr. Bensman, I also pulled just a couple of headlines in preparation for the hearing today from cases that have occurred this year. January 23, “Teenager arrested in rape and murder of autistic Maryland woman was an illegal immigrant and known MS-13 member.” March the 7 of 2023, “Undocumented immigrant indicted on 11 counts of capital murder in abuse of a corpse,” that occurred in Montgomery, Alabama. June 2 of 2023, “Five undocumented immigrants with ties to MS-13 charged with murder of a Frederick teen.” Then, the last one, the most recently, July 21 of this year, “Mexican immigrant accused of grisly serial murders of three women in Dallas, Texas.”

Now, your findings contradict Mr. Bier because Mr. Bier in his written testimony and in his oral testimony, he says on page 21 of his written testimony that, “Immigrants contribute to the safety and security of American communities. They directly lower the crime rate.” He went on in his opening statement to say that immigrants prevent crime.

So, in the last minute of my time, Mr. Bensman, I want to give you the opportunity to explain to this committee your findings as

it relates to immigration and the effect that it has on crime, and contrast that with Mr. Bier's findings when he says that immigrants do not contribute to crime, and conversely even says that they directly lower the crime rate. So, in my last 30 seconds, Mr. Bensman, I would ask you to please enlighten this committee and please educate us on your findings.

Mr. BENSMAN. OK. I have a whole 30 seconds to do that? I guess what I would tell you is that there is a comparative analysis that goes on, comparative research where organizations try to compare illegal immigrant crime with crime rates committed by American citizens. That is completely faulty analysis. You cannot compare those two, mainly because 100 percent of all crimes committed by illegal immigrants are avoidable and unnecessary because they should have been deported, like the man who slaughtered the Hondurans next door. Whereas we are kind-of stuck with American citizens one way or another, aren't we? There's no escape hatch for pushing American citizens into another country before they commit a crime.

So, 100 percent of all illegal immigrant crime is avoidable and unnecessary, in my opinion. All of these comparative studies are bogus and should never ever be made. There should never be a comparison made between those two things. I understand why that's done. It's done for—I'm hearing snapping. Thank you.

Mr. GUEST. Thank you, Mr. Chairman.

I yield back.

Mr. HIGGINS. The gentleman yields. We just recognized 30 seconds become a minute and 15. That is OK. We get along in this committee.

I now recognize Mr. Goldman for 5 minutes of questioning.

Mr. GOLDMAN. Thank you, Mr. Chairman.

I am very happy to follow up on that quite remarkable statement from Mr. Bensman. Let me ask you something, Mr. Bensman. Do you think that the more than 400 mass shootings in this country this year could also be avoided if we had universal background checks, if we did not sell weapons of war to civilians, if we had safe storage laws, if we had common-sense gun legislation? Is it your view that every crime that is committed by an American citizen is not avoidable and, therefore, we should just accept it?

I appreciate my colleague from Mississippi pointing out four incidents, the four articles that he cited of really terrible crimes that happened to be committed by people who were not here lawfully. But I don't see you giving us any headlines about the more than 400 random mass shootings that we have had in this country. Why are we talking about isolated incidents that you have to point out from 6 months ago when we have two mass shootings every day in this country? Why is it only the crime that happens to be committed by people who are not here somehow that you care so much about and yet all of the devastating crime that is committed by people who are here doesn't matter? Because we don't ever talk about gun violence in this committee.

We bring up, as my colleague from Rhode Island did, the fact that 500,000 guns are reportedly exported to Mexican cartels. Because in Mexico, they only have one gun shop that takes months to actually buy a gun. So, the cartels cannot actually get the guns

from themselves. They get them from the United States of America. They get the weapons of war, the assault weapons from American manufacturers, who then funnel them to the cartels, so they can control the fentanyl trade, they can control the border smuggling, and they can control and devastate communities both within their country and those trying to get into this country.

So, if we are really going to talk about border security and we are going to talk about the crime that those who are coming across, let's talk about the crime. The notion that comparisons of crimes committed by those who are here unlawfully and those who are here lawfully is bogus because it was all avoidable is the biggest bunk I have ever heard. Crime is crime. We got to be preventing crime of all sorts.

People have a right to escape persecution and gang violence and authoritarian governments from their own countries and come to this country to seek refuge in the United States of America, as we have been doing forever.

I will add for my colleagues, I come from New York City, in the last year, there have been more than 90,000 migrants who have come to New York City. I am not sitting here to cast blame as to how they got there. I am only pointing out that they are here. We are proudly, proudly sheltering them, feeding them, vaccinating them, helping them get on their feet so that they can pursue the American Dream, as so many of our ancestors did.

But do you want to know something? You talk about crime. There has not been a single violent arrest in New York City from any of those more than 90,000 people. Not one. So, you find me any other group of 90,000 people and no violent arrests, I challenge you. You can't do it. Because what they want is to come here and work.

What Mr. Bier has been talking about is that those migrants who are coming here to work benefit our economy. You know why they do? Because we have a work force shortage. We have businesses who are desperate for labor and they can't get labor. These people, if they were given the opportunity to work, would become part of our communities, would pay taxes, would boost the economy, would take jobs that Americans are not taking. All of that would help our economy.

But instead, we are here focusing on red herrings and completely tangential issues that don't get to the core of the problem.

I had a lot of questions to ask and obviously I have not, but I look forward to a second round because I get very frustrated when we are up here grandstanding and we are not actually working to address the real problems that we are facing.

Mr. Chairman, thank you for your indulgence, and I yield back.

Mr. HIGGINS. The gentleman yields.

I now recognize my colleague, Mr. Bishop, from North Carolina for 5 minutes.

Mr. BISHOP. Thank you, Mr. Chairman.

Sometimes I don't like the topic that has come up for a hearing, but today the hearing is about effects of an unsecure border. So, Mr. Bensman—well, let me start with you, Ms. Tambunga. I kind-of want to ask each of you—Mr. Bier—is it Bier? I think it is Bier, not Bier. I just want to get your name right.

Mr. BIER. It's Bier, yes.

Mr. BISHOP. You know, encapsulated—and we had some interaction one other time when you testified. You were a Democrat witness one other hearing and I think you have got a famous tweet from March 2022 says my position is that the whole concept of legality in immigration law is a joke. I think that, Mr. Bensman—

Mr. BIER. That's wildly out of context.

Mr. BISHOP. You mean read the rest of the tweet?

Mr. BIER. Sure.

Mr. BISHOP. But my point here is that your argument to Dems why Biden shouldn't try to do as many pro-immigrant things as possible makes no sense, there is no risk that this comes back to bite immigrants. That is the full tweet. I still think the lead sentence is an interesting one. I will come back to you if I have got time.

But the theme seems to be, at least for purposes of Mr. Pfluger's point, that we are talking about border security here as opposed to immigration policy, and it is hard to separate them a little bit, but, Mr. Bensman, you said a moment ago that some of the crime issues or the loss, for example, Ms. Tambunga has suffered, and Mr. Ramirez, your ranchers, that it shouldn't be because you have got a situation where it could have been prevented, the person shouldn't have been here in the first place.

Mr. Bier's thesis is that won't work. You can't stop it, you can't really stop illegals coming across. What do you say to that?

Mr. BENSMAN. Yes, you can stop illegals from coming across. We saw that happen with Title 42, we saw that happen with Remain in Mexico. There are—listen, I spend a lot of time south of the border interviewing thousands of immigrants. I have probably over the last 2 years interviewed thousands of them, and they are very rational smart people, they make decisions about whether to journey and cross the border or not based on our policies. They are smarter than most Americans because they have a self-interest on these policy questions. They're not coming because they're desperate. That's just a steady state. Wherever they are, you know, nobody wants to live in Haiti, but they're not going to come and actually spend the money on smuggling unless they know really to a high degree of probability that they're going to get in.

Mr. BISHOP. Mr. Ramirez, now how about that, is it futile to stop illegal immigration? Would there be things that could be done that would protect your ranches? In your opinion.

Mr. RAMIREZ. In my—I really don't know. I don't know if that could happen. I don't know if you could—I don't know if you could put a structure in place because the people that are coming through us are avoiding the structure that's already in place.

Mr. BISHOP. Mr. Johnson, who was here a week or so ago—we had another joint hearing Mr. Higgins and I did in our subcommittees, and he was a rancher talking a wall that was in progress, it was stopped right before it got to his property. He thought if there was a wall there—and we have heard Border Patrol folks tell us—I have—over and over again that walls can divert people into the place where—and maybe keep them off people's property. Is that something you think is true?

Mr. RAMIREZ. I cannot build a wall big enough around the property, be able to afford that, and it work.

Mr. BISHOP. No, no, not you build it, but the U.S. Government build it.

Mr. RAMIREZ. I don't know if that's the answer. I can't answer your question because I—there are plenty of professionals out there that are dealing with this and if—and I would say if someone within Border Patrol or another agency said this is what we need to do, I would trust their opinion.

Mr. BISHOP. Yes.

Mr. RAMIREZ. I'm here to discuss what we're dealing with because it's not controlled at the border.

Mr. BISHOP. Yes.

Ms. Tambunga, you most of all, what do you think about that? I mean Mr. Bier's proposition I think is that if we—the problem is that we try to restrain immigration, we should just let it all happen, or at least a lot more of it. Now, see if I can get—I am not going to have time to get to him probably, but what do you say to that? What is your opinion?

Ms. TAMBUNGA. I've never once said that I'm against this at all. I would much—I mean it's sixth generation. My family came here correctly, we came here to work. They did all of the legal steps they needed to. I have a friend right now who's waited 7 years to get his wife and he has to explain to his 3 kids why his wife can't come over here yet.

Mr. BISHOP. Yes.

Ms. TAMBUNGA. My problem is the problems that come with those that want to cause trouble. I wake up every day and I can tell you the silence gets louder every single day. It's not just for my family, but for our community.

I'll tell you that on the day of our burial for them, we got informed that there was another high-speed chase only 30 miles away from us again that had 12 illegal immigrants and ended in a car crash near Sonora. It's nonstop. When I say that this is not an if it's going to happen again problem, it's a when it's going to happen problem.

So I think that we need to have adequate funding and adequate training for our policemen. The night of our accident only one Trooper was covering the entire State of I-10. That's unacceptable.

Mr. BISHOP. Thank you, ma'am. I am sorry for your losses.

Mr. HIGGINS. The gentleman yields.

I recognize Mr. Thanedar for 5 minutes for questioning.

Mr. THANEDAR. Thank you, Chairman Higgins.

I am sitting here listening to the conversation in this room and I understand some people wouldn't look at this as a humanitarian problem, I understand some people don't look at this as helping those who are escaping poverty or political persecution, and the hardship that they are coming away from, they are purely looking at this from a business point of view, purely looking at this from an American economy. American businesses are hurting for skilled work force and we are turning away so many skilled employees that it is affecting our productivity. Our loss of our productivity as a result is close to \$1 trillion by some estimates. Because of this paranoia and anti-immigrant thinking, we are hurting our busi-

nesses, we are hurting health care, we are hurting work force for agriculture, work force for service employees. The same kind of thinking I experienced back in 1979 when I was 24 years old living in poverty in India and I wanted to come to this country to do better for myself and for my family. I was trying to access a legal pathway to come here on a student visa. The American embassy denied my student visa four times. At the fifth time I gave them the same papers they rejected my visa on and another counselor looked at it and approved those.

That is how I was able to come here, get my Ph.D. in chemistry, work as a chemist, innovate, get patents, then became a serial entrepreneur, created hundreds of job across America. Now I have the honor to be able to represent 750,000 Americans from my great district, to represent them and their interests and fight for them in the U.S. Congress.

Now, I was lucky, I was very lucky. But many others are not. We have, by some estimate, 9.8 million jobs available that are currently not filled by Americans or by immigrants. We have lost over \$1 trillion in productivity because of our broken immigration system and because of our unwillingness to fix the broken immigration system.

Now, interestingly, countries like Canada and Australia are taking advantage of our broken immigration system. Let me give you a fact. Canada established last July the first immigration program that hinges entirely on our system by offering 10,000 work permits to foreigners who are already in the United States on H-1B visas. These are highly skilled people. Many of them have bachelors, masters, Ph.D. degrees, advanced engineering degrees, that could make a huge difference to productivity, huge difference to American innovation, make a huge difference for us to compete with countries like China.

Now, this demand that Canada is taking advantage of, their policy change, they were able to give—within 48 hours all of these 10,000 work permits that Canada offered were taken up. America lost 10,000 talented individuals waiting for their green cards in the United States. These families frustrated with the long green card lines, long delays, in some case 10,000–15,000 delays.

So this is really the real problem, my colleagues. We are closing our doors to talented and skilled individuals that want to give their talent to this country, just like I tried to prove that almost 40 years ago. Four times I failed, but I persisted and I am here.

Unfortunately my time is up, so I will yield back, Mr. Chairman.

Thank you.

Mr. HIGGINS. The gentleman yields.

The gentleman from Texas, Mr. Gonzalez, is recognized for 5 minutes.

Mr. GONZALES. Thank you, Mr. Chairman.

Many people talk about the Southern Border. I represent it. I represent—there are 1,254 miles in Texas, I represent two-thirds of that.

Mr. Ramirez, I have been on your ranch. I almost didn't recognize you without your hat. I swear you would sleep with that thing. Thank you for being here today. We have seen it, we have had the discussion first-hand.

Ms. Tambunga, you look wonderful. It is great to see you up here. Mr. Tambunga, you look wonderful as well. Thank you for coming up here and sharing your story.

There is not one person in my district, and honestly throughout Texas, that doesn't have a story in some form or fashion that isn't connected in some form or fashion to a tragic situation, whether that is the high-speed chase that went through Ozona, whether that is a high-speed chase that went through Uvalde and wrecked a car that hurt the mother of one of my commissioners in Val Verde County, whether that is Ronny Dodson, who is a sheriff out in Brewster County that every week finds bodies in his jurisdiction, whether it is ranchers in Dryden, Texas that have had their water lines cut. I mean there is not one person, whether it is the schools in Uvalde—thankfully we are in break right now, but they were going into lockdown three times a week. So I find it very frustrating to how do we get attention to this issue. Seems as if the Federal Government, to include Congress—Congress has an equal role and is equally responsible—the President of the United States and Congress have abandoned my district, have abandoned the 23rd District of Texas. How do we fix that?

To me, all roads go back to the President of the United States. No matter how I skin it, no matter how you look at it, it is the President of the United States that is going to have to enforce the laws that are on the books.

But it is Congress' job to be the power of the purse and give them tools to do that and update these very ancient laws that no longer make sense.

But I am frustrated. What do we have to do, how many people have to die, how many people have to drown, how many ranchers have to lose their property, how many schools have to go into lockdown before some action takes place?

I am very offended because a year ago I hosted the President of the United States in my district, in Uvalde, and I pulled him aside and I said, Mr. President, now isn't the time or the place, but I would like to sit with you and talk to you about the border and some solutions on how we can fix this. The man looked me right in the eye and he said, absolutely, Tony. A year later the only discussion I have had is with a staffer, and round and round we go. It is unacceptable. I don't know what it is going to take in order to get the President of the United States to engage on this topic. I was against impeaching President Trump. I view impeachment as an in case of emergency, break glass, but are we at that point where this is an emergency? No. 1.

No. 2, is there something that Congress can do to move the ball forward? Even something small. Is there something Congress, not Republicans, not Democrats, can come together and do one thing in order to get this crisis under control?

Ms. Tambunga, you brought up a piece of legislation that we are working on, the Emi-Coke Act, which essentially creates an awareness. If there is a high-speed chase coming through town, you get notified on your phone to basically stay the hell away, get away. That may save lives. Are there some immigration things, are there some work visa options that can get us to a point? How do we enforce the laws that are already on the books, how do we prevent

bad actors from entering this country, but also how do we abide by the laws that we already have? I think that there is an opportunity there, but it is going to take some bold leadership and I think it is going to start in this committee and others like it. If we don't, round and round we go. We are going to find more bodies, there are going to be more innocent Americans hurt. It is just a very—it feels like we are at a dead end, but it is going to be Congress that solves that. That should scare the hell out of everybody. But if Congress doesn't solve it, how is anyone else going to solve it?

So thank you for coming here today, thank you for giving your testimony earlier. This is an important issue that won't go away because of folks like you.

Mr. Chairman, with that, I yield back.

Mr. HIGGINS. The gentleman yields.

The Chair recognizes the gentleman from California, Mr. Garcia, for 5 minutes of questioning.

Mr. GARCIA. Thank you very much, Mr. Chairman. I also want to thank all of our witnesses that are here today. Thank you for your testimony.

Certainly anyone that has been impacted personally and their family, or have had a loss, I just want to send my condolences as well. I think it is always hard to hear these stories.

But I want to just focus again that we are back to another hearing where the House Majority continues to claim that the border is somehow wide open, a myth that we have disproved time and time again through testimony by front-line officials here in front of this committee. The border is not open, it never has been. Certainly there are challenges and investments that need to be made, but we are also—I think—I believe the administration is trying their best and we can see with the numbers, particular over these last few months, that actually border crossings have dropped.

Now, I also want to note that Democrats, like those in the Majority, want a safe and secure border. We know we must crack down also on the smuggling of people. Ways to address this, of course, is also to look at asylum and legal pathways to enter the United States rather than relying on criminal traffickers.

I would also want to remind the people that are watching, the American public, that every Member of the Republican House Majority, they actually voted to eliminate the shelter and services program, which provides the most effective Federal support for border communities. Border communities actually need more support, not less. I think we are committed to increasing and improving Federal support through these programs.

But I want to actually focus on something. Mr. Bier, Republicans continue this narrative that it is apparently easy to immigrate to the United States, that anyone can access a legal pathway. So I want to turn to a chart which you actually submitted in your written testimony and how you actually describe how you can actually enter and actually go through the immigration process.

Mr. Bier, this looks not simple and quite complex. Can you briefly explain to the committee what I am actually looking at here?

Mr. BIER. Right. So this is a flow chart. You start at the time, you have to first get vaccinated and go through all the baseline requirements to immigrate. You can't be a serious criminal, you have

to go through the security checks. That's all very difficult. That's even before you get to the pathways that are available. The refugee program, you've got 100 million displaced people around the world.

Mr. GARCIA. Absolutely.

Mr. BIER. The United States took 25,000 of those. We have the families-based system. We have first the diversity lottery, that's 32 million applicants for 55,000 slots. Family-sponsored, we got 7 million people waiting in a backlog for U.S. citizens and legal aliens.

Mr. GARCIA. Mr. Biers, absolutely, and I think that this does not describe at all what my Republican colleagues describe as a system that is actually easy to navigate for folks coming into this country. Nor, I believe, and I would ask you, does this actually show a welcoming and humane immigration system at work?

Mr. BIER. Absolutely not.

Mr. GARCIA. Mr. Bier, do you think this is a process that is easy and straightforward to navigate? Because it surely doesn't look that way to me.

Mr. BIER. Oh, it's incredibly difficult.

Mr. GARCIA. Are these current pathways, as we have them here up on this factually accurate description of how our immigration system works, do think this is functioning properly?

Mr. BIER. Absolutely not. It's breaking down at every single stage.

Mr. GARCIA. I wanted to clarify, and you mentioned some of this, in our refugee program, for example, we admit 25,000 out of a global refugee population of 100 million. That is less than 1 percent, in fact .01 percent. In fact we would be the 57th as far as accepting refugees in the world, as some of the House Majority appear to believe, but we would actually be the 57th in the world at accepting refugees. Employer-sponsored green cards have a backlog of over 1.4 million and it is virtually impossible to obtain those without very high wage offers. We have a labor shortage in this country, something that was not being addressed. The diversity green card lottery offers entrance, just a .2 percent chance of receiving a green card. So this is a very complex system that we currently have.

I want to just maybe turn to a simpler chart that maybe more folks can understand. Mr. Bier, now my colleagues on the other side continue to demonize and scapegoat immigrants, but am I correct that immigrants are actually far less likely to commit crimes than the native-born American population that is chart clearly shows?

Mr. BIER. That's right. In fact, this data comes from the Census Bureau. You know, this isn't collected by the Cato Institute. It's backed up by a lot of other research besides just the measurements here, which who's incarcerated in the United States—

Mr. GARCIA. Thank you. I want to just be clear, we have of course legal immigrants here, we have undocumented immigrants, illegal immigrants, as it is listed at least on this chart, and the native-born Americans, which clearly shows that actually the most crime that is committed in the United States is not from illegal immigrants, it is not from undocumented immigrants, it is actually from native-born Americans.

Now, Mr. Bier, I know that my colleagues continue spread propaganda about chaos at the border. Isn't it also true that border com-

munities are actually safer than other communities? Isn't that also factually correct?

Mr. BIER. That's right. They have a lower crime rate.

Mr. GARCIA. The FBI crime data also shows this as well, isn't that correct?

Mr. BIER. That's right.

Mr. GARCIA. So thank you. I just wanted to close, I came the United States as a young child, immigrated here to the United States. I love this country. It is the best country on earth. I hope we are able to build a country that welcomes other young people like myself who can actually contribute, give back, become a teacher, and one day serve in Congress.

With that, I yield back.

Thank you.

Mr. HIGGINS. The gentleman yields.

The Chair recognizes the gentleman from Texas, Mr. Luttrell.

Mr. LUTTRELL. Mr. Ramirez, you live on the border, correct?

Mr. RAMIREZ. About 40 miles from the border, yes, sir.

Mr. LUTTRELL. You said earlier in your statement that you and your family are in fear for your lives? You have to look over your shoulder when you are sitting in your back yard?

Mr. RAMIREZ. We fear for the dangerous situation that we're in because there are many, many people present on the ranch at any given time and we don't know if they're friendly or not.

Mr. LUTTRELL. Can you shed a light on—I will let you guys do the talking—can you shed a light for me on what the towns themselves, the infrastructure, is that being scuttled because of the mass immigration, illegal immigration, that is coming across the border? For instance, like the restaurants, the grocery stores, the first responders, the ability of the hospitals. Can you shed some light on that for us?

Mr. RAMIREZ. Well, I live in the middle of nowhere, I don't live in town. They are going through us to get here, or another city in between. What's going on there, I can't speak to.

Mr. LUTTRELL. Mr. Bensman, the statistics that you threw out in your statement, that is my district, and I share that district with Mr. Babin. In the past 2 years—I just got done talking with my Sheriff in San Jacinto County—the past 2 years there have been 2 shootings, 2 mass shooting with the AR platforms that are in discussion, both of which were with illegal immigrants. That is it. In San Jacinto County, I would venture to say, over 85 percent of the people have that type of weapon system in their home or in their truck. That lends itself to we raise our kids right.

Can you elaborate please on what you saw in Liberty County as far as the school districts go again for me?

Mr. BENSMAN. I'm sorry, in which county?

Mr. LUTTRELL. Liberty County.

Mr. BENSMAN. Liberty? Well, yes, I mean it's overcrowded, it's struggling with an unanticipated onslaught of people moving in, foreign nationals who don't speak the language. They tell me many of them are not legally present. The community there has been described as the largest community of illegal immigrants in the United—

Mr. LUTTRELL. Seventy-five thousand—

Mr. BENSMAN. Yes.

Mr. LUTTRELL [continuing]. Right in my district. I feel it, I feel the pressure. Ten thousand children make up a school district. We went from 3,000 to 20,000.

Mr. BENSMAN. Yes.

Mr. LUTTRELL. San Jacinto, Polk, Liberty Counties are some of the poorest not only in the State, but in the country. It is unsustainable. We know that this is a problem, but the administration is doing nothing to course correct this issue.

Ms. Tambunga, it is great to see you again. I am sorry this is our second time and I hate that it is in this chamber.

Mr. Bier, you said that immigration is the antidote to crime. Can you elaborate on that for me?

Mr. BIER. Well, it's the antidote to the recent rise in crime that started in 2020. We've seen that immigrant communities are less likely to commit crimes than other communities—

Mr. LUTTRELL. Immigrants that come through the process correctly?

Mr. BIER [continuing]. And they revitalize dying communities, which prevents crime.

Mr. LUTTRELL. Immigrants that come through the ports of entry properly?

Mr. BIER. Both.

Mr. LUTTRELL. Both?

Mr. BIER. Both.

Mr. LUTTRELL. So if immigration is the antidote to crime, what is illegal immigrants in our country?

Mr. BIER. What are they? They're people without legal status in the United States.

Mr. LUTTRELL. Given the numbers that we see in the crime rate—are you aware of the sex trafficking number in the United States and what that looks like with women and children?

Mr. BIER. The number?

Mr. LUTTRELL. Yes, the number. You don't know that statistic?

Mr. BIER. Not off the top of my head, no.

Mr. LUTTRELL. From what I understand it is—the number of men, women, and children being trafficked is more than any time in history. Are you aware of that? Right now, here in the United States. Are you aware of that? Do you think that is coming through a secure border?

Mr. BIER. No, it's not.

Mr. LUTTRELL. I don't think so either.

Mr. Chair, I yield back.

Mr. BIER. I want a secure border. I want it very secure.

Mr. LUTTRELL. And we do too.

Mr. BIER. I want people to come in legally.

Mr. LUTTRELL. In your opinion, do you think the border is secure?

Mr. BIER. I want them to come in legally.

Mr. LUTTRELL. In your opinion, do you think the border is secure?

Mr. BIER. Absolutely not. I want people to come in legally so we can free up Border Patrol to go after people who are serious criminals and threats.

Mr. LUTTRELL. Glad to hear you say that, sir. Thank you. I yield back, sir.

Mr. HIGGINS. The gentleman yields.

Mrs. Ramirez is recognized for 5 minutes for questioning.

Mrs. RAMIREZ of Illinois. Thank you, Chairman Higgins.

As we conclude our last border subcommittee hearing before the August recess, it has been about 8 months, 8 months and every single week in subcommittee or full committee, regardless of the committee I am on, it is always about the border. The border, the border, the border. It is beyond evident that the Republican Majority has spent more time spreading dangerous misrepresentations of the reality at the border, which I agree, is not secure.

It is not secure for the immigrants that are trying to cross and risking their lives because their circumstances in their small towns, like Chiquimula or Concepcion Las Minas, or wherever that is, it is so, so bad they are willing to risk their lives. It is not secure for them and it certainly isn't secure for all of us because we don't have a pathway. There isn't a pathway. I mean you just saw Congressman Garcia just show us the process. I am sure you got a headache. I got a headache because I have a lot of family who has tried to navigate that process and have been denied, denied, denied, denied, denied. This here, I am going to be honest, as a Latina here, as a daughter of immigrants, as the only one whose mother crossed the border pregnant with her, feels unsafe for me. It feels like dehumanizing and criminalizing of black and brown asylum seekers at the Southern Border.

As a committee and as a Congress the actual work for us should be we want a legal pathway to immigration, so let's work on it in bipartisanship. When you want to do that, I am happy to work with you to do that. Because I don't think anyone wants to be sex-trafficked, I don't think anyone wants to die in the Rio Grande, and I certainly know that no one wants to die from dehydration as they are trying to cross Texas, Arizona, or California.

Mr. Bensman, you told Fox News, Laura Ingraham, that the United States should not provide asylum to Ukrainians freeing Russia's brutal war because "they are doing great for a group of war refugees". You alleged in the *New York Post* that Venezuelan migrants seeking asylum in the United States are engaging in "a massive fraud against the United States" because among other things, they, and I quote, "head for border crossings wearing the latest fashions, often sporting name brand labels". You have even gone as far as to describe asylum, which has helped some of the most persecuted and vulnerable humans find shelter in American democracy as a failed system.

Mr. Bensman, can you enlighten us of who, if not Ukrainians escaping a war of aggression, if not Venezuelans and Syrians escaping murderous dictators, if not Haitians escaping mass violence, who do you think should be allowed to seek asylum in the United States?

Mr. BENSMAN. Regarding the Ukrainians—

Mrs. RAMIREZ of Illinois. No, I am asking you, who do you think should be allowed to seek asylum in the United States?

Mr. BENSMAN. Let me just respond to that first, because Ukrainians had offers, standing offers from 27 of the best countries in the

world to live for 3 years, every EU country. They did not need to be coming to our Southern Border. My point was that our Southern Border was in such terrible—

Mrs. RAMIREZ of Illinois. Sorry, I am reclaiming my time. I need to make sure that I clarify my question.

What I want to know, who do you believe, what country, what group of people, what do they look like, who are the people that you believe should be able to seek asylum in the United States? That is what I want to know.

Mr. BENSMAN. Well, I think a lot of people do seek asylum in the United States when they fly in, when they have visas, when they—

Mrs. RAMIREZ of Illinois. I am going to reclaim my time.

Mr. BENSMAN. When they—

Mrs. RAMIREZ of Illinois. Thank you. I am going to reclaim my time. You are not telling me who.

So I want you to look at this image here. I want you to all look at it. These are—

Mr. BENSMAN. Politically persecuted—

Mrs. RAMIREZ of Illinois. Excuse me, sir. I reclaim my time. Thank you.

So these are 56 people who just became citizens in my district about 2 months ago. Look at their face, look at their pride. Some of them, it took them 35 years to finally become a U.S. citizen. Many of them, 90 percent of them, had to enter this country undocumented because they had no choice. Yet they spent 30–35 years working toward immigration reform for them because their child turned 18 or because a family member sponsored them. They are proud Americans. They are not rapists, they are not sex mules, they are not human traffickers, they are everyday people, who are social workers and mentors, teachers. I need us as we go into August recess, to look within ourselves and ask ourselves, if you actually care about the border, let's work on creating a pathway to legal migration to this country.

I am also anxious to work with all of us for immigration reform.

With that, I yield back.

Mr. HIGGINS. The gentlewoman yields.

The Chair recognizes the gentleman from Arizona, Mr. Crane, for 5 minutes of questioning.

Mr. CRANE. Thank you, Mr. Chairman. Thank you to everybody who came to testify before this committee today.

Wow. No wonder we are in this spot. If you all don't get it, you all just get a chance to go watch this entire hearing for all of you Americans out there that are wondering why we have this just complete invasion at our Southern Border. This hearing will give you a really good idea of why.

You know, the amount of gaslighting and misdirection that I have heard in this chamber today could choke the average American with complete frustration. It is really not chaotic, it is really not a big problem, the numbers are down, we have seen the slides, we have seen the graphs and the charts of that. It is really our Second Amendment that is causing this problem, the right that we have to keep and bear arms. That is really the problem.

The other problem is obviously walls are hurting people, walls don't work, they are archaic, people are falling off them, getting hurt. It is just unbelievable to me.

You know, it is sad, Mr. Bensman, because I have been following you for a while and I know that is a big issue to you. You have been following it for a long time, haven't you, sir?

You know, I listen to my colleagues and, you know, it is interesting because I never hear them talk about the genesis of this whole thing.

Mr. Bensman, did you hear President Biden during his campaign talk about—did you hear some of the quotes that he said about people coming to this country and basically telling people, hey, if you want to come here and you are fleeing oppression, you can come? Did you hear that?

Mr. BENSMAN. From all 15 candidates for the Democratic primary, they were kind-of trying to outdo each other on policy, who could open the door the widest, who could let the most in. Believe me, they heard it.

Mr. CRANE. Yes, just for clarification, those quotes, Democratic debate on September 12 of 2019, we are a Nation who says if you want to flee and you are fleeing oppression, you should come, Democratic debate, June 27 of 2019, and those who come seeking asylum, we should immediately have the capacity to absorb them—even though we don't—keep them safe until they can be heard.

Mr. Bensman, what did you think was going to happen when you heard the possible President of the United States saying those things?

Mr. BENSMAN. Well, I was in Southern Mexico during some of those debates and I interviewed—very surprised to find many, many immigrants heading to the Northern Border, which was closed under Trump policies, to wait for the day a Democrat won and Trump lost. I have lots of interviews with people in February, March 2020, months before the election, they started moving just on those campaign promises.

Mr. CRANE. Mr. Ramirez, you were probably out tending to your cattle or showing some hunter around your ranch, but did you happen to hear those comments from candidate Biden at the time?

Mr. RAMIREZ. Yes, sir.

Mr. CRANE. Did you think your life was about to get a little bit more difficult?

Mr. RAMIREZ. I didn't know it was going to happen in the volume that it did.

Mr. CRANE. What do you think when you sit in this chamber and you hear my colleagues on the other side who don't ascribe any credit to those words and what a Presidential candidate was saying?

Mr. RAMIREZ. I don't know what I'd say. What I'm here to say is that ranchers, people that try to feed this country, are being impacted in a very serious way and we are being impacted because we are not securing the border.

Mr. CRANE. Ms. Tambunga—did I pronounce that correctly?

Ms. TAMBUNGA. Yes. Tambunga.

Mr. CRANE. Tambunga. Thank you for coming here today and I am very sorry for your loss.

Ms. TAMBUNGA. Thank you.

Mr. CRANE. I did hear you say that our Government has let you down. Is that correct, ma'am?

Ms. TAMBUNGA. That's correct.

Mr. CRANE. Can you expand on that a little bit? How has this Government let you down?

Ms. TAMBUNGA. Failing to see the problem. I'm going to say something and I'm going to say this one thing to every person up there right now. I have been in this room twice now and it is offensive as an American citizen, as a person of the people, to see you up here constantly bickering, going back and forth. I have given you a problem. What happened to my family is a problem, what is happening to Mr. Ramirez is a problem. I feel like—now I'm a mother here without a child to scold, but here I am scolding you because I'm disappointed in your work, your lack of efforts to work together. Here is the problem we're presenting, fix it. Put your egos and your pride aside and fix it.

Mr. CRANE. Thank you.

I yield back.

Mr. HIGGINS. The gentleman yields.

The gentlewoman from Georgia—I apologize, the gentlewoman from Texas, Ms. Jackson Lee, is recognized.

Ms. JACKSON LEE. Let me thank the Chairman and Chairman and Ranking and Ranking for their leadership on a very important issue.

I was delayed because I was in a number of hearings, including Judiciary and on the floor with Military Construction and in the Rules committee. But I wanted to be here because I think it is important to find really the root of our dissension and emphasize that I think we should be beyond that because I have every confidence that Democrats are concerned about America, that they have been instrumental in writing some of the most effective immigration reform legislation that protects people at the border. I am from Texas and have been to the border, do not live on the border, been to the border on many different aspects of trying to protect it, from being on the lines where the fences were being drawn and various institutions rejecting have the fence there, to the surge of unaccompanied children out of desperation, to parents and children being separated from each other. I diminish no witness on this panel. Every one deserves to be heard.

But I would like to say, since this is dealing with the question of terrorism and as well the Border Security Committee, having served on both of them, I just want to emphasize in particular that let's deal with facts, let's deal with facts and the level, if you will, of terrorism that has come across the Southern Border. Yes, our very fine personnel have been able to detect those and they should be commended for that. That is not the normal population that comes across.

In addition, we have found that the people who are dying—excuse my voice—are like us, they are mothers, fathers, children. It seems that a country this big can find a way to deal with comprehensive immigration reform where there is a pathway for people to come so that terrorists and criminals cannot come.

This era in the world is the largest migration of people all over the world. I believe that we have given a mountain of resources to Customs and Border Patrol, Customs and Border Protection. I believe they have done a sizable job on fentanyl, but it keeps coming. I think we have to do things about use, diction, and I also think we have to maintain a certain dignity. So actions by the Lone Star effort that our State has implemented require restraints. Taking human beings and dumping them in the midst of freeze in front of the Vice President's home I think is unacceptable.

Mr. Ramirez and Ms.—I want to—is it Tambunga?

Ms. TAMBUNGA. Tambunga.

Ms. JACKSON LEE. I am going to get my staff to brief me, because I don't want to delay it, on your circumstances. But at the same time, I have to put on the record that that kind of behavior doesn't solve the problem. The behavior of razor fence and buoys does not answer your concern. But it does cause, as not by my words, by a duly-hired trooper, water not being given, as well as women having miscarriages, as well as a little boy's leg being broken.

So my commitment on this committee, Mr. Chairman, as I reach a close, is to always fight terrorism. I have been on this committee since the creation of it in the aftermath of 9/11. Don't want to give a lot of history, but I was here in this Capitol when that heinous act occurred. I have no qualms about fighting terrorism. At the same time, I have been at every cutting-edge reform bill that we have tried to pass to give you relief and to also separate out, as they say, the weeds from the flowers.

We don't need to coddle criminals, we don't need to in essence block businesses, we don't need to have blockades by our State government either and backing up just about a year ago. What we need is a concrete look to how we take out from the country those who will do us harm, terrorist and others who may have come to perpetrate crimes, and certainly that includes the cartels, but I don't think we get anywhere by suggesting that every door must be closed to people who are fleeing and who represent what we have seen over the years of people fleeing persecution, prosecution to come to this country and ultimately having children that will contribute great things to this Nation.

Thank you, Mr. Chairman, for the indulgence that you have given me. I won't ask any questions because I know we are at the end and I will be happy to yield back.

Thank you so very much.

Mr. HIGGINS. The gentlewoman yields.

The gentlewoman from Georgia, Ms. Greene, is recognized for 5 minutes.

Ms. GREENE. Thank you so much, Mr. Chairman.

I would like to take just a minute to point out that our colleague on our committee talked about how there needs to be a pathway for citizenship while also showing a picture of all the people that just became citizens in her district. Clearly, there is a legal path for citizenship, and there has been for a very long time, in the United States of America. The problem is that our policies and our laws are being completely abused. In the current administration we have a policy of open borders that is causing unbelievable crime.

Over 300 Americans killed every single day, as well as American citizens because of illegal crimes.

Ms. Tambunga, I want to acknowledge what you said. You said something very powerful. You are tired of the bickering and you want us to fix it. I want to acknowledge your words. As one mother to another, I completely agree with you. I also want to express my deepest sympathies for your loss. What was your daughter's name?

Ms. TAMBUNGA. Emilia Brooke.

Ms. GREENE. Emilia. And she was 7 years old?

Ms. TAMBUNGA. She's 7 years old.

Ms. GREENE. Seven years old. You lost your mother as well in this accident. My understanding from your testimony is that your mother and your beautiful little angel were killed in a human trafficking—basically illegal operation.

Ms. TAMBUNGA. Correct.

Ms. GREENE. Is that correct? I am very sorry. Do you believe that your mother and your daughter would be alive today if we had secure borders?

Ms. TAMBUNGA. I do believe that. Let me note that this could happen to anyone and this literally happened when they were 2 minutes away from home. One stop light away from my house.

To go on, Ms. Lee, you said we'll speak about facts. The fact is that my daughter and my mother are 6 feet under. The fact is that when I want to sing my daughter her special bedtime song, I have to go to the cemetery. The fact is that a few years ago two doors down from my dad's house, two Honduran immigrants shot, executed, a Ozona citizen in his own home. That's a fact. That's a fact I urge you to look into as well, because this isn't just one incident, this is multiple incidents over a long period of time now.

Another fact is that only one trooper was able to get to us, one trooper working a whole stretch of I10. People from Eastland, policemen from Eastland are supposed to be helping. Eastland is hours away. The fact is, we don't have adequate training and we don't have adequate funding for our policemen either.

Those are the facts that I'd like you to focus on.

Ms. GREENE. Thank you, Ms. Tambunga. You are right, we should focus on those facts.

Are you a U.S. taxpayer, correct?

Ms. TAMBUNGA. I sure am, since I was 16 years old.

Ms. GREENE. So your hard-earned tax dollars, that you have worked for your entire life and paid to the Federal Government, do you feel that your tax dollars, as well as American citizen tax dollars, should go for the safety, protection, and defense of not only our U.S. border, but your family, your mother and your daughter, they have should protect them as well? Is that correct?

Ms. TAMBUNGA. Absolutely. To add to the fact, speaking for my father, he served 13 years on the Marine Corps and this is how he's repaid. Think of that too.

Ms. GREENE. I thank your father. We thank you father for his service to our country.

So your father defended the United States of America's national security interest and now your mother and your 7-year-old daughter, as you stated, are 6 feet under.

Ms. TAMBUNGA. Right.

Ms. GREENE. Because of the failures of the Federal Government in protecting your family, protecting your father's family. I am so sorry. That is an unspeakable failure. This is something that you should never have endured. You shouldn't suffer this every single day, as I am sure you do. This isn't anything your father should suffer every single day. It is a failure of the Federal Government, it is a failure of the administration. It shouldn't matter what political party it is, the job of the Federal Government is to use your hard-earned tax dollars, as you say that you have been earning and paying since you were 16, should be completely for the defense of our Nation and the protection of its citizens.

Ms. TAMBUNGA. Yes.

Ms. GREENE. Thank you, Ms. Tambunga. I appreciate you being here today. Thank you for your time. Again, I am very sorry for your tragic loss.

I yield back, Mr. Chairman.

Mr. HIGGINS. The gentlewoman yields.

The gentleman from Oklahoma, Mr. Brecheen, is recognized.

Mr. BREECHEN. Thank you, Mr. Chairman.

Just last week at the Aspen Security Forum the Secretary of Homeland Security, Mayorkas, referred to the inflow of illegal immigrants into our country, he referred to them as non-citizens. If you think about that, it really says a lot as to where this administration is. You know, to think what would happen if he was more concerned with solving this problem than being politically correct.

Mr. Ramirez, you are a representative of 26,000 different cattlemen, cattle producers—

Mr. RAMIREZ. That is correct.

Mr. BREECHEN [continuing]. In Texas. I know Representative Pfluger, myself, others on this panel, grew up ranching. How has this impacted your ability for your family to feel safe and secure on your place, on your property?

Mr. RAMIREZ. Well, we live with a constant presence on the ranch. It is constant. The ranch that we live on now is about 20 miles from north to south and on any given day you could travel around the ranch and any road going from west to east has tracks on it, every day. Trash everywhere, litter everywhere. We just never know who's coming through that's friendly or not. So it is a constant danger that we feel.

You know, my daughters—I have two daughters, 8 and 10 years old, and they live on one of the most beautiful ranches in Texas and they should be able to, as I did when I grew up, go down to the barn and feed their horses alone, you know, doing some of these things that instills trustworthiness and work ethic in our children, and the environment that we live in does not lend itself because of the safety factor to allow them to do these things on their own.

Mr. BREECHEN. Yes. We have hundreds of those on the terrorist watch list that have been apprehended at the border in the last couple of years, it kind-of sends a signal, is my daughter safe patrolling the ranch on her own?

Mr. BENSMAN, you have been speaking extensively about your time, seeing from both sides of the border. A unique opportunity to kind-of look at that. I want you have an opportunity to just kind-

of talk about just the things that you have seen that are just astounding to you that maybe you have not a chance thus far in this hearing to talk about. Whether it is the cartel, the enrichment of the cartel, whether it is the human trafficking element.

Mr. BENSMAN. Honestly, in all the years that I've been covering the border or spent my time down there on both sides, I just have never seen the volumes, the numbers, just the thousands and thousand of people just pouring over like a D-Day invasion, landing five boats at a time, and then they turn back and they get more and they're just—that I think is what stunned me. Honestly, you know, when I talk to Border Patrol guys and women down there who are working it too for years and years, none of them had ever seen anything like it too. It's not propaganda, it's videotaped.

Also I would point out that on the issue of asylum, you know, I've interviewed—you have to be politically persecuted to claim asylum on one of five grounds. I won't get into all of that, but I have grocery bags of abandoned ID cards, abandoned in Mexico, and passports because those ruin your credible fear interview. If you have those, they tell our guys where you've been for the last 5 or 10 years, not in the country you are saying you're from. There is mass fraud in the asylum system. All of the immigrants that I interview, I would say almost all of them say they're coming to work. That is not a ground for asylum.

Mr. BRECHEN. You know, it was mentioned earlier in this committee, a Member said look, if you look at the 90,000 people that have come into New York, their attest was that you won't find any violent crime. It is interesting enough you can just Google it quickly, you can find that two New York City men who attempted to intervene when migrants outside a shelter starting throwing objects at people on a sidewalk in Harlem, the New York City Police Department said the officers responded to reports of an assault. Central Park, Madison Avenue, just, you know, contradicting this narrative that we are talking about bringing people in that are—you know, you would think that if you are breaking the law to get here and you have got 200 people on the terrorist watch list, and it is not just people coming directly from Mexico, almost representative of almost all nations, we might have some bad actors.

So just one last question here. Mr. Bensman, what national security interest do you fear? What keeps you up at night, given what you have seen?

Mr. BENSMAN. You know, I look at this as a massive stranger danger issue. The majority of people that are crossing that border, whether they're runners and gotaways or just giving up, we have no idea who they really are. We don't know whether they're war criminals. I've met probably immigrants from every single country on the continent of Africa, interviewed them. I can't think of one that I haven't met. I met my first Dagestanis about a month ago down there, my first—my hotel in Matamoros was filled with Kyrgyzstanis. They're coming from the entire planet and we don't have the ability to ask for an intel share or a criminal database check from like any of these places.

Somebody said, well, you know, everybody's vetted, yes, we've done checks—I'm hearing snapping. But point being that the vast majority of people that I see crossing in, giving up, and running,

are complete strangers to us. We have no idea what they did in their home country.

Mr. HIGGINS. The gentleman yields.

The Ranking Member has—

Mr. CORREA. Yes, Mr. Chairman. I wanted to ask unanimous consent to insert into the record articles from Undocumented Migration Project and Colibri and from Human Rights Watch that detail migrant deaths at the border.

Mr. HIGGINS. Without objection.

[The information follows:]

STATEMENT OF UMP & COLIBRÍ

The Undocumented Migration Project and Colibri is a 501(c)3 organization located in Tucson, Arizona with the mission to promote healing and change by working with families of disappeared migrants to identify and honor those who have lost their lives on the U.S.-Mexico border.

Since 2010, Colibri has identified 340 migrants who have lost their lives on the US-Mexico border, collected 1,890 Family reference samples, and has 3,798 missing persons reports taken to date. There are currently 1,334 UBC (unidentified border crossers) at the Pima County Office of the Medical Examiner.

UMP and Colibri bear witness to this unjust loss of life, accompanying families in their search and holding space for families to build community, share stories, and raise awareness about the consequences of border militarization. Through the Missing Migrant Project and DNA Program, Colibri works with medical examiners to compare information families provide about the missing as well as DNA samples with unidentified remains recovered along the border in the hopes of giving families the answers they so deserve.

Beyond forensic justice work, Colibri and impacted families build community and advocate for change through the Family Network, a network of mutual support and solidarity among families and friends of missing migrants across the Americas. The Family Network includes the oral history project *Historias y Recuerdos* offered to families to share their testimony of living through the grief of having a missing person, and as a way of honoring their loved one through storytelling.

Colibri and families of the disappeared—along with medical examiners and other human rights organizations—refuse to let these lives be forgotten. Overcoming enormous challenges to identify the dead, together we search for answers, demand justice, and reunite families with their loved ones—important, unique, and irreplaceable human beings. Here is one of these testimonies honoring the life of Rosita told by her family.

“How is it possible that I have come to see her for the last time, and she is nothing but bones, when I have waited for her with so much love?” Rosa asked when the body of her niece, Rosita, was finally found.

Rosita was like a daughter to Rosa. They shared a name: Rosita is Rosa in its diminutive form.

The 19-year-old grew up in Tabasco, a state in the south of Mexico, in a little coastal town a couple of hours outside Villahermosa, the state’s capitol. She came from a large family that loved her very much—she was her mother’s most precious treasure, her aunts Rosa and Lili said.

But in their little town, where her father worked as a fisherman and her mother sold tamales and tortillas in the street, there are not many opportunities for young people. The year before she left—the year the pandemic started—Rosita had been working in Cancun. After a bad breakup that left her heartbroken, she came home to live with her parents. Her family wanted her to finish high school; she only had one semester left.

But Rosita soon saw how sick her parents had become.

“Mama, I’m going to help you because you’re sick,” Rosita said. “I’m going to stay here with you and help you with your work.”

Her parents both suffered from chronic illnesses.

Rosita wanted to join her aunts Rosa and Lili in the United States to work and send money to her parents to cover their medical expenses and to save their lives. Her aunts are both legal permanent residents.

In April 2021, Rosita decided to come, along with a neighbor and a cousin of hers who was going to live with her boyfriend in the United States and who didn’t want to make the journey alone. They agreed to pay a coyote \$7,500 USD to guide them.

"I would like people to know that if Rosita risked her life, it was for her parents," Lili said. "To help them get well."

On June 11, 2021, Rosita crossed the border in South Texas with a group of people, including a cousin. When the group arrived in Odessa, Texas, on June 14, Rosita was not with them.

"It's just that she couldn't stand walking anymore and so she stayed," Rosita's cousin said. "She said that she was going to turn herself in to immigration."

The aunts started calling Border Patrol all the time, providing the approximate location for where their niece was last seen and asking if they would go to find her. When Border Patrol answered, they would say that they would look later or that they had already looked.

Dozens of calls and visits to the Mexican consulate would also prove fruitless. It would take a local sheriff going above and beyond to track down her remains.

"Here in Texas, no one is going to help, ma'am," Rosa remembers Culberson County Sheriff Oscar Carrillo said. "The authorities, that Border Patrol told you they were going to look for her, that is a lie. They don't do it. That body, just look, that body was found because a rancher alerted us that the body was there. When did they go to pick it up? Not until they got around to feeling like it."

It's not the first time Sheriff Carrillo has found himself fact-checking Border Patrol. When two agents fell into a culvert, killing one and injuring another, Carrillo was one of the first law enforcement officials on the scene. He saw their injuries were consistent with a fall—all on one side of the body and not all over, as one would see in an assault—but the politically powerful Border Patrol union claimed the agents had been attacked by a group of migrants. That false narrative was then echoed by Texas Governor Greg Abbott and former President Trump, who the union had endorsed. An FBI investigation later confirmed Carrillo's statements.

Lili and Rosa believe that had Border Patrol looked, agents may have found their niece alive.

While Sheriff Carrillo searched, so did the aunts, twice traveling 10 hours to Odessa, Texas, based on false reports that their niece had been spotted, only to come back bitterly empty-handed. They called or visited the Mexican consulate every day. They posted on Facebook and other social media. And they tried to call various other overstretched organizations performing search and rescue at the border.

Various people tried to take advantage of their situation, on 8 separate occasions claiming they had kidnapped Rosita and demanding a ransom. They would send doctored photographs using Rosita's face from the missing person posts on Facebook.

Sheriff Carrillo spoke to the aunts, as well as to the neighbor who had traveled with Rosita to find the exact location where she'd stayed behind. He confirmed the location by sending photos to the neighbor.

But it seemed that Rosita's body had already been picked up by another sheriff of nearby Jeff County after a rancher called to say he'd found human remains on his property.

The Jeff County sheriff sent photos of Rosita's possessions to try to confirm her identity.

"What was your niece like?" Sheriff Carrillo asked.

"[She was] just plump. Her hair was long, curly. She had a mole on her nose," Rosa said. "She had a chain necklace with the Virgin of Guadalupe."

"OK," he said, "I'll confirm."

"He communicated with me daily," Rosa said. "Even if I didn't talk to him, he talked to me. That sheriff was an angel looking for Rosita."

The sheriff discovered that Jeff County officials had indeed picked up Rosita's remains, but that they'd taken them to Operation ID at Texas State University since they had no room in their own freezers.

The family would have to perform a DNA test, which meant the aunts would have to tell their sister, Rosita's mother. Up to that point, they had tried to protect her from the knowledge of her daughter's death until they were sure. They asked if the DNA could come from them instead, but they were told the sample needed to come from a parent.

"There can be no doubt, Rosi," the Sheriff Carrillo said. "She's your niece."

Rosa coordinated with the Colibrí Center for Human Rights to travel to Tabasco with a test kit to collect DNA from her sister, Rosita's mother. Their DNA was a match.

Lili and Rosa went to San Marcos, Texas, to see Rosita's remains.

The coroner welcomed them warmly and explained that they had done everything in their power to respect and care for the remains of their niece. Then they were allowed in to see her. She gave the aunts all the belongings that Rosita had with her when her body was discovered.

“The only thing I can tell you is that my niece is fine,” Lili said. “Wherever God has her, she is good. Because even though she has experienced something very difficult, when I entered there I felt that peace, that tranquility that she could transmit to me: ‘I am fine where I am.’”

After what felt to them like a drawn-out process with the Mexican consulate, Rosita’s remains were cremated, and her aunts traveled to Tabasco to deliver the ashes to Rosita’s mother and father.

“We should be thankful,” the coroner said, “There are people with bodies that have been here for up to 20 years without anyone to claim them. I am really happy you did everything to find your niece.”

“I would have liked to find her sooner,” Rosa said.

Now, all the family have are memories, photos, and an altar in the house where Rosita grew up. They think about her when they eat her favorite dish: Horneado Tabasqueño, a saucy baked chicken dish made with spices like anis, cumin, and cinnamon, as well as chiles, onions, potatoes, orange juice, and cola, and accompanied by rice.

Her little brother pours her a cup of Coca-cola at mealtime and leaves it at the altar, along with her favorite bread. They remember her sweet and ever-present smile.

STATEMENT OF ARI SAWYER, U.S. BORDER RESEARCHER, HUMAN RIGHTS WATCH

JULY 26, 2023

Dear Chairs, Ranking Members, and distinguished Members of the subcommittees, thank you for convening this joint hearing on an extremely consequential matter that, if effectively addressed, will have a major impact on the lives of citizens and non-citizens alike living in U.S.-Mexico border communities.

THE TRUE COST OF BORDER DETERRENCE

Human Rights Watch would like to first express our condolences to the Tambunga family for their loss. The U.S. Government should do everything possible to prevent unnecessary and tragic deaths.

In fact, communities at the border and throughout the United States have been witness to an alarming increase in deaths and abuses, and we hope that we can find common ground to prevent them from continuing.

Harsh border deterrence policies—the criminalization of migration, closing off of legal pathways, attacks on the U.S. asylum system, and violent policies and infrastructure—have driven the smuggling market. Over the last 30 years, these deterrence policies have been behind the true cost to both people in the United States and families all over the Americas: thousands of dead and thousands more disappeared, countless injuries, kidnappings, extortion, rape, other violence, and many thousands of families who have been ripped apart forever.

A policy called “Prevention through Deterrence,” officially implemented by the administration of former President Bill Clinton in 1994, explicitly sought to deter irregular border crossing by “disrupt[ing] . . . traditional entry and smuggling routes” so migrants would be “forced over” more “hostile terrain” far away from populated areas where those at risk of death by exposure to harsh elements might be able to seek help.¹ Immediately, the number of border deaths nearly tripled. Prevention through Deterrence has contributed to at least 10,000 deaths at the border over the last 3 decades, a number that is certainly an undercount, since Border Patrol systematically fails to properly count deaths and since human remains in remote areas along the border are rapidly scavenged and scattered by the elements and wildlife.²

¹Border Patrol Strategic Plan 1994 and Beyond, U.S. Border Patrol, July 1994, <https://www.documentcloud.org/documents/5987025-Border-Patrol-Strategic-Plan-1994-and-Beyond.html> (accessed July 24, 2023).

²U.S. Department of Homeland Security Office of Inspector General, CBP Should Improve Data Collection, Reporting, and Evaluation for the Missing Migrant Program, April 20, 2022.; Devreaux, Ryan, “The Border Patrol is Systematically Failing to Count Migrant Deaths,” *The Intercept*, May 9, 2022, <https://theintercept.com/2022/05/09/border-patrol-migrant-deaths-gao/> (accessed July 24, 2023).; Beck, Jess, et al., Animal Scavenging and Scattering and the Implications for Documenting the Deaths of Undocumented Border Crossers in the Sonoran Desert, *Journal of Forensic Sciences*, January 2015, Vol. 60, No. S1, <https://deepblue.lib.umich.edu/bitstream/handle/2027.42/110576/jfo12597.pdf;jsessionid=F6B140323DAA2118103C04B1DDEE3CC7B?sequence=1> (accessed July 24, 2023).

Since 2010, more than 3,700 people have been reported missing to the Colibrí Center for Human Rights alone.³ Their families, often United States-based, never stop searching for them.

The cost of so many lives lost to U.S. families and communities, as well as to people across this continent and others, is incalculable.

Under the Biden administration, deaths at the border have skyrocketed. More than 850 people died while crossing the border last fiscal year, often while trying to seek safety, reunite with family or return to their home in the United States, support family, or improve their quality of life.⁴

People suffer serious injuries climbing over the border wall, including amputated limbs, broken bones, and even death.⁵ In 2019, the United States began replacing vehicle barriers and 18-foot sections of wall with 30-foot walls, which have been more deadly.⁶ In fiscal year 2021, under the administration of President Joe Biden, Border deterrence deaths included at least 17 falls from the border wall, 8 of which occurred near San Diego alone.⁷ From 2016–2021, the trauma center at U.S. San Diego “experienced significant increases in the number and severity of patients with border wall fall injuries starting in 2019, as new wall construction concluded,” even when controlling for the uptick in migration.⁸ Meanwhile, like other border deterrence policies, the barriers have had no meaningful impact on the number of irregular migrants present in the United States.⁹

Despite knowing that migrants routinely face targeted kidnapping, extortion, rape, and other violence, the U.S. Government has implemented policies of return to Mexico of Mexicans and non-Mexicans alike that rely on illegal turnbacks, expulsions, removals, and returns via several anti-asylum policies, including Title 42 summary expulsions, “Remain in Mexico,” rapid asylum processing in abusive border jails, and metering, which is now effectively done electronically via the government application CBP One.¹⁰

Stranded in Mexico, targeted abuse of migrants is carried out by organized criminal operatives and Mexican state actors based on the knowledge that the vast majority of refugees arriving at the U.S.-Mexico border have family in the United States who can be ransomed for their family members’ life or freedom.¹¹

³ Email correspondence with the Colibrí Center for Human Rights, June 29, 2023.

⁴ Human Rights Watch, US: Biden ‘Asylum Ban’ Endangers Lives at the Border, press release, May 11, 2023, <https://www.hrw.org/news/2023/05/11/us-biden-asylum-ban-endangers-lives-border>.

⁵ Amy E. Liepert, et al., “Association of 30-ft US-Mexico Border Wall in San Diego With Increased Migrant Deaths, Trauma Center Admissions, and Injury Severity,” *JAMA Surgery*, 2022, pp.157(7):633–635, <https://jamanetwork.com/journals/jamasurgery/fullarticle/2791900> (accessed July 24, 2023).

⁶ Tamara Richter, “Report Finds Increase in Deaths, Hospitalizations After 30-Foot Wall Installed at US-Mexico Border,” *KCRA4*, May 26, 2022, <https://www.kcra.com/article/report-increase-deaths-wall-us-mexico-border/40039281> (accessed July 24, 2023).

⁷ Office of Professional Responsibility, CBP-Related Deaths: Fiscal Year 2021, February 6, 2023, <https://www.cbp.gov/sites/default/files/assets/documents/2023-Feb/2021-opr-cbp-related-deaths-report.pdf> (accessed July 24, 2023).

⁸ Amy E. Liepert, et al., “Association of 30-ft US-Mexico Border Wall in San Diego With Increased Migrant Deaths, Trauma Center Admissions, and Injury Severity,” *JAMA Surgery*, 2022, pp.157(7):633–635, <https://jamanetwork.com/journals/jamasurgery/fullarticle/2791900> (accessed July 24, 2023).

⁹ Migration Policy Institute, Profile of the Unauthorized Population: United States, <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US>, (accessed July 24, 2023).

¹⁰ Ari Sawyer, Restoring Access to Asylum at the Border, Human Rights Watch, dispatch, March 30, 2022, <https://www.hrw.org/news/2022/03/30/restoring-access-asylum-us-border>; Human Rights Watch, ‘Remain in Mexico,’ <https://www.hrw.org/tag/remain-mexico#:~:text=%E2%80%9CRemain%20in%20Mexico%E2%80%9D%20sends%20asylum,asylum-%20in%20the%20United%20States.;> Michael Garcia Bochenek, “Like I’m Drowning” Children and Families Sent to Harm by the US ‘Remain in Mexico’ Program, Human Rights Watch, report, January 6, 2021, <https://www.hrw.org/report/2021/01/06/im-drowning/children-and-families-sent-harm-us-remain-mexico-program>; Human Rights Watch, US: Mexican Asylum Seekers Ordered to Wait, press release, December 23, 2019, <https://www.hrw.org/news/2019/12/23/us-mexican-asylum-seekers-ordered-wait>; Human Rights Watch, US: Biden ‘Asylum Ban’ Endangers Lives at the Border, press release, May 11, 2023, <https://www.hrw.org/news/2023/05/11/us-biden-asylum-ban-endangers-lives-border>.

¹¹ Estados Unidos Mexicanos Secretaría de Gobernación, Instituto Nacional de Migración, MPP Program—Chihuahua, June 18, 2019, and MPP Program—Tijuana and Mexicali, June 13, 2019, (copies on file with Human Rights Watch.); Maria Verza, “In Nuevo Laredo and elsewhere, many migrants are stuck in Tamaulipas’ lawless limbo,” Associated Press, November 18, 2019, <https://www.post-gazette.com/news/world/2019/11/17/Nuevo-Laredo-Mexico-migrants-border-US/stories/201911170222> (accessed July 24, 2023).

Deterrence policies also carry a cost for Customs and Border Protection officials. The moral injury agents incur as the result of being compelled by both Democrat and Republican administrations to carry out violent and abusive deterrence policies contributes to Border Patrol's high rate of suicide, several agents have told me.

With funding from the U.S. Federal Government, the State of Texas has doubled down on border deterrence tactics. Under Texas Governor Greg Abbott's deadly Operation Lone Star, migrants and asylum seekers, including children, have been pushed back by Texas officials, denied water and stranded in sweltering heat, and wounded by razor wire installed by Texas State authorities. Human Rights Watch has extensively documented the impact of Operation Lone Star, finding that the program has led to injuries and deaths, increased racial profiling of border residents, consistently violated the rights of migrants and U.S. citizens, and suppressed freedoms of association and expression. Under the program, Texas agencies that receive Federal funding have been engaged in violations of Title VI of the Civil Rights Act of 1964, which bars discrimination on the basis of race, color, or national origin in programs that receive Federal funding.¹² These violations have occurred in the process of arresting and prosecuting migrants and U.S. citizens alike.

Human Rights Watch and other rights organizations have documented how, under Operation Lone Star, Texas troopers have racially profiled and killed dozens of people in deadly high-speed chases that authorities improperly conduct in populated areas, despite the mountain of evidence and awareness by the U.S. Government that such pursuits lead to "high risk of loss of life, serious personal injury, and serious property damage."¹³ As of July 2023, a Human Rights Watch review of media reports suggests that at least 61 people have been killed and another 164 injured as the result of dangerous pursuits by Texas troopers since the program started. Some of them, like the Tambunga family, were innocent bystanders.

There is indeed a real cost to people living in the United States at the U.S. Southwest Border, but it is the result of abusive and deadly deterrence policies by several Presidential administrations, and now State Governors, accompanied by Congress' failure to create safe and legal pathways to immigrate or to seek protection or to develop humane border reception policies.

Human Rights Watch respectfully urges Congress to reassess its approach to the border and implement reforms that prioritize all life, human rights, and dignity of border communities and its visitors.

Human Rights Watch also urges Congress to end its support of Operation Lone Star as the only tangible outcome of this program has been more deaths and injuries of Texans from law enforcement vehicle pursuits and deaths of migrants, including children, who have been pushed back to Mexico with razor wire and buoys.

Finally, we urge Congress to consider investing resources at ports of entry to create rights-respecting reception centers properly staffed by health professionals, trauma specialists, and asylum officers. At a fraction of the billions of taxpayer dollars the U.S. and State governments have spent on militarizing the border, these centers could be established more cost-effectively and, ultimately contribute to the preservation of life.

Mr. HIGGINS. I also have a letter to enter into the record regarding the case of Mr. Torben Sondergaard, who is a legal immigrant from Denmark, came to our country legally, applied for asylum properly, had no criminal charges. He was arrested for overstay of his visa. He has been incarcerated in solitary confinement for over 1 year. He has been persecuted by this administration and targeted, we believe, because he is an evangelical Christian minister.

I would like to enter this into the record.

Without objection.

[The information follows:]

¹² ACLU of Texas, Texas Civil Rights Project, and Texas Fair Defense Project. "Texas Migrant Arrest Program under 'Operation Lone Star'—Urgent Need for Investigation into Race and National Origin Discrimination by Texas Agencies." American Civil Liberties Union of Texas, December 15, 2021. Accessed July 24, 2023. https://www.aclutx.org/sites/default/files/field_documents/ols_trespass_arrest_title_vi_complaint.pdf.

¹³ Operation Lone Star: Racial Profiling in Texas Department of Public Safety (DPS) Traffic Stops and High Death Toll from DPS Vehicle Pursuits, Title VI complaint, July 28, 2022, <https://static.texastribune.org/media/files/eb613c7907e0e7385ac02da70fbc4e07/OLS%20Traffic%20Stops%20Title%20VI%20Complaint.pdf>.

LETTER FROM CHAIRMAN CLAY HIGGINS

July 7, 2023.

Zephranie Buetow,
*Assistant Secretary for Legislative Affairs, Office of Legislative Affairs, Department
of Homeland Security, 2702 Martin Luther King Jr Ave SE, Mail Stop 0021,
Washington, DC 20528.*

ASSISTANT SECRETARY BUETOW, I am seeking clarification of the procedures being utilized by the U.S. Department of Homeland Security (DHS) to arrest and detain migrants who have overstayed their visas, particularly in the arrest and detention of Torben Soendergaard.

Mr. Torben Soendergaard arrived in the United States on January 26, 2019, and received authorization to stay for 90 days under the visa waiver program. Before his visa lapsed, Mr. Soendergaard submitted his application for asylum on April 19, 2019. DHS accepted the application and sent him an I-797 Notice of Action on April 22, 2019. On June 9, 2022, Mr. Soendergaard received a G-56 form instructing him to appear in Orlando, Florida, at a U.S. Immigration and Customs Enforcement (ICE) Field Office for processing. He traveled from California willingly and presented himself at the Orlando ICE Field Office on June 30, 2022. During this meeting, instead of the standard procedure of processing his asylum claim, Mr. Soendergaard was arrested for overstaying his visa. Mr. Soendergaard is a non-violent immigrant and poses no risk to national security. With this in mind, I request an update on the following:

1. What is the status of Mr. Soendergaard's asylum application?
2. What is the status of Mr. Soendergaard's removal?
3. What guidelines and procedures are DHS currently operating under for the arrest and detention of nonviolent individuals who have overstayed their visas?
4. What is the status of the memo issued by Secretary Mayorkas titled "Guidelines for the Enforcement of Civil Immigration Law," published on September 30, 2021?
5. What is the status of the appeal made on DHS's behalf by the Department of Justice regarding the vacate order issued by the U.S. District Court for the Southern District of Texas on June 10, 2022?
6. What is the average processing time within the Immigration Court System for individuals who overstayed their visas to be deported?
7. What is the standard operating procedure for DHS regarding individuals who have applied for asylum but whose visa has expired?

Thank you for your attention to this matter. I look forward to hearing from you soon and working together on this matter.

Respectfully,

CLAY HIGGINS,
Member of Congress.

Mr. CORREA. If I may, Mr. Chairman, I just wanted to submit another article.

Mr. HIGGINS. The Ranking Member is recognized.

Mr. CORREA. "China's Fading Recovery Reveals Deeper Economic Struggles."

Mr. HIGGINS. Without objection, letters are entered into the historical record.

[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

<https://www.wsj.com/articles/chinas-fading-recovery-reveals-deeper-economic-struggles-31f4097b>

By Stella Yifan Xie and Jason Douglas

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.

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.

"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 build-up 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 policy makers, 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.

Appeared in the May 31, 2023, print edition as 'Fading Recovery In China Reveals Deeper Problems'.

Mr. HIGGINS. I thank the witnesses for their valuable testimony today and painful representations of what you have been through. We thank you as a committee.

The Members of the subcommittee may have additional questions for the witnesses and we ask that the witnesses to respond to these in writing.

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

Without objection, these subcommittees stand adjourned.

[Whereupon, at 4:55 p.m., the subcommittees were adjourned.]

