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RESTORING IMMIGRATION ENFORCEMENT IN AMERICA

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION INTEGRITY, SECURITY, AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

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- An article entitled, "What Democrats must learn from Biden's disastrous immigration record," Jan. 17, 2025, *Vox*
- An article entitled, "Dems finally admit Biden botched border after 2024 election loss: 'We destroyed ourselves,'" Nov. 29, 2024, *New York Post*
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RESTORING IMMIGRATION ENFORCEMENT IN AMERICA

Wednesday, January 22, 2025

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON IMMIGRATION INTEGRITY, SECURITY, AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Subcommittee met, pursuant to notice, at 10:05 a.m., in Room 2141, Rayburn House Office Building, the Hon. Tom McClintock [Chair of the Subcommittee] presiding.

Present: Representatives McClintock, Biggs, Tiffany, Roy, Van Drew, Moore, Hunt, Fry, Grothman, Knott, Onder, Schmidt, Gill, Jordan, Baumgartner, Nadler, Scanlon, Ross, Garcia, Crockett, Lofgren, and Cohen.

Mr. MCCLINTOCK. The Subcommittee on Immigration Integrity, Security, and Enforcement will come to order.

I want to thank all of you for coming today. This is a new age for America, a new golden age, we all pray, and it's a privilege for all of us to have a small role in this crucial period in our history.

I want to begin by welcoming the new Members of the Subcommittee. We have Russell Fry, who will be joining us shortly. He's a Member of the Judiciary Committee, but this will be his first in on the Subcommittee on Immigration. He's in his second term, a former Eagle Scout, and has his degree from the law school of South Carolina.

Glenn Grothman, also a veteran of the Judiciary Committee, served in the Wisconsin State Senate. His J.D. is from Wisconsin.

Brad Knott, who is here, is a freshman, worked as a prosecutor with a J.D. from Wake Forest.

Bob Onder, who is here present, served in the Missouri State Senate with a J.D. from St. Louis University.

Derek Schmidt, a freshman from Kansas' 2nd District, a former Attorney General of the State of Kansas, former Majority Leader of the Kansas Senate, and with a J.D. from Georgetown.

Finally, Brandon Gill, a freshman Member from Texas, an investment banker.

We welcome all of them to the Subcommittee today.

Our Ranking Member, Ms. Jayapal, is absent today because of the death of her father, and our hearts go out to her and her griev-

ing family. She'll be represented today by our former Chair and Ranking Member of the Subcommittee, Ms. Lofgren, whom I'll yield to introduce the new Democratic Members.

Ms. LOFGREN. Well, thank you, Mr. Chair.

We have now on the Subcommittee Mr. Nadler, Ms. Scanlon, Ms. Crockett, and Mr. Cohen. I think they are new to the Subcommittee. The other Members have served before. We are looking forward to a productive year.

With that, I would yield back for our opening statements.

Mr. MCCLINTOCK. Thank you.

The Subcommittee meets today to hear testimony to assist us in restoring integrity, security, and enforcement to our immigration laws, and we'll begin with opening statements.

Our Nation has just suffered the largest illegal mass migration in history, deliberately engineered, abetted, and encouraged by President Joe Biden and his allies in Congress.

For four years, the American people have endured the effect of this calculated lawlessness. Schools flooded with non-English-speaking students, hospitals packed with illegals demanding free healthcare, Americans pushed out of homeless shelters to make room for illegals, an estimated $150 billion a year taken from struggling American families to pay for free food, free legal services, free transportation, free housing, free clothing, and free cell phones for all of those who have broken into our country.

Millions of American workers have been displaced, driving down wages, and drying up opportunities for our own young people. Deadly fentanyl trade coming across our open border now claims the lives of tens of thousands of Americans every year. Worst of all, among these illegal migrants have come the most violent, dangerous, and malevolent criminals and criminal gangs in the world while sanctuary laws and Democratic jurisdictions protect them as they prey on innocent Americans.

Every immigration-related agency in Biden's Executive Branch had a part in destroying the integrity of our immigration system. I'll read you just a few examples. The U.S. Citizenship and Immigration Services did nothing to stop extensive fraud and mass parole programs that it implemented and delayed adjudication of legal immigration applications in favor of those for illegal aliens.

The State Department gave U.S. taxpayer money to nongovernmental organizations to hire foreign nationals to tell other foreign nationals how to circumvent U.S. immigration laws.

The Department of Homeland Security refused to prevent fraud and visa programs and brought interior immigration enforcement to a standstill. The Customs and Border Protection abused its authority by paroling over 531,000 foreign nationals in just one categorical parole program.

The Department of Health and Human Services ignored its duty to determine whether unaccompanied alien children who arrived at the border had criminal backgrounds and were a danger to themselves or others before releasing them into our country.

The Office of Refugee Resettlement used taxpayer dollars to fund housing for illegal aliens. The Department of Justice told its immigration judges to stop adjudicating cases, and it reversed common sense Trump era opinions that prevented asylum fraud.

Time and again we were told by the Biden Administration and Congressional Democrats that our border was secure. We were told there was no national security or public safety risk. We were told the administration could do nothing more to prevent illegal immigration.

Americans knew better, and they finally got tired of feeling unsafe in their own towns, tired of seeing illegal aliens sleeping in their community schools, recreation centers, airports, police stations, and tired of footing the bills for foreign nationals who showed nothing but contempt for U.S. law.

On November 5th, last year, they delivered a resounding victory to President Donald Trump with a clear and unambiguous mandate to stop this insanity.

Yesterday, President Trump, within hours of returning to the presidency, issued 11 Executive Orders to, once again, secure our borders, recover our sovereignty, protect our people, and restore the rule of law.

The wreckage of the Biden years will take many years to repair. Between the six million illegals deliberately trafficked into our country and another two million known gotaways who evaded an utterly overwhelmed border patrol, an illegal and unvetted population the size of the State of Washington has been ushered into our country. That population includes at least 99 terrorists that we know of; more than 1.4 million aliens who are right now defying court orders of removal, 7.6 million aliens on the ICE nondetained docket.

President Trump's Executive Orders reinstate the successful Remain in Mexico program that it brought phony asylum claims to a trickle until Joe Biden abolished it on his first day in office. They revoked Biden's anti-enforcement Executive Orders and policies and made clear to the world that the only pathway into the United States is to obey our laws.

After the largest illegal mass migration in history, this administration must now undertake the largest repatriation operation in history. I speak for every Republican on this Committee, and I believe every Republican in this Congress when I say we will stand behind him in this necessary work.

This Congress must not only give President Trump the tools to restore our national sovereignty, but we must also enact laws so that a future Democratic President cannot, once again, throw our borders wide open.

We need to reform our asylum laws to ensure that only legitimate claims will be honored. We must close the loopholes that allowed Biden to abuse the limited parole authority that Congress gave him. We must revamp our unaccompanied minor laws to prevent human trafficking that ran rampant under Biden, and we must rescue the hundreds of thousands of children that Biden and his administration simply lost track of.

We must restore integrity to our temporary and permanent visa programs so that only those who are an asset to America can take advantage of them. Much of that work will fall to the Subcommittee, and all of that work begins today.

I look forward to hearing from our witnesses to help us chart that path.

With that, I yield to the Ranking Member for her opening statement.

Ms. LOFGREN. Thank you, Mr. Chair.

Immigration to the United States has played an important role over the centuries in making America a vibrant, prosperous, and successful country, but it is broadly agreed that our current immigration system is broken.

We need to make necessary reforms and then vigorously enforce the law. We need to provide the resources necessary to secure the border and provide that only those who are permitted entry into the United States are, in fact, so admitted. The resources should include adequate personnel, technology, and other tools to allow for the orderly entry of only those who secure the proper permission for entry.

We also need to change the law, to reform the law. When we look to the administration, I think sometimes we should look in the mirror because the necessary reform of immigration law is a failure of Congress. We have tried over the years to improve the law and in every case have failed. With our immigration system broken and no longer functioning as it was once intended, change is necessary.

Now, I would include that from family separated due to overly punitive laws to a dysfunctional employment-based system mired in unworkable backlogs to a lengthy and overly complex asylum process that has been exploited by transnational criminal organizations preying on the desperate. The Immigration and Nationality Act screams for reform.

The failure to do that I believe, as the Chair has indicated, did lead to an election of someone who promised to engage in mass deportations, which I don't believe is necessarily the answer to the challenge that we face.

Without reform of the law, the Executive is now trying to use a section of the law, 212(f), in a way that it was probably never intended and in the past the courts have disallowed.

The frustration with our immigration border problem has also lent the President to engage in a direct attack on the Constitution. The 14th Amendment says all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and State where they reside.

It's pretty clear. Going back to the adoption of this amendment, there's never been a question about if you're born here, you're an American, but there's a direct assault on that.

The idea that this is being done in the effort to preserve public safety I think is belied by the other Executive action taken by the President just yesterday where President Trump pardoned hundreds of felons who violently attacked police officers on January 6th. The decision to release violent criminals into our community makes America less safe.

More than 1,500 criminals were pardoned, including, and I'll just mention three, Steve Cappuccio who ripped off Officer Daniel Hodges' gas mask and beat him in the face while he was stuck in a door. The attacks was so violent that Cappuccio held his phone in his mouth so he could beat Officer Hodges with both hands.

D.J. Rodriguez who joined a mob attacking Officer Michael Fanone and repeatedly shocked him in the neck with a taser causing him to lose consciousness and suffer a heart attack.

David Dempsey who climbed over other rioters to get officers where he stomped on at least one officer's head, beat officers with a flag pole, a crutch, a broken piece of furniture, and sprayed officers' faces with pepper spray.

Don't tell me that the motivation for immigration crackdown is public safety when we release these violent criminals back into our communities.

Mr. Chair, as you know, I used to teach immigration law. I well understand the need for reform, but I do hope that we will require Executive actions to comply with existing law and turn our attention to the necessary reforms that is really our province here in the U.S. Congress.

With that, I yield back.

Mr. MCCLINTOCK. The Chair is now pleased to recognize the Chair of the House Judiciary Committee, Congressman Jim Jordan of Ohio.

Chair JORDAN. Thank you, Mr. Chair.

The Chair is exactly right in his opening statement. On day one of the Biden Administration, they made a decision, made three decisions. They said we're no longer going to build the wall. We're no longer going to have Remain in Mexico. When you get to our border, you will not be detained. You will be released. Guess what? Everybody came.

It was deliberate. It was intentional. It was premed—they did it to the country, and now it's time to fix that, as the Chair pointed out. Think about it. What they said was no wait, no wall, and no detention. Everybody came. We shouldn't be surprised. Who wouldn't want to come to the greatest country ever? You've got to do it legally. That's the problem.

So, yesterday, the President started what the American people said to do on November 5th. He started with those 11 Executive Orders that the Chair talked about.

This hearing is to highlight what took place over the last four years and what we have to do to fix the problem the American people elected us to fix.

So, I appreciate the good work our Chair has done over these last several years, the good work he did on H.R. 2, the work he's doing with this key Subcommittee on this key issue. This is critically important.

Our job, one of our jobs—this is reconciliation. The public has to understand this is to make sure we have the funds available to execute and get accomplished the Executive Orders the administration, the President put in place over the last 24 hours.

So, that's our task, and I appreciate, again, the work of this Committee, our staff, and our great Chair of this key Subcommittee.

With that, I yield back.

Mr. MCCLINTOCK. The Chair now recognizes the Ranking Member of the House Judiciary Committee, Mr. Jamie Raskin of Maryland, for an opening statement.

Mr. RASKIN. Thank you, Mr. Chair.

The Chair began by saying the point here is to restore the rule of law. Restore the rule of law. Can you even pretend to do that if you stand by and support Donald Trump who on day one, as the Chair of the Committee just said, day one of his presidency pardoned 1,500 insurrectionists, including hundreds of people who violently assaulted and attacked American police officers?

Let's just take one person who is free today. Julian Khater, who had been convicted after having every due process protection, the right to counsel, the right to cross-examine witnesses, and the right to introduce evidence. They had him completely. They knew exactly what happened. Most of this was videotaped so the whole world could see it.

Well, Julian Khater repeatedly, violently, assaulted our officer protecting us in Congress, Officer Brian Sicknick, who then proceeded to have several strokes and died on January 7, 2021, the next day. The family of Officer Sicknick is absolutely devastated and demolished by what just happened.

I invite any of my colleagues, including the Members new to this Committee who maybe weren't here on January 6th and didn't experience the trauma of that violent insurrection when we saw a mob marauding through here yelling, "Hang Mike Pence. Hang Mike Pence." Looking to assassinate Nancy Pelosi.

Now you have the temerity to come forward and say this is about public safety? How much safer are we now with these 1,500 criminals at-large in Washington, DC, and going out into the country? Are you vouching that these people are not going to be attacking any other police officers? Are you vouching that they are no longer a threat to public safety? What an outrage. What a scandal.

Well, the hearing has been called not on trying to deal with the public safety crisis created by the President on day one of his presidency but on immigration.

Now, time and again Democrats have reached across the aisle to fix our immigration system by finding common ground through compromise. We did it in 1986, with a Democratic-led House and a Republican-led Senate when we passed the immigration reform signed into law by President Reagan four decades ago.

In 2013, under President Obama, Democrats worked with Senate Republicans on a sweeping immigration reform bill only to have House Republicans kill it because it threatened Speaker Boehner's grip on power.

Last year, under President Biden, Democrats worked with Republican Senator Lankford to produce a tough border security deal with increased border patrol, with increased border technology and with increased asylum judges to the border. President Trump and House Republicans openly and aggressively tanked the deal. They sank the ship, openly rejecting a bipartisan border agreement held by the most conservative Republicans in the Senate because they preferred to have a security crisis to run on than an actual border solution.

Yet, as Democrats, we stand ready again to work with our colleagues to fix the broken immigration system. Today unlawful crossings at the border are much lower than they were when President Trump left office. We made progress.

Now is the time for us to tackle the daunting task of finding compromise and pragmatic solutions to fix the system that has not been updated in decades, a system that relegates millions of people to the shadows and leaves other people in limbo.

Let's secure the border. Let's make it a lot harder to get into America illegally and a lot easier to get into America lawfully. That's what America wants to see. Let's not use immigration to destroy our Constitution.

Unbelievable that a lot of my friends on the other side of the aisle are sitting by idly while Donald Trump proposes by Executive Order to destroy Section 1 of the 14th Amendment, which establishes that everybody born in the United States is a citizen of the United States. Yet, they just let that go.

All these originalists and textualists claim to care about what the Constitution stands for, that was the whole purpose and meaning of the 14th Amendment. Now, they want to destroy birth right citizenship in America, moving to a citizenship based on race instead of a citizenship based on place, which was the whole purpose of the 14th Amendment, to overturn the Dred Scott decision.

Well, we're, obviously, going to have some differences moving forward because they don't want real solutions. They just want to demagogue the immigration issue. That doesn't move America forward.

It's just like they demagogued the issue of inflation. They said they were going to bring down prices in rent, utilities, and energy cost. They said they were going to bring down the price of groceries. Not a single peep from them about that on day one. No, it's just about releasing all the violent insurrectionists, the Proud Boys and the Oath Keepers who are out there today saying that they want revenge. Well, that's the real program for America.

Let's hear what their specific proposals are about immigration. If they make sense, then we will get behind them. If it's just more demagoguery, Mr. Chair, I'm afraid we're going to have to let it pass.

Thank you. I yield back.

Mr. MCCLINTOCK. I thank the gentleman for reminding all of us why the people voted as they did on November 5th.

The Chair would now ask for unanimous consent that the gentleman from Washington, Mr. Baumgartner, be permitted to sit on the dais for this hearing.

Without objection, so ordered. Without objection, all other opening statements will be included in the record.

We'll now introduce today's witnesses. We have with us today, no stranger to this Subcommittee, Mr. John Fabbricatore. Mr. Fabbricatore is a visiting fellow at *The Heritage Foundation*.

For what purpose does the gentlewoman—

Ms. LOFGREN. I just wanted to confirm that the Member sitting in can only ask questions if he's yielded time. Isn't that our rule?

Mr. MCCLINTOCK. That's the rule.

Ms. LOFGREN. OK. Thank you very much. I'm sorry to interrupt.

Mr. MCCLINTOCK. Mr. John Fabbricatore is a visiting fellow at *The Heritage Foundation* and an advisory board member with the National Immigration Center for Enforcement. Mr. Fabbricatore started with the Immigration and Naturalization Service in 1998.

He retired from the U.S. Immigration and Customs Enforcement in 2022. He served in many different positions, including Deputy Field Office Director for U.S. Immigration and Customs Enforcement in the Denver, Colorado, area of responsibility before being promoted to Field Office Director in 2020.

Mr. Grant Newman is the Director of Government Relations for the Immigration Accountability Project, a nonpartisan organization that analyzes current and proposed Federal immigration policies to educate the public and hold elected officials accountable to their oath and to defend the United States and its citizens. Mr. Newman has worked in immigration policy since 2012, most recently at *NumbersUSA* Education and Research Foundation. He received a Bachelor of Arts in political science from Christopher Newport University and his Juris Doctorate from Regent University School of Law.

Mr. David Bier is the Director of Immigration Studies at the Cato Institute. He has a B.A. in political science from Grove City College in Pennsylvania.

Finally, we have Ms. Jessica Vaughn. She is the Director of Policy Studies for the Center on Immigration Studies. Her area of expertise is immigration policy and operations, covering topics such as unaccompanied alien children, visa programs, immigration benefits, and immigration enforcement. Ms. Vaughn has a Master's Degree from Georgetown University and a Bachelor's Degree from Washington College in Maryland.

I want to welcome our witnesses, thank them for appearing today.

We'll begin by swearing you in. Would you please rise and raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you're about to give is true and correct to the best of your knowledge, information, and belief so help you God?

Let the record reflect the witnesses have answered in the affirmative.

You may be seated.

Please know your written testimony will be entered into the record in its entirety. Accordingly, we ask that you summarize your testimony in five minutes.

We will begin with Mr. Fabbricatore.

STATEMENT OF JOHN FABBRICATORE

Mr. FABBRICATORE. Thank you, sir.

Mr. MCCLINTOCK. Turn on your microphone.

Mr. FABBRICATORE. Good morning, Chair McClintock and Congresswoman Lofgren and distinguished Members of the Subcommittee.

Thank you for the privilege of appearing before you today to discuss the urgent need to address dangerous sanctuary jurisdictions, improve interior immigration enforcement, and recommit to policies that protect American citizens.

Over the past four years, the erosion of immigration enforcement has had devastating consequences for our communities. Sanctuary policies, the abuse of prosecutorial discretion, and overwhelmed

court dockets have created a system that shields criminal aliens and jeopardizes public safety.

I want to emphasize one key point today. Weak border and immigration enforcement policies have allowed unvetted and dangerous criminal illegal aliens to enter and thrive within our borders, leaving Americans at risk.

Such is the case involving a Venezuelan criminal alien who crossed illegally in El Paso, Texas, and was released into the U.S. in 2023. He was charged with raping a 14-year-old girl while he was living in his employer's basement in Colorado. He had been arrested previously for possessing tools for forgery, counterfeiting, and larceny but was released without notifying ICE.

Sanctuary jurisdictions claim to protect immigrant communities, but they do the opposite. They shelter criminal aliens, accommodating and increasing crimes like drug trafficking, violent assaults, and human trafficking.

One stark example is the Tren de Aragua gang. This violent group infiltrated Colorado where their crimes ranged from jewelry store robberies to deadly shootings.

I witnessed the aftermath firsthand in Aurora, Colorado, where gang members terrorized an apartment complex. Residents lived in fear as armed criminals roamed freely, culminating in horrific violence and murder.

Despite law enforcement efforts, these issues persist because sanctuary policies actively hinder the sharing of information and cooperation with ICE. Sanctuary officials ignore ICE detainers, release violent offenders back into communities, and undermine the public trust in the justice system.

A mother and her teenage son were killed by an illegal alien and repeat DUI offender in Colorado last December. They are just one of the many tragic consequences of this leniency.

The ICE data underscores the crisis. Nearly 7.8 million illegal aliens are on the nondetained docket freely roaming American communities, including 1.4 million with final orders of removal and even 13,000 individuals convicted of murder. Not only that, the dismissal of 700,000 immigration cases and administrative failures and another 200,000 cases are examples of the prior administration's opposition to enforcing immigration laws.

The spread of criminal networks is also alarming. Cartels like Sinaloa and Jalisco exploit sanctuary policies that flood our communities with fentanyl and other lethal illegal drugs. Last year alone law enforcement seized more than 115 million fentanyl pills. Yet, availability remains unchanged, showing that these cartels continue to operate with impunity.

We must return to enforcing immigration laws passed by Congress. This includes:

(1) Holding criminals accountable by reinstating ICE detainers and ensuring dangerous individuals are detained and deported.
(2) Safeguard American families by dismantling the gangs and cartels that threaten our neighbors.
(3) Strengthen the rule of law by fostering cooperation between ICE and local law enforcement.

Unfortunately, the Biden Administration's policies eroded the effectiveness of interior enforcement. This leniency sent a dangerous message encouraging illegal crossings while undermining the tools ICE needs to apprehend and remove criminal aliens.

The results are evident in the tragic rise of fentanyl deaths, human trafficking, and violent crime linked to foreign borne cartels and gangs. Reversing these policies is not just an option. It's a necessity. We must empower ICE, restore cooperation with State and local enforcement, and invest in the resources that prioritize U.S. citizen's safety and well-being.

Members of Congress, our communities' safety and our Nation's stability depend on decisive action. Your top priority right now should be delivering the resources needed to assist the Trump Administration in arresting, detaining, and removing illegal aliens. I urge you to preempt sanctuary policies and reinstate effective interior enforcement tools so that we can turn this vision into reality.

Thank you for your time, and I welcome any questions you have.

[The prepared statement of Mr. Fabbricatore follows:]

The Heritage Foundation

CONGRESSIONAL TESTIMONY

Restoring Immigration Enforcement in America

Testimony before the
Committee on the Judiciary
Subcommittee on Immigration Integrity, Security, and Enforcement

United States House of Representatives

January 22, 2025

John Fabbricatore
Visiting Fellow
Border Security and Immigration Center
The Heritage Foundation

Good morning, Chairman McClintock, Ranking Member Jayapal, and distinguished members of this subcommittee. Thank you for the privilege of speaking with you today to discuss the urgent need to reevaluate sanctuary city policies, improve interior immigration enforcement, and recommit to policies that protect American citizens.

My name is John Fabbricatore, and I am a retired law enforcement officer with over 24 years of experience at both the legacy Immigration and Naturalization Service (INS) and U.S. Immigration and Customs Enforcement (ICE). I am a visiting fellow with The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

The past four years under the Biden Administration saw a reckless abandonment of immigration enforcement. Policies such as non-detained docket, state, and local sanctuary policies, and the abuse of prosecutorial discretion have overwhelmed the immigration system and put Americans at risk as illegal aliens convicted of crimes remain on the streets and in our communities.

Sanctuary city policies are often framed as protective measures for immigrant communities. The reality, however, is that they primarily shield criminal aliens, leading to significant harm for migrant and non-migrant communities alike. These policies create safe havens—not for law-abiding immigrants, but for individuals who exploit legal loopholes to commit crimes like drug trafficking, violent assaults, and human trafficking.

The effects of criminal alien gangs like Tren de Aragua have already hit close to home with Colorado being a stark example of the destruction they bring. Crimes connected to this gang range from brazen jewelry store heists to deadly shootings. U.S. Customs and Border Protection (CBP) has reported over 60 confirmed gang members crossing the southern U.S. border between 2023 and the summer of 2024. These are only the cases we know of—many others have likely slipped through undetected, aided by the lax border policies of the past four years.

One of the most harrowing examples of their influence unfolded in Aurora, Colorado, where Tren

de Aragua gang members infiltrated an apartment complex. I witnessed firsthand the chaos they imposed; I assisted a U.S. citizen who had to flee her home out of fear for her safety. Videos that she captured outside of her door at the complex documented these criminals brazenly running through hallways armed with pistols and rifles, breaking into apartments with impunity. Shortly after this footage was taken, a man was murdered in the complex's courtyard—a stark reminder of the gang's violent nature.

Despite mounting evidence, some have dismissed attempts to shed light on this issue as political exaggeration designed to stoke fear. However, the reality on the ground tells a very different story. Just last month, in December, Aurora police arrested 19 illegal aliens—most of them gang members—at the same apartment complex. Their arrests were linked to a violent kidnapping and extortion plot, underscoring the enduring threat posed by Tren de Aragua.

The infiltration of Tren de Aragua into American communities is not a hypothetical scenario or political talking point: It is a grim and growing reality. This criminal organization has thrived under weak border policies and inadequate enforcement, putting countless lives at risk. Communities across the United States, like those in Colorado, are grappling with the fallout of unchecked criminal activity. It is critical that Congress takes decisive action to address this dire situation before more neighborhoods fall victim to this gang's reign of terror.

Instead of prioritizing public safety, sanctuary policies shield perpetrators of these heinous crimes. Such policies don't protect immigrant communities—they put all communities at greater risk.

During my time with ICE, I witnessed the real-world consequences of sanctuary policies. I vividly recall a case from 2017 when the Denver County Sheriff's Department released an illegal alien who had killed another man during a fight—releasing him in secret to evade immigration authorities. This individual was a known threat, yet he was shielded from accountability.

More recently, in December 2023, a mother and her 16-year-old son in Broomfield, Colorado, were killed by Jose Menjivar, driving at an estimated 80 to 100 miles per hour in a 40 mph zone near Broomfield High School when he drunkenly crashed into them. Menjivar, who already had been deported four times and convicted of driving under the influence five times, should never have been on the streets. More recently, this past New Year's Eve, five-time deported illegal alien Yordy Centeno Melchor attempted to kidnap a 17-year-old Alabama girl by luring her into his car.

There are countless instances of local law enforcement's refusing to cooperate with ICE outright. Whether it was denying collaboration with ICE on heroin trafficking investigations or failing to notify us about dangerous illegal aliens in their custody, these actions enabled criminal activity to flourish. The results were devastating—not just in Denver, but across Colorado and other states adopting similar policies.

Data provided by ICE to Congress last year indicated that there were more than 7.5 million immigrants on the non-detained docket, including more than 13,000 immigrants convicted of murder either domestically or abroad. Oversight conducted by the House Judiciary Committee last October revealed that under the Biden Administration, the cases of 700,000 illegal aliens were dismissed, terminated, or administratively closed. The Department of Homeland Security also failed to file the necessary documentation in an additional 200,000 cases.

The data support my observations. Colorado's communities, like many others, have been infiltrated by foreign-born gangs and cartel operations. The DEA's Rocky Mountain Field Division has reported that two Mexican drug cartels responsible for the majority of fentanyl entering the U.S. are operating in my home state of Colorado. These cartels and their violent business practices thrive in areas that refuse to cooperate with federal immigration enforcement.

The DEA's 2024 Drug Threat Assessment Report noted that the deadly reach of the Mexican Sinaloa and Jalisco cartels into U.S. communities is extended by the wholesale-level traffickers and

street dealers bringing the cartels' drugs to market, sometimes creating their own deadly drug mixtures and exploiting social media and messaging applications to advertise and sell to customers.

The DEA's report also found that fentanyl was seized at the border in equal or higher quantities as in previous years, and no DEA field office reported that fentanyl is less available or more expensive, either of which would point to a decrease in the supply. In 2023, law enforcement seized 115 million pills containing fentanyl—more than the six previous years combined.

A common argument is that sanctuary policies help foster trust between immigrant communities and local law enforcement. From my experience, this belief is unfounded. Prior to the rise of these policies, ICE worked closely with local law enforcement to foster safer communities. Detainers—vital tools used to hold illegal aliens arrested by local authorities so that ICE can take custody—were widely honored and effective. They ensured that dangerous individuals were removed from the streets before they could reoffend.

Sanctuary policies have all but dismantled this process in too many cities and counties. Today, many detainers are ignored, allowing individuals who are guilty of drunk driving, drug trafficking, and violent crimes to go free—only to endanger lives again. Families in these communities are often the ones who suffer the tragic consequences of these misguided policies.

The "keeping immigrant families together" narrative fails to account for the U.S. families that have been shattered—loved ones lost to preventable violence, overdoses, and fentanyl poisonings because of the leniency extended to criminal aliens.

These policies have also undermined the rule of law and overwhelmed our legal and immigration systems. In 2023, the Chief Patrol Agent for the Tucson Sector testified before the House Oversight Committee that "[w]e closed last year, 2022, with over 250,000 encounters in Tucson, Arizona. That is a 257% increase in just two years."

We must refocus our efforts on interior enforcement and collaboration between ICE and local and state authorities. Cooperation is key to stopping the growth of gangs like Tren de Aragua and dismantling criminal networks operating in our communities. By enhancing partnerships between ICE and local law enforcement, we can:

- **Hold criminals accountable:** Ensure that dangerous individuals don't return to the streets to reoffend.
- **Safeguard U.S. families:** Restore security to neighborhoods plagued by violence and drugs.
- **Strengthen the rule of law:** Reaffirm that no one is above the law, regardless of immigration status.

The vision is simple but powerful: What we really need is sanctuary for U.S. citizens and law-abiding residents, not for illegal criminal aliens who pose harm. Imagine communities where parents can raise their children without fear of gang violence, where neighborhoods aren't in the shadow of cartel operations, and where families remain whole, unbroken by unnecessary and avoidable tragedy.

Unfortunately, the Biden Administration's policies eroded the effectiveness of interior enforcement. This leniency sent a dangerous message, encouraging illegal crossings while undermining the tools ICE needs to apprehend and remove criminal aliens. The results are evident in the tragic rise of fentanyl deaths, human trafficking, and violent crime linked to foreign-born cartels and gangs.

Reversing these policies is not just an option—it's a necessity. We must empower ICE, restore cooperation with local enforcement, and invest in strategies that prioritize the safety and well-being of U.S. citizens.

Members of Congress, the safety of our communities, and the stability of our nation depend on decisive action. Sanctuary cities should be sanctuaries for those who obey the law, not for those who

exploit our compassion and harm our citizens.

It's time to stand together to protect our families, uphold our laws, and ensure that our communities remain places of opportunity and peace. I urge you to preempt sanctuary policies and reinstate effective interior enforcement tools so that we can turn this vision into reality.

Thank you for your time. I welcome any questions you may have.

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Mr. MCCLINTOCK. Thank you for your testimony.

The Chair is now pleased to recognize Mr. Grant Newman for five minutes.

STATEMENT OF GRANT NEWMAN

Mr. NEWMAN. Chair McClintock, Ranking Member Jayapal, and the Members of the Subcommittee—I'm sorry—Congresswoman Lofgren, thank you for holding this important hearing at a pivotal moment for immigration enforcement.

Through action and inaction, the Biden Administration invited the border crisis of the past four years, and the world was listening.

During the first four years of the Trump Administration, the CBP encountered just over three million inadmissible aliens nationwide. By comparison of the Biden Administration, CBP encountered nearly 11 million inadmissible aliens.

In addition to implementing mass catch and release of illegal aliens with notices to appear and report, the Biden Administration illegally initiated the systematic processing of inadmissible aliens into the United States under the guise of humanitarian parole and issued them all open market employment authorization.

Under the CHNV program, more than 531,000 otherwise inadmissible aliens from Cuba, Haiti, Nicaragua, and Venezuela received permission to fly over the border to American airports and disappear into the country's interior and from border enforcement statistics. It ended on Monday.

Under the CBP One app, the administration encouraged illegal aliens to schedule their illegal entry at ports. Over two years, more than 936,000 aliens did just that. It also ended Monday.

Despite the law only allowing parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit, the Biden Administration granted categorical parole and work authorization to more than 1.46 million inadmissible aliens in those two parole programs alone.

Restoring integrity to our immigration system needs to begin with ending the rampant abuse of immigration law. Clearly, parole abuse is one of the most egregious. Humanitarian parole cannot continue to be used by administrations to get around statutory limits all the while they claim to have made illegal immigration safe and lawful.

Similarly, endless renewals and redesignations of temporary protected status have resulted in an eligible population that could exceed 1.2 million with the Biden Administration making more than 338,000 eligible in the last nine months alone. Not only can illegal aliens receive TPS and work authorization, but we also have countries that have been continuously designated since the 1990s because of a hurricane.

Despite our government claiming it's not safe to return nationals to TPS countries, we continue to grant nonimmigrant visas with an obligation to return to nationals from every single one of them. That defies logic. TPS abuse must end.

On the border, the Remain in Mexico program significantly reduced illegal entries even though less than 68,000 aliens were sent

back to Mexico over the two years it was fully implemented. President Trump has rightfully ordered its reinstatement.

The truth is that vast majority of illegal aliens are coming here for economic opportunities. If people understand they won't get in, they won't come. If their friends, family members, NGO's, and cartels can credibly promise an easy path to be released into the United States, they will come and they have. Perception of the enforcement of immigration law matters enormously and the statistics show that.

For those on the interior, the credible threat of removal has the same effect. If they believe the United States will no longer turn a blind eye to illegal immigration, illegal aliens will decide to return home.

In addition to the reinstatement of Remain in Mexico, the end of parole, and TPS abuse and mass deportations, expanding expedited removal, regulations to address asylum fraud, visa sanctions for countries that won't take back their nationals, worksite enforcement, safe third country agreements, and the broad restrictions found in the INA can all be combined to restore integrity to the immigration system.

However, the American people can't continue to endure the whiplash every four years from administrations dramatically changing immigration enforcement and endless lawsuits. Congress has plenary power over immigration and an obligation to fix it. The Laken Riley Act is a helpful step to give State Attorneys General better tools to respond to lawless administration.

Reforming and restricting parole, asylum, and the handling of unaccompanied children is essential. When someone arrives at the border illegally, the Executive Branch should be limited to three options: Detain, return, or remove.

Mandatory E-Verify for all employers can eliminate the job magnet for illegal immigrants. These solutions were passed by Congress last year in H.R. 2, the Secure the Border Act. Congress needs to finish the job.

Additionally, TPS should be reformed statutorily to prevent further abuse and endless extensions. Finally, Congress needs to provide sufficient resources, including ICE ERO officers and detention beds to carry out interior enforcement.

Thank you and I look forward to your questions.

[The prepared statement of Mr. Newman follows:]

Written Testimony of Grant Newman, Director of Government Relations, Immigration Accountability Project, before the Subcommittee on Immigration Integrity, Security, and Enforcement of the Judiciary Committee of the House of Representatives

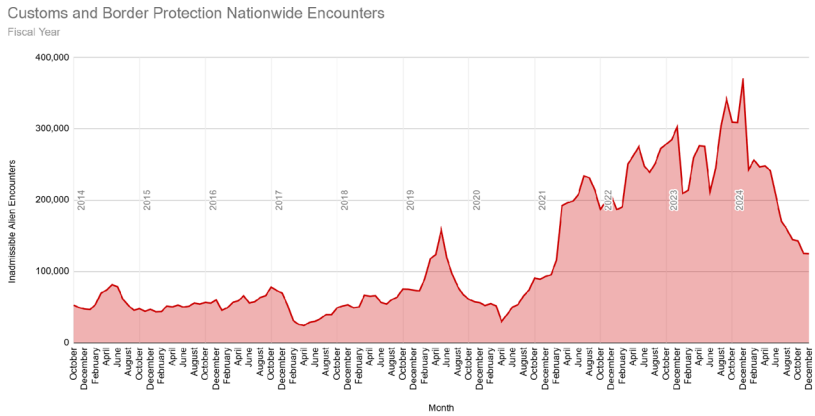
January 22, 2025

"Restoring Immigration Enforcement in America"

Chairman McClintock, Ranking Member Jayapal, and Members of the Subcommittee, thank you for holding this important hearing at what I hope will be a pivotal moment for immigration enforcement.

I am the Director of Government Relations for the Immigration Accountability Project (IAP). IAP is a nonpartisan organization that analyzes current and proposed federal immigration policies to educate the public and hold elected officials accountable to their oath to defend the United States and its citizens. We support America First policies that secure the border, stop illegal immigration, uphold the rule of law, protect American workers and their wages by reducing immigration levels, and serve the national interest.

Based on every publicly available metric, it is unmistakable that we have reached year four of a historic border surge of illegal aliens. Relying on data on nationwide encounters from the Department of Homeland Security (DHS) Office of Homeland Security Statistics (OHSS) and U.S. Customs and Border Protection's (CBP) Nationwide Encounters chart, we nearly have a complete picture to compare the previous two administrations.



To be clear, this border crisis was a deliberate policy choice by the Biden Administration. President Joe Biden promised during his campaign in 2019 to welcome illegal aliens seeking asylum in the United States, saying we should "surge to the border all those people who are seeking asylum." Once in office, President Biden rescinded the Migrant Protection Protocols (MPP or Remain in Mexico), attempted to place a moratorium on deportations for 100 days, and ended enforcement tools like worksite enforcement. When the crisis-level numbers commenced, the Biden Administration first denied that it was happening. In early 2021, President Biden claimed the numbers were seasonal and happen "every single solitary year." As that position became untenable, Secretary Mayorkas insisted that the border was secure while advocates for mass migration extolled the border crisis as a way to keep wages low. This public posture of denial and deceit persisted until the election of 2024 drew near. The impact of the deliberate policy choices of the Biden Administration compared to the Trump Administration, which created policies and public messaging designed to deter illegal migration to the United States, is stark.

During the first four years of the Trump Administration, from January 2017 to December 2020, CBP encountered 3,058,780 inadmissible aliens nationwide. That number does not reflect a period of total stability, as there was a notable surge in the spring of 2019 that was contained by the fall. Notably, the Trump Administration's response to that surge was not denial and

celebration, but rather deliberate action to change policies to address exploited loopholes in the system.

By comparison, under the Biden Administration, CBP encountered 10,945,916 inadmissible aliens. Encounter numbers began rapidly declining beginning in June of 2024 before leveling off, as CBP glowingly noted in the December 2024 Monthly Update: "Since the Biden-Harris Administration took executive action in June, there has been a significant and sustained decrease in unlawful border crossings – including a 60% decrease in encounters between ports of entry along the southwest border from May to December." Most of this decrease is actually attributable to the Mexican government, which agreed to increase enforcement along its northern and southern borders significantly. Despite taking action at the last possible moment, however, the Biden-Harris Administration will exit with more than three and a half times the illegal alien encounters than the Trump Administration.

The nationwide encounters data includes repeat offenders, and CBP reported higher recidivism rates when Title 42 expulsion authority was in place from March 2020 through May 2023. As the DHS Office of Inspector General reported in 2023, "The use of Title 42 has resulted in people repeatedly trying to reenter the United States because Border Patrol agents could not deliver consequences at the first interdiction." That could explain part of the increase in encounters during the last several months of the Trump Administration and a fraction of the encounters in the first two years of the Biden Administration. Still, the numbers continued to climb when the Biden Administration fully ended the use of the authority.

Encounter data, however, only captures when an inadmissible alien comes into contact with CBP officials. An illegal alien returned to Mexico does not have the same impact on our country as one released into the interior of the United States, and the Biden Administration embraced catch-and-release from day one. While public data on total CBP releases is only available through August 2024, the total Southwest border releases and paroles by the end of the summer was already above 3.7 million, compared to under 315,000 for the entire Trump Administration. CBP's monthly updates, which contain topline nationwide numbers through December of 2024, give a more complete view of the Biden Administration's parole scheme.

In addition to CBP's releases of illegal aliens with Notices to Appear (NTAs) and Notices to Report (NTRs), the Biden Administration created new illegal parole programs without Congressional authorization. They initiated the systematic processing of inadmissible aliens into the United States under the guise of "humanitarian parole" and issued them open-market employment authorization.

What began as the Venezuelan Parole Program in October 2023 evolved into a program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV). In just over two years, the Biden Administration allowed 531,690 otherwise inadmissible aliens to fly over the border to American airports, get work authorization, and disappear into the country's interior. These illegal aliens rightfully should be counted as illegal encounters in CBP border metrics, and it is fair to assume the parole programs were created to mask the actual number of illegal entries. CBP added in its December report, "Since DHS has implemented these safe, orderly and lawful processes, encounters of CHNV nationals in between ports of entry are down 91%." Of course, moving a border crisis to airports doesn't solve the crisis; it just obscures the facts from the publicly reported statistics.

Similarly, in January 2023, the Biden Administration began using the CBP One app to move illegal border crossings to ports of entry. Instead of crossing between ports of entry, illegal aliens were encouraged to schedule their illegal entry using the app. In just two years, 936,500 aliens scheduled their appointments to be released into the United States.

8 U.S.C. 1182(d)(5)(A) states that "The Attorney General may… in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States…" Despite the clear "case-by-case" limiting language in the statute, the Biden Administration granted categorical parole to 1,468,190 inadmissible aliens in two parole programs alone.

Any serious attempt at restoring integrity to our immigration system needs to begin with ending the rampant abuse of immigration law, and parole abuse is one of the most egregious. Humanitarian parole cannot continue to be used by administrations to get around statutory limits, all while they claim to have made illegal immigration "safe and lawful" while doling out employment authorization documents. The categorical parole programs must end, and parole should be limited to actual cases of real medical or family emergencies or for aliens assisting law enforcement.

Along with parole abuse, Temporary Protected Status (TPS) has been abused for decades, though perhaps most flagrantly during the Biden Administration. 8 U.S. Code § 1254a authorizes TPS designation when countries are in armed conflict and safe return of nationals to their home countries is not possible, when national disasters make the return of a country's nationals impractical and the foreign government requests designation, and when the U.S. government determines "extraordinary and temporary conditions" prevent the safe return of a country's nationals. It's important to note that the law allows waivers so illegal aliens in the United States can qualify, and TPS comes with work authorization. Even though the law requires a review 60 days prior to the end of the designated period of TPS to "determine whether the conditions for such designation under this subsection continue to be met," countries continue to be renewed indefinitely up to 18 months at a time. Despite that, Nicaragua and Honduras have maintained TPS since 1999 due to Hurricane Mitch. Estimates as of March of last year place the TPS population at 863,880, but Secretary Mayorkas dramatically increased the eligible population since then.

Rather than renewing TPS, which only benefits those in the country prior to designation as opposed to the date of renewal, Secretary Mayorkas extended *and* redesignated several countries in order to allow the full population of illegal aliens from those TPS-designated countries to qualify for TPS. Since the March estimate, the Secretary redesignated or designated Ethiopia, Haiti, Somalia, Yemen, and Lebanon. By DHS's estimates, since March of 2024, 338,800 aliens have become newly eligible for TPS and work authorization. If the estimates are accurate, the total population of aliens with TPS could reach 1.2 million.

In FY2023, the State Department issued over 365,000 nonimmigrant visas to countries now designated for TPS. Last October, we awarded nonimmigrant visas to nationals of every country currently designated for TPS, but nonimmigrants are required to return home at the end of the period of their visa. That fact defies logic. Either it is safe to return home, or it isn't. TPS abuse must end and be limited to actual, short-term relief for lawful aliens as opposed to being used as an indefinite executive amnesty.

MPP, also called the Remain in Mexico program, was a highly effective tool in reducing illegal entries from 2019 until President Biden terminated the program. 8 USC 1225(b)(2)(C) gives DHS the authority to return aliens arriving from a contiguous territory to that territory to await their removal proceedings. For the period in which MPP was fully implemented, from March 2019 through February 2021, only 67,690 aliens were sent back to Mexico to await their proceedings. Just a few months after the program began, the number of illegal arrivals started to plummet.

The point is that the mere existence of MPP can have an enormous deterrent impact that decreases the flow. The vast majority of illegal aliens are coming here for economic opportunities. If people think their attempt to skip existing statutory pathways to get into the United States will mean they are forced to remain in Mexico for an extended period, more will stay home rather than risk the dangerous journey. If friends, family members, non-government organizations (NGOs), and cartels can credibly promise an easy path to be released into the United States, people will come. And they have. We could spend hours pouring over the data, attempting to attach specific policy actions with migrant flows, but for us, it's no mystery why the numbers began climbing as we approached 2021. There's also no mystery why numbers have fallen as we've approached 2025. The same story has happened repeatedly, including when President Trump first took office and encounters dropped nearly 55% in two months. Perception of the enforcement of immigration law matters.

President Trump should expeditiously move to reinstate and expand MPP. Any illegal immigrant seeking asylum who is encountered at or between ports of entry should be returned to Mexico to await the adjudication of their claims. Instead of release with a court date years in the future,

return obviates any hope of making fraudulent credible fear claims at the border in exchange for a golden ticket to the United States with unrestricted employment authorization. This is the determinative policy step to deter fraudulent asylum claims.

Mass deportation is the primary focus of political rhetoric, but Congress has already written laws that require the President to remove illegal aliens from the United States. It's not a mere policy option. The truth is that "mass" deportations are needed because the government has allowed and/or welcomed mass numbers of illegal immigrants into the interior. While it may seem the population of illegal aliens in the country makes the job impossible, one has to remember that robust interior enforcement has the same benefit as robust border enforcement. If people credibly believe that the United States will no longer turn a blind eye to illegal immigration, people will decide to return home.

A willing administration has no shortage of solutions in existing law to solve the immigration crisis. In addition to the reinstatement of MPP, the end of parole and TPS abuse, and the use of deportations, regulatory changes to asylum, fees to deter frivolous applications, visa sanctions for recalcitrant nations that refuse to take back their nationals, workplace enforcement, safe third country agreements, and the broad 212(f) authority[1] (8 U.S.C. 1182(f)) can be combined to restore integrity to the immigration system.

However, what has been made abundantly clear over the past eight years is that what can be done by the executive branch can easily be undone. Congress has plenary power over immigration (U.S. Const. art. I, § 8, cl. 4) and an obligation to patch the loopholes in the law that have been exploited. Parole and TPS should be strictly limited in the statute. Congress can end asylum shopping and loopholes in asylum law, and provisions that have created a pull factor for unaccompanied alien children can and should be reformed. When someone arrives at the border illegally, the executive branch should be limited to three options: detain, return, or remove. To address an administration that chooses to violate the law, Congress can give state Attorneys

[1] "[W]henever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate."

General the power to fight back by establishing standing for violations of immigration law, as was done in H.R. 29, the Laken Riley Act.

Policy changes can help to restore order in the interior, as well. The most salient of these is mandating the use of E-Verify for all employers in the United States. E-Verify is the sole arrow in the policy quiver to eliminate the primary pull factor inspiring mass illegal immigration effectively: jobs. This policy change would also dramatically increase employment prospects for U.S. citizens, which is a bonus to its significant impact on discouraging illegal immigration.

In addition to the Laken Riley Act, the House passed a major piece of legislation last Congress that would accomplish most of these policy proposals: H.R. 2, The Secure the Border Act. Congress should finish the job and make this bill law.

TPS reform has been proposed in Congress in the past and can be reformed and improved.

Finally, Congress must expeditiously provide the administration with the resources—including additional ICE ERO officers and detention beds—necessary to implement credible interior enforcement.

Thank you, and I look forward to your questions.

Mr. MCCLINTOCK. Thank you.
We'll next hear from Mr. David Bier.

STATEMENT OF DAVID J. BIER

Mr. BIER. Chair McClintock, Ranking Member Lofgren, and distinguished Members of the Subcommittee, thank you for the opportunity to testify.

For nearly half a century, the Cato Institute has produced original research showing that a freer, more orderly, and more lawfully immigration system benefits Americans. Unfortunately, from January 2017–January 2021, the U.S. immigration system underwent an assault unlike any in modern history.

President Trump abused his authority to cut legal immigration from abroad by nearly 80 percent, refugees by 92 percent. He shut down asylum even for legal crossers. He stopped enforcing the law. He removed requirements to target public safety threats in the interior. As a result, he released twice as many convicted criminals as President Biden. He forced U.S. Attorneys to prioritize misdemeanor family separation prosecutions of parents over sex offenders.

By the time President Biden took office, the U.S. immigration system was in shambles: Immigration courts, consulates, and ports of entry all shuttered. Even detention centers were at half capacity. Many border patrol agents were assigned away from the border. Human trafficking investigators were working on low-level visa overstay cases.

In December 2020, border patrol arrests were at the highest level for any December back to 1999. Evasions of border patrol were 75 percent higher than when President Trump entered office. Border patrol was told not to impose consequences on crossers beyond expelling them to Mexico under Title 42 of the health code.

A decade of progress deterring criminals from crossing reversed. Encounters with convicted criminals tripped under the Trump Administration. President Trump cut legal immigration. He increased illegal immigration especially by criminals.

After this four-year sabotage, President Biden had to rebuild the immigration system from scratch. I criticized Biden's effort, but the fact is that it was always going to take time to undo this absolute disaster with no help from Congress and active obstruction by the States.

He reprioritized public safety threats in the interior and cut releases of convicted criminals from detention in half. He refocused on border security, doubling detention, removing three times as many border crossers as President Trump.

It was fixing legal immigration that contributed to ending the crisis. Biden restored visa and refugee processing to above 2016 levels. Biden also deregulated the parole process to open this lawful pathway to allow asylum seekers to enter in a lawful and orderly way. Biden's approach was working.

Yes, overall crossings increased during the economic recovery, but border patrol encounters were down 33 percent in Biden's final months compared to Trump's final months. Criminal crossings had fallen 57 percent. Evasions of border patrol were down 42 percent,

falling immediately after President Biden reversed Trump's expulsion to Mexico policy.

For the first time ever, most immigrants coming to the U.S. border were applying to enter legally through a regulated and screened lawful pathway.

The new administration is already undoing all the progress. The slough of new Executive Orders mandate violations of the U.S. Constitution, target peaceful people over violent felons, and, by limiting legal immigration, encouraged illegal immigration.

The President has ordered violations of the Constitution's 14th Amendment, denying the legitimacy of millions of Americans their citizenship and threatening to deport babies born in America. He's threatening to use the military to arrest, detain, and remove people without proving to courts they are removable.

His orders explicitly declare that he is above U.S. law, and he asserts he can ignore any immigration law that you, Members of Congress, write.

The President may have joked he wanted to be a dictator for a day, but he is not one. You, Congress, should defend your powers and the U.S. Constitution and our rights before they are gone. America's immigrants are with you. They come because America is the land of the free. Let's keep it that way.

Thank you.

[The prepared statement of Mr. Bier follows:]



Testimony of

David J. Bier

Director of Immigration Studies
Cato Institute

Before

The Committee on the Judiciary
Subcommittee on Immigration Integrity, Security, and Enforcement
United States House of Representatives

January 22, 2025

RE: "Restoring Immigration Enforcement in America"

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Chairman McClintock, Ranking Member Jayapal, and distinguished members of the subcommittee, thank you for the opportunity to testify.

My name is David Bier. I am the Director of Immigration Studies at the Cato Institute, a nonpartisan public policy research organization in Washington, D.C. For nearly half a century, the Cato Institute has produced original research showing that free markets and individual liberty make the United States a wealthier, safer, and freer country.

In a free society, markets incentivize people to contribute to the welfare of others through their work, innovation, and entrepreneurship. Thanks to freedom, America isn't a fixed pie—it's a growing pie. It is exactly for these reasons that so many people from around the world come to the United States, and it is exactly for those same reasons that we should let them come legally.

As the policy advisor for a former member, vice chairman, and later chairman of this subcommittee, I am honored to be invited to speak with you today about efforts to restore America's immigration system.

President Trump shredded enforcement of US immigration law.

Former President Biden inherited an immigration system obliterated by four years of intentional sabotage. By January 2021, President Trump's administration had shattered the enforcement of nearly every aspect of US immigration law. From January 2017 to January 2021, nearly 500 policies—both large and small—were implemented to disrupt the US immigration system's operations.[1] The Trump administration financially mismanaged this system by imposing a series of unfunded mandates that introduced new requirements and exclusions that had no basis in US immigration law.

During this four-year period, the Trump administration constantly undermined the rule of law, ignored court orders, and abandoned even the pretext of carrying out its responsibilities to enforce immigration law.[2] It illegally spent appropriated money meant to provide proper care for immigrant detainees on dog food and night vision goggles for Border Patrol.[3] It illegally diverted funding from the military to build a border wall.[4] More than 30 times, courts found that the Trump administration's policies were implemented illegally; however, the assault on the rule of law was so relentless that many changes were not stopped.[5]

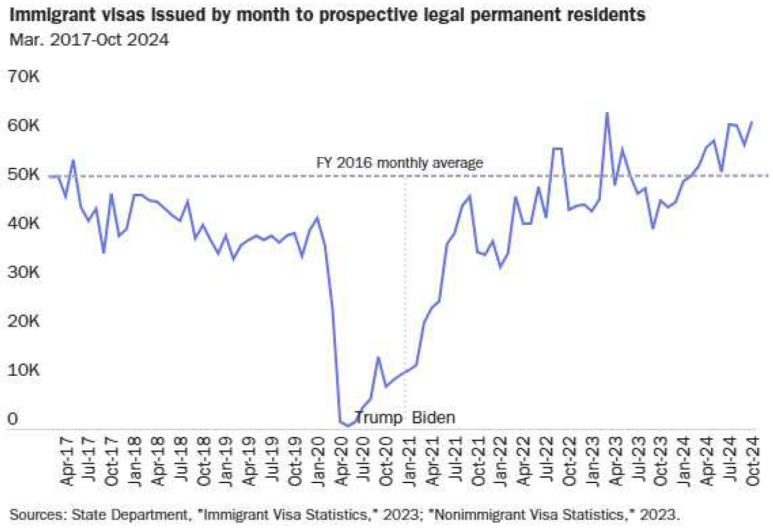
By January 2021, President Trump had:

- added more than 500 new pages to immigration forms, delaying applications and imposing unnecessary costs on the government;[6]
- banned immigrants from 13 countries for spurious "security" reasons, separating thousands of US citizens from their spouses and children;[7]
- banned legal immigrants—mainly US family members—unable to prove they will have high incomes;[8]
- banned what he called "nonessential" travel from Mexico and dozens of countries;[9]

- banned legally requesting asylum at the southwest border;
- suspended visa operations fully or partially at more than three-quarters of US consulates;[10] and
- banned most immigrant visa applicants and most skilled temporary workers, absurdly deeming them an economic "threat";[11]

By his last full month in office, Trump had obliterated legal immigration:

- cut total grants of legal permanent residence by 54 percent;
- cut immigrant visas for prospective legal permanent residents by 78 percent;
- cut nonimmigrant visas by 82 percent from their 2016 average;
- cut refugees entering legally from abroad by 92 percent; and
- cut asylum seekers lawfully entering at ports of entry by 93 percent.

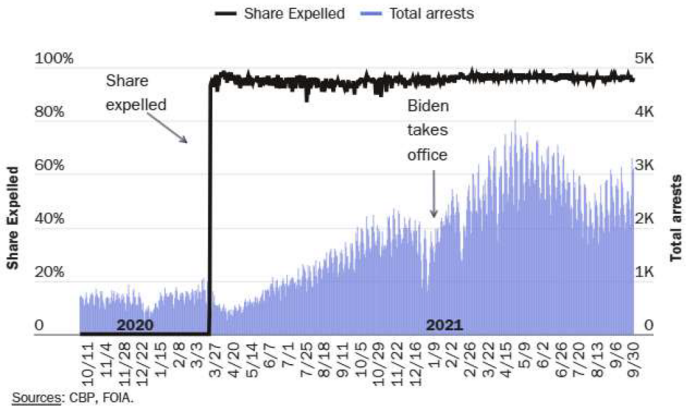


The Trump administration seized the opportunity to shut down legal immigration during the pandemic further, but all these cuts started *before* the pandemic. Legal permanent residents were already down 17 percent from 2016 levels; immigrants were down 27 percent; asylum seekers at ports of entry were down 56 percent; refugees were down 79 percent. President Trump slashed nearly every category of legal migration both before and after the pandemic.[12] Although he had already declared that the pandemic closures were "over," legal immigration was still banned into 2021—even after vaccinations began.[13]

Trump also decimated the enforcement of immigration laws. By his last month in office, Trump:

- closed almost all immigration courts for removal proceedings;[14]
- reassigned many Border Patrol agents from the border to the interior of the US;[15]
- forced Border Patrol to use Title 42 expulsions, which removed consequences for all border crossers, including for public safety threats, and led to more arrests (graph);

Expulsions did not deter illegal immigration during Trump's or Biden's term
Daily Border Patrol arrests, single adults from Mexico/North Central America by outcome
Oct. 1, 2019-Sep. 30, 2021



Sources: CBP, FOIA.

- cut prosecutions for illegal entry by 87 percent;[16]
- removed requirements to target solely public safety threats in the interior, deprioritizing criminals;[17]
- reassigned Immigration and Customs Enforcement (ICE) agents from terrorism and smuggling cases to track low-level visa overstay offenders;[18]
- doubled arrests of noncriminals living in the US interior and reduced the share of criminal arrests;[19]
- cut Immigration and Customs Enforcement (ICE) arrests by 26 percent;
- cut ICE removals by 54 percent to the lowest level in the history of the agency;
- cut ICE detention by 61 percent to the lowest level in decades; and
- released more than 58,000 detained noncitizens who had been convicted of crimes, including nearly 9,000 with violent crime convictions.[20]

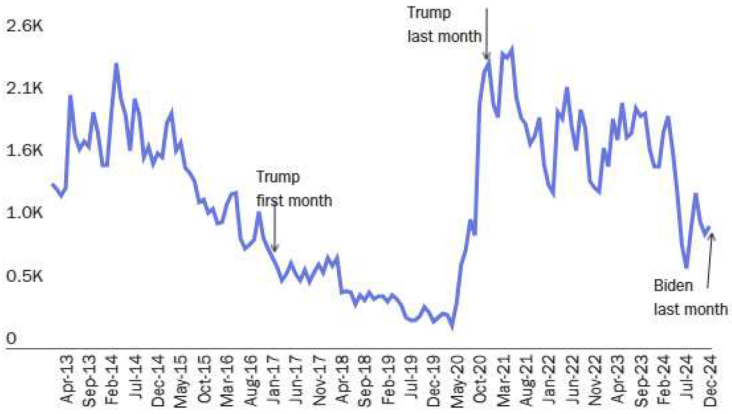
During his term in office:

- Border Patrol arrests of criminals tripled (see graph), reversing a decade of progress on deterring criminal crossings;
- Border Patrol arrests increased 64 percent from December 2016 to December 2020 to the highest level for any December in 21 years;

- Border Patrol evasions increased 75 percent from December 2016 to December 2020; and
- the share of people entering Customs and Border Protection custody who entered *illegally*—rather than legally—increased from 74 percent to 98 percent.

A decade of progress on deterring criminal crossings reversed under Trump

Convicted criminals encountered by Border Patrol, monthly, Title 42 and Title 8
January 2013–December 2024



Sources: Customs and Border Protection, FOIA; FY 2025: CBP, "Criminal Noncitizen Statistics" (Oct/Nov archived)

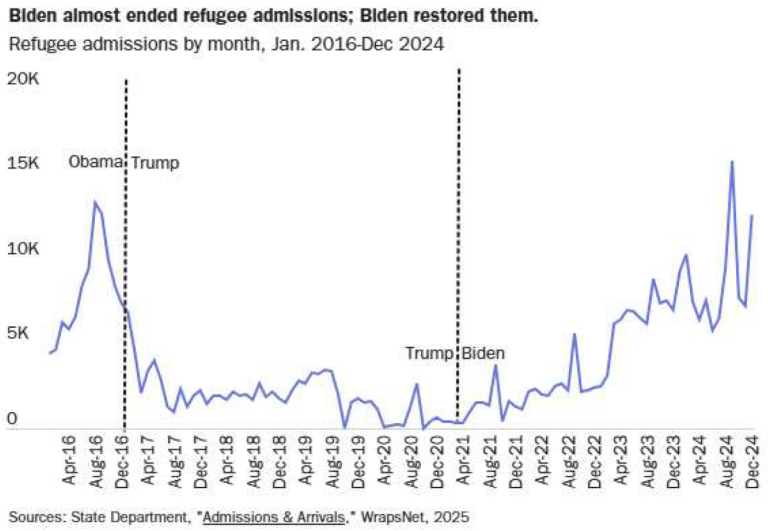
Of course, the architects of this disaster went beyond simply dismantling the US system. They also decided to use immigration law to torment children. They separated children from their parents and pretended that the law required this outcome. However, they only ever prosecuted 32 percent of crossers *at most*, allowing numerous adults without children to avoid prosecution to prioritize locking up parents.[21] They deliberately targeted children. US attorneys were reporting that "sex offenders were released" back to Mexico to make room for prosecuting parents with children.[22] Ultimately, the courts found this policy of targeting children to be unconstitutional.[23]

President Biden restored the enforcement of US immigration law.

President Biden entered office facing a shredded immigration system. After President Trump's intentional dismantling, it took the Biden administration a monumental effort to get the system operating at all. Congress generally failed in its duty to appropriate the necessary resources to undo the disaster, leaving the administration to undertake unprecedented reconstruction on its own. Although Biden often acted too slow and too timidly in the face of this challenge, his actions were critical to saving the immigration system from the brink of near-total collapse.

During his four years, President Biden:

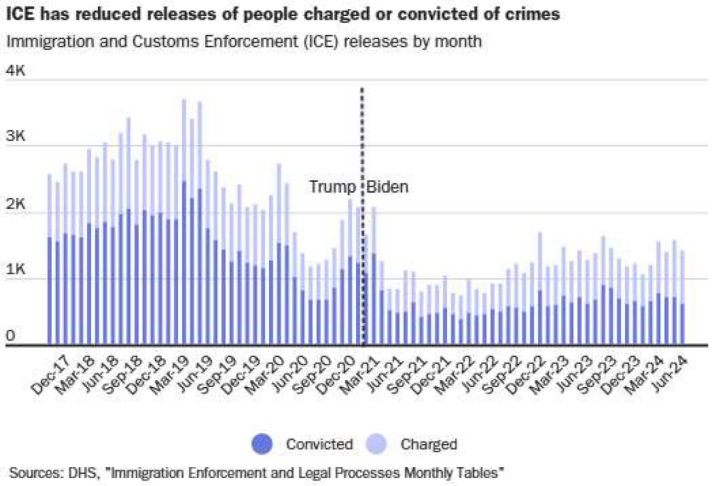
- reunited hundreds of children separated from their parents;
- ended discriminatory travel bans that separated families based on their birthplace;
- reopened consulates around the world to new visa applicants;
- ended the immigrant visa ban and refused to renew the nonimmigrant visa ban;
- ended the nonessential travel bans, saving the US tourism industry;
- streamlined visa processing for renewals by waiving interviews;
- allowed some applicants to renew their visas without leaving the United States;
- cut red tape for legal immigrants adjusting their status;
- reduced unnecessary denials of skilled temporary workers;
- restored immigrant visa processing to pre-Trump levels;
- increased nonimmigrant visa processing to pre-Trump levels;
- restored refugee processing abroad to pre-Trump levels (graph);
- increased processing of asylum seekers and parolees entering legally at ports of entry; and
- doubled US Citizenship and Immigration Services (USCIS) application processing capacity.



President Biden led the US immigration system out of an unprecedented calamity. But it took time to implement his vision, and he faced unprecedented challenges. The United States had the hottest labor market in the world, attracting migration from around the world to the US border. Border Patrol arrests, which had already reached the highest level in 21 years before he took office, rose even faster as the US economic recovery outpaced the world, and various disasters forced people to flee their homes.[24]

Biden's administration led a worldwide response to the migration crisis by signing the historic Los Angeles Declaration on Migration and Protection. This agreement brought together cooperation from 22 countries to coordinate a robust response to international migration.[25] From Day 1, President Biden surged additional resources to the border and increased the capacity to detain, process, and remove individuals at the border. During his four years in office, Biden:

- reopened immigration courts and set records for removal orders issued;
- removed or expelled three times as many people as Trump;
- removed a similar percentage of recent border crossers as Trump, despite historic increases in the flow;
- reversed Trump's ICE detention capacity limits and doubled the ICE detainee population;
- increased air removal flights by 55 percent over 2020 levels;
- negotiated broader expulsion deals with foreign countries;
- obtained cooperation from countries to stop through-migration;
- ended Title 42, restoring consequences for illegal entry; and
- prioritized criminal arrests and reduced releases of convicted criminals by half (see graph).



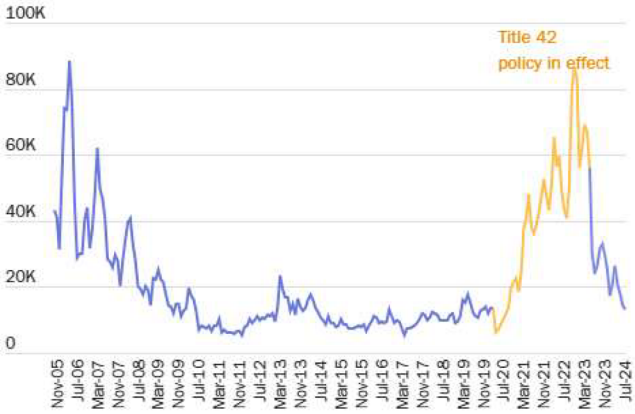
After four years, Biden restored enforcement:

- Border Patrol encounters with criminals fell by 57 percent from December 2020 to December 2024;
- Border Patrol overall encounters fell 33 percent;

- evasions of Border Patrol fell 42 percent; and
- The share of US Customs and Border Protection encounters with people who crossed *illegally* fell from 98 percent to 49 percent—meaning most people seeking to enter were crossing *legally* at the end of his term.

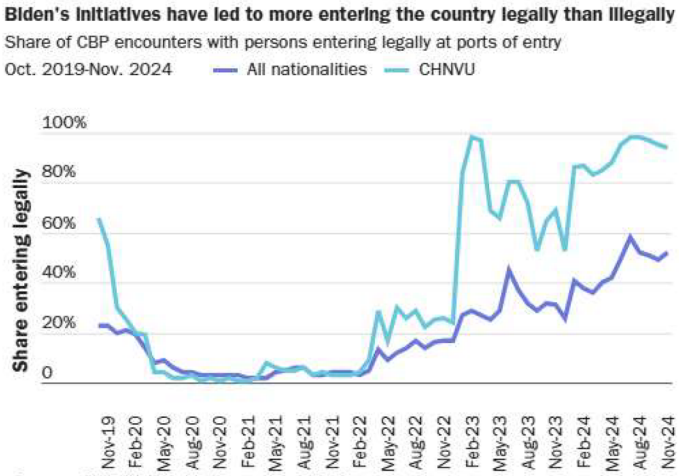
Not only did Biden receive little help in this effort, but his restoration of border security enforcement was actively obstructed by partisan state attorneys general and misguided lower court decisions. Courts held up policies meant to prioritize criminals and rescind Title 42, leading to thousands of additional encounters by criminals and thousands of additional evasions of Border Patrol. Immediately after the end of Title 42, evasions of Border Patrol fell by 77 percent. If the states had not intervened to block the repeal of Title 42, the drop in evasions could have started earlier, and there would have been about 600,000 fewer evasions or gotaways than there were.

When Biden reversed course on Title 42, it cut evasions of Border Patrol
Border Patrol known "gotaways," Oct. 2005-Jul. 2024



Sources: Customs and Border Protection (CBP), Cato Institute, Freedom of Information Act request; Townhall via CBP sources (Jan. 2021 to August 2021); CBP via Benedict Smith and Ben Butcher, "The true scale of migrant crossings under Kamala Harris revealed," *Telegraph*, October 28, 2024.

President Biden used his parole authority under section 212(d)(5)(A) of the Immigration and Nationality Act to establish innovative and orderly ways for immigrants to migrate safely and legally to the United States. He introduced a cell phone application called CBP One to permit some people seeking safety to schedule interviews to cross the US border legally. Separately, he created processes for people from Cuba, Haiti, Nicaragua, Venezuela, and Ukraine to enter the country legally if sponsored by someone in the United States. These provisions have successfully reduced illegal entries from those countries, with most people seeking safety at the US border doing so legally.



Sources: CBP, "Nationwide Encounters," 2024.
*Notes: CHNVU=Cuba, Haiti, Nicaragua, Venezuela, and Ukraine. Only includes southwest border inadmissibles except for these countries after the creation of the parole sponsorship programs.

Trump is already undermining US law enforcement, security, and prosperity.

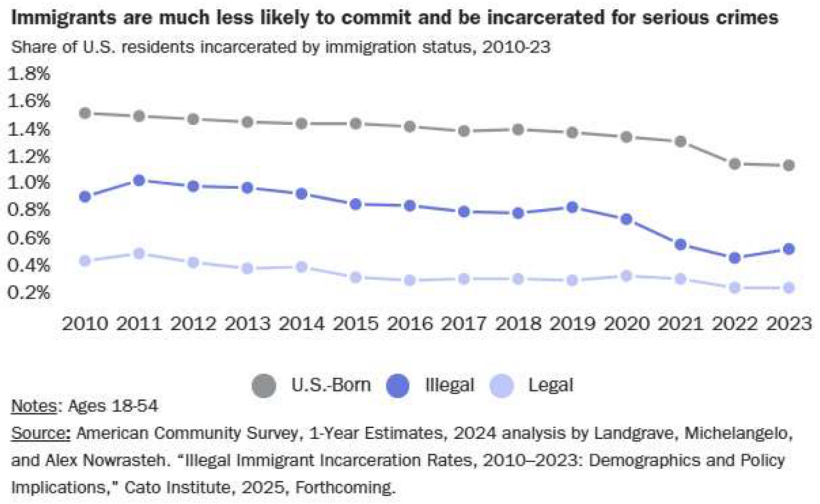
Immediately upon taking office a second time, President Trump announced an agenda to undermine the enforcement of America's laws further, encourage illegal immigration rather than legal immigration, and threaten US security. He has already:

- stopped processing asylum seekers for lawful entry at US ports of entry in Mexico, forcing them to cross illegally;
- suspended refugee resettlement entirely for refugees abroad, including for Afghans who backed the US military and Iranian Christians in route to the United States;[26]
- deprioritized criminals and public safety threats, opening all people without legal status to arrest, detention, and removal;
- prioritize misdemeanor illegal entry criminal cases over other criminal prosecutions;
- declared an "invasion" under the Constitution, even though this would authorize states to make war and open the potential for habeas corpus to be suspended;
- stated that he had the power to suspend all US immigration law, incoherently claiming that he must suspend the law to enforce it;
- denied US citizenship to the children of certain noncitizens (even many who are here lawfully) who were born in the United States, despite the constitutional guarantee of birthright citizenship;

- declared a national emergency at the border, even though illegal immigration is falling and significantly lower now than it was when he was last in office;
- implied he will invoke the Alien Enemies Act to remove people without proving in immigration court they are removable noncitizens, even though a foreign government is not invading the US as the law requires; and
- moved to illegally block law enforcement grants intended for local policing and public safety for cities that fail to cooperate with his agenda.

Trump's policies endanger the rights of Americans by undermining due process and focusing on mass deportation rather than public safety. Nearly six million US citizens have US citizenship by birthright but also have parents without legal status.[27] Millions more, including former Vice President Kamala Harris, were born to parents with temporary legal statuses. Mass deportation could also separate three-quarters of a million US citizens from their spouses.[28]

Mass deportation means everyone is a target. When everyone becomes a potential target for deportation, it means that no one truly is a target. This approach will undermine public safety by diverting resources away from serious criminal threats. Studies show that illegal immigrants are half as likely to have committed serious crimes warranting incarceration in the United States compared to US-born Americans.[29] Over the last ten years, they were 26 percent less likely to commit and be convicted of homicide in Texas.[30] Illegal residents in Georgia have a much lower incarceration rate for homicide and all other crimes than the total population of Georgia.[31]



There are numerous instances where immigrants have assisted law enforcement in stopping criminals or preventing crimes. For example, two foreign students intervened to stop a sexual assault at Stanford, later testifying against the rapist at trial.[32] Another immigrant tragically lost his life stopping a rape in Virginia.[33] In South Carolina, a video filmed on a Dominican immigrant's phone played a crucial role in a homicide conviction.[34] In Miami in 2015, a Colombian immigrant drove his van between an officer and an active shooter, saving the officer's life.[35] A significant source of funding for local police departments comes from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Byrne was a New York City officer killed while guarding a Guyanese immigrant who had repeatedly reported criminal activity in his community.[36] 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 working as a convenience store nightwatchman stopped a burglary in Texas.[37] Another in New Mexico chased down a child abductor, safely returning a 6-year-old girl to her parents.[38] Two asylum seekers in New York City stopped a stabbing in 2024.[39] Such incidents are not uncommon. Over the past decade, about 100,000 unauthorized immigrants have obtained legal status through their cooperation with law enforcement.[40] Currently, local agencies have about 355,000 pending requests for unauthorized immigrants seeking legal status based on their cooperation with law enforcement.[41]

Immigrants who have come are overwhelmingly contributing to American society. The Congressional Budget Office estimates they will lower US deficits by a cumulative $1 trillion and increase the US economy's size by nearly $9 trillion over 10 years.[42] Extending the analysis to look at the effects over the course of the immigrants' lifetimes shows a cumulative reduction in costs to the federal government of about $5 trillion.[43]

Reforming the immigration system would do the most to stop violations

Unfortunately, the US immigration system does not facilitate lawful migration; instead, it hinders it and encourages *illegal* immigration. The fundamental legal immigration framework dates back to 1924, and the last significant update occurred in 1990. Each year, about 97 percent of the millions of applicants are rejected.[44] The available categories for legal immigration are extremely narrow. A more effective approach would be to deregulate legal immigration, allowing immigrants to enter as long as they do not pose a security threat and meet other basic criteria.

With this system, immigrants could arrange travel directly to their destinations without imposing additional costs on border communities. They could immediately start working and contributing to the US economy. Such a system would also enable Border Patrol to secure the border against criminals. Congress should start by mandating that CBP continue to expand the parole sponsorship programs to other countries in the Americas while eliminating the current caps on those programs.

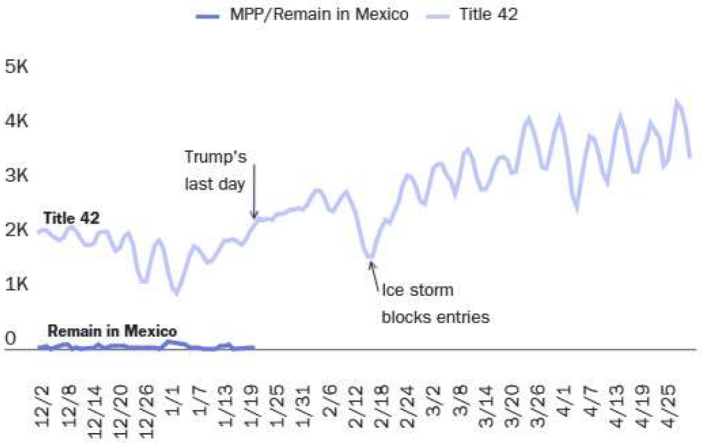
Appendix: Key Charts and Tables

Noncitizens with criminal convictions released by Immigration and Customs Enforcement
By type of crime, January 20, 2017-February 2020

Year of Release	2017	2018	2019	Total (as of Feb. 2020)
Total	**17,069**	**18,954**	**19,383**	**58,184**
Total non-immigration	15,830	15,200	14,402	***48,046***
Violent*	2,907	2,865	2,398	**8,620**
*-Assaults**	*1,297*	*1,348*	*1,146*	**3,967**
-Domestic Violence	*540*	*463*	*368*	**1,435**
-Sex Assault & Rape	*168*	*205*	*153*	**576**
*-Homicides**	*70*	*104*	*120*	**306**
Property	1,737	1,792	1,573	**5,360**
DUI	3,626	2,722	2,871	**9,729**

Sources: Immigration and Customs Enforcement, FOIA, Freedom of Information Act request, 2020-ICFO-15087.
Note: Violent includes all crimes against persons. Homicides include vehicular homicide. Release reasons were bonded out, order of supervision/recognizance, proceedings terminated, relief granted, prosecutorial discretion, parole, alternatives to detention, withdrawal, and DACA

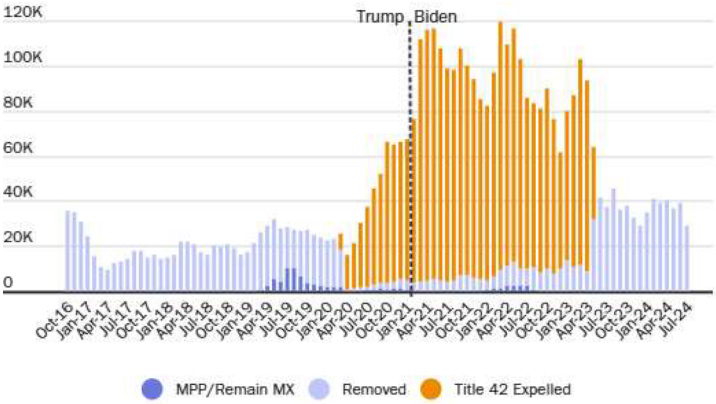
Biden increased expulsions to Mexico when he came into office
Border Patrol Title 42 and Remain in Mexico encounters by day by type
Dec. 1, 2020-April 30, 2021



Sources: Customs and Border Protection, Freedom of Information Act request, August 8, 2022, August 3, 2022; Department of Justice, "EOIR Case Data," 2024; DHS, "Immigration Enforcement and Legal Processes Monthly Tables," 2024.
Notes: Encounters are 3-day averages. MPP daily numbers come from court filings, and the aggregate monthly comes from DHS.

Biden expelled more immigrants in any month than were *ever* in Remain in Mexico

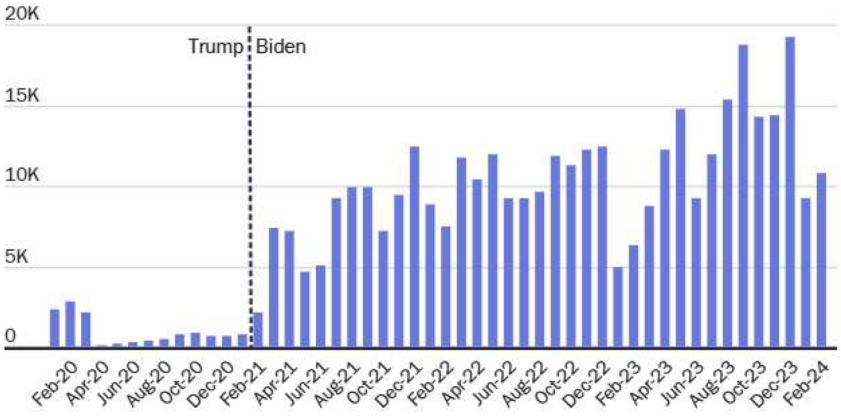
Border Patrol encounters by outcome, Oct 2016-Jul 2024



Sources: DHS, "Immigration Enforcement and Legal Processes Monthly Tables," 2024. (Combines CBP & ICE removals starting with a CBP arrest)

Biden radically expanded border detention and detention capacity

Border Patrol currently detained population, Jan. 2020-Feb. 2024



Sources: CBP, "Custody and Transfer Statistics Fiscal Year 2024," December 2024

Biden increased ICE detention throughout his term

Immigration and Customs Enforcement (ICE) daily detained population by month
FY 2021 to FY 2025 YTD

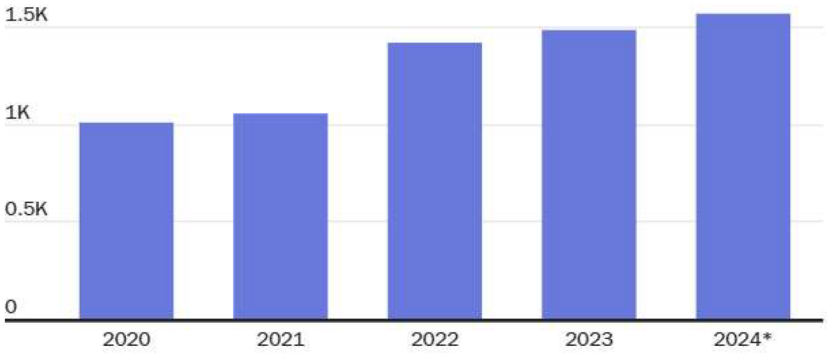


Download data

Sources: Immigration and Customs Enforcement (ICE), "Detention Management," January 2023; ICE, "Weekly Departures and Detention Report," 2016, 2014, 2013; ICE, "ICE Removals by Criminality, 10/01/2016 - 02/28/2017," 2017 (Excel); ICE, "ICE Enforcement and Removal Operations Statistics," 2024; ICE, "Annual Report," 2019, 2020, 2021, 2022, 2023; ICE, "Local Area Statistics," 2017, 2018, 2019; TRAC, "Immigration and Customs Enforcement Detention," 2019.

Biden increased US removal capacity by air by 55 percent

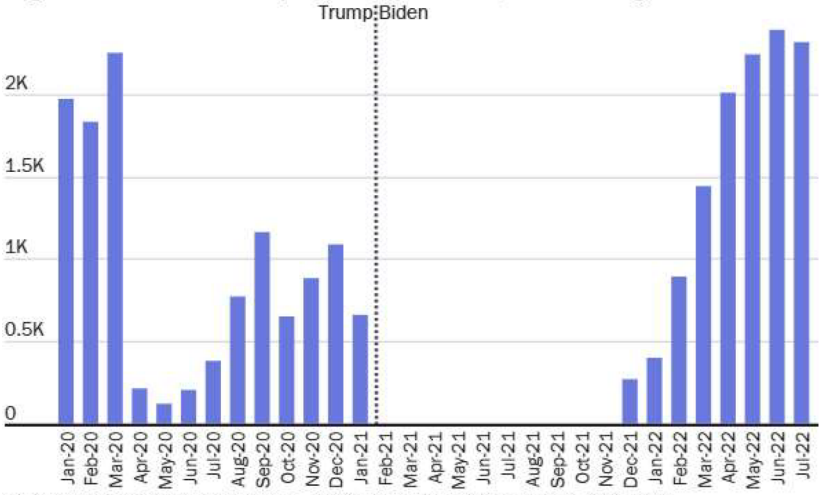
Immigration and Customs Enforcement Removal flights
Calendar Years 2020-2024*



Sources: Thomas Cartwright, "ICE Flights," Witness at the Border, 2024
Notes: 2024 refers to the 12-month period ending in November.

Remain in Mexico in 2022 saw higher monthly enrollments than in 2020

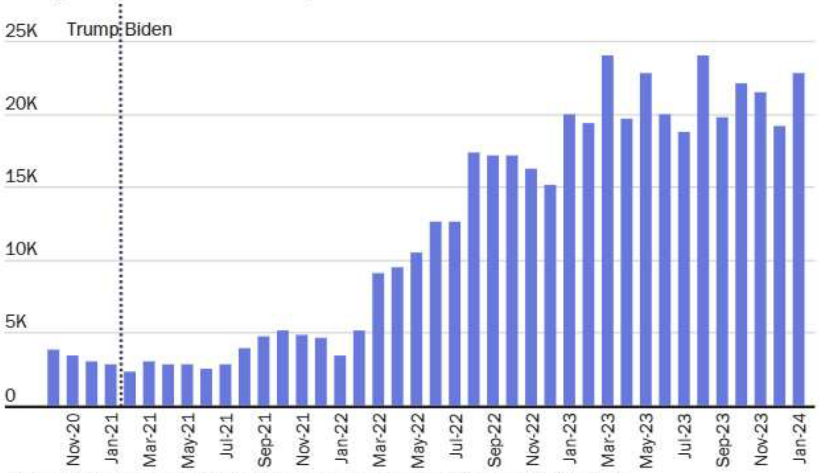
Migrant Protection Protocols (MPP) CBP enrollments, Jan. 2020-Aug. 2022



Sources: Customs and Border Protection, "Migrant Protection Protocols," 2020, 2021, 2022.
Note: Data are not reported prior to January 2020.

Immigration courts issued more removal orders in FY 2023 than any year ever

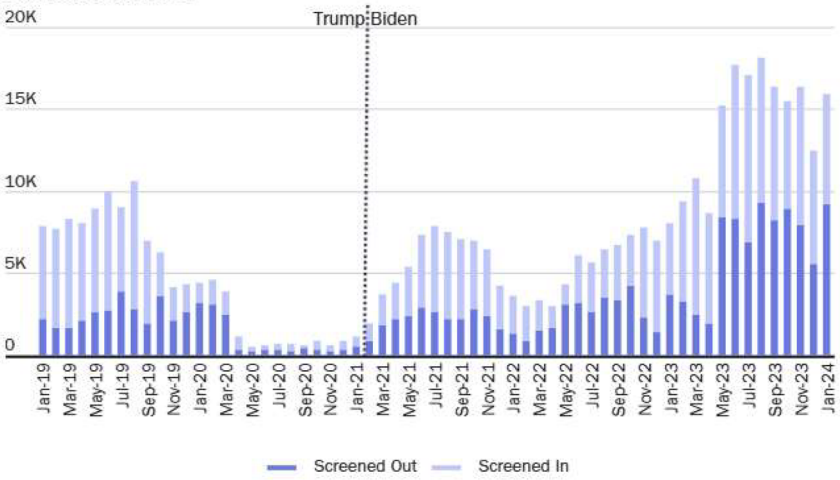
Immigration court removal orders, Oct. 2020-Jan. 2024



Sources: TRAC, "Outcomes of Immigration Court Proceedings," Syracuse University, 2024.
Note: Data are not reported prior to January 2020.

Biden is screening more asylum seekers for credible fear

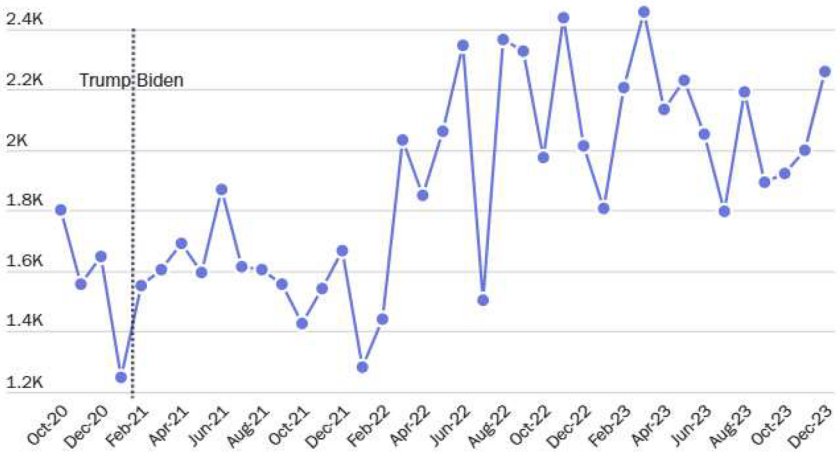
USCIS credible fear case receipts and CBP encounters at and between southwest ports
Jan. 2019-Jan. 2024



Sources: USCIS, "Semi-Monthly Credible Fear and Reasonable Fear Receipts and Decisions," 2024.

Biden increased total prosecutions for immigration offenses

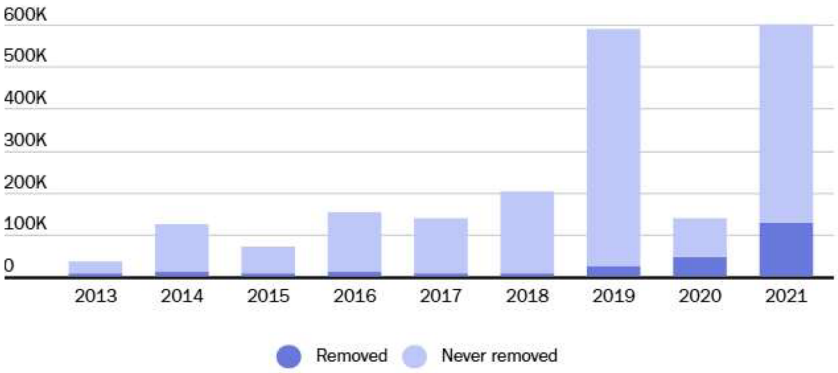
Number of total Justice Department prosecutions for illegal entry, reentry, and smuggling
Oct. 2020-Dec. 2023



Sources: Justice Department, "Prosecuting Immigration Crimes Report (PICR)," 2024.

No administration has removed a majority of families and children in any full year

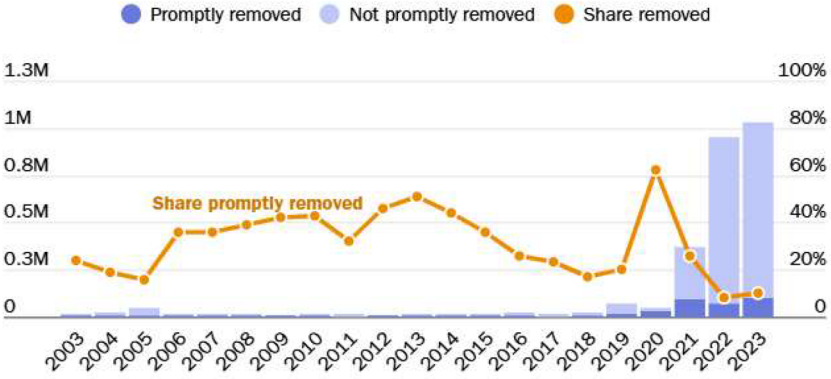
Status of families and children arrested by CBP, by fiscal year of entry, at/between ports of entry
As of Dec. 2021



Sources: DHS, "Enforcement Lifecycle Reports"
Notes: SW border only; MPP was considered a removal.

Before Biden, most crossers not from Mexico or Central America were able to stay

Non-Mexican, non-northern Central American Border Patrol arrests by outcome
FY 2003-2023



Sources: CBP, Freedom of Information Act
Notes: Promptly removed includes: Voluntary Return, Expedited Removal (no fear), Title 42, Reinstatement of Prior Removal, Migrant Protection Protocols, Bag and Baggage, Administrative Deportation, Warrant to Detain/Expedited Removal, Visa Waiver Program-Remove

Biden removed a similar share of border crossers, despite more arriving

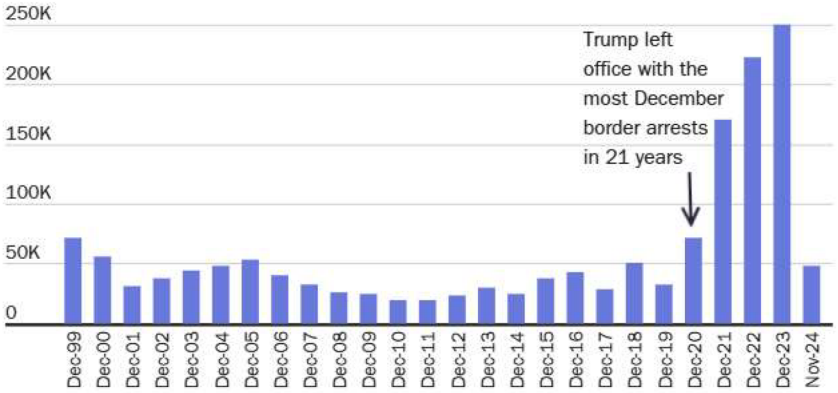
Border Patrol arrests by outcome, 2017-2024

Calendar Year	Removed	Not Removed	Share Not Removed
2017-20	1,202,421	822,979	41%
2021	*1,177,450*	*769,150*	*40%*
2021-24	3,254,035	4,081,770	56%

Sources: DHS, "Immigration Enforcement and Legal Processes Monthly Tables," 2024; ICE, "Detention Management," 2024; CBP, "Custody and Transfer Statistics."
Notes: Removals include all ICE removals that originated with a CBP arrest and MPP.

Border crisis started before Biden came into office and ended before he left office

Border Patrol arrests, each December, 1999-2024

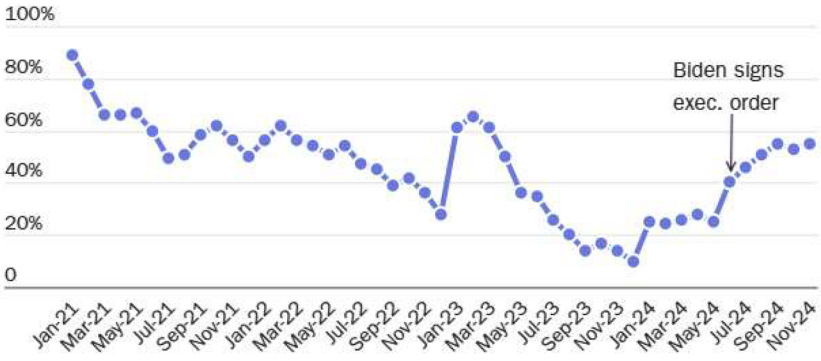


Sources: CBP, "Apprehensions"; CBP, "Nationwide Encounters," 2024

Biden achieved higher removal percentages at the crisis's start than its end

Border Patrol arrests, share removed

Jan. 2021-Nov. 2024



Sources: DHS, "Immigration Enforcement and Legal Processes Monthly Tables," 2024; ICE, "Detention Management," 2024; CBP, "Custody and Transfer Statistics."
Notes: Removals include all ICE removals that originated with a CBP arrest and MPP.

Much of this testimony was previously presented in other congressional hearings.

[1] Jessica Bolter, Emma Israel and Sarah Pierce, *Four Years of Profound Change: Immigration Policy during the Trump Presidency* (Washington: MPI, 2022).

[2] Bob Egelko, "Trump administration appears to be ignoring court rulings on DACA," *San Francisco Chronicle*, August 26, 2020.
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Mr. MCCLINTOCK. Thank you.
We'll finally hear from Ms. Jessica Vaughn.

STATEMENT OF JESSICA M. VAUGHN

Ms. VAUGHN. Thank you. I appreciate the chance to focus today on the most important things that Congress should do to restore immigration enforcement and integrity in our immigration law, the areas of the law that need to be updated.

The Border Security Act of 2023 or H.R. 2 was a great start, but more is needed to close loopholes and abuses and to fix the things in the law that just do not work and to address new challenges.

I particularly want to focus on problems with certain visa and benefit programs. One problem is fraud. Fraud is often overlooked in discussions of immigration enforcement, but it really is another form of illegal immigration. Past reports have identified double digit fraud in certain benefit programs, but most have never been studied or assessed for the prevalence of fraud. Congress needs to demand some investigation into these programs, audits and benefit fraud assessments to find out just how prevalent it is.

An even bigger problem is that over time, our immigration law has become a massive, disorganized menu of entry and work permit programs, some created by Congress, some not, that operate almost on autopilot. In the hands of an administration like the previous one that wanted no limits on immigration, any integrity guardrails were dismantled, and these programs have now ballooned in size.

In some cases, the rules themselves do not allow for meaningful controls. Some of these programs simply need to be shut down.

Before I talk about that, I just want to endorse the comments made by my fellow panelist on the need to address sanctuaries, which are a major public safety threat and undermine the integrity of immigration laws.

I also want to mention that it's important to allow for a role for State and local officials in restoring integrity of our immigration programs and in enforcement. In some of the programs that I'm going to talk about, the States are really a gatekeeper to some of these programs, and so they have a stake in how they are run.

Enforcement is not just a matter of imposing consequences on those who break the law. We need to be more prudent in administering visa and green card programs to reduce opportunities for abuse either by unqualified applicants or by an administration that imposes limits on immigration.

Visa overstaying is a chronic problem. More than 565,000 people overstayed their visa or visa waiver in 2023, and the State Department has done nothing but let this problem get worse in the last few years.

Besides lenient entry programs, our immigration system offers too many opportunities for people to prolong their stay and obtain work permits whether through long-term pretend temporary status or in programs that are abridged to green cards and citizenship. I'm referring to programs like TPS, OPT, the Special Immigrant Juvenile program, and the U and T visa programs for crime victims.

All these are loosely regulated and attract large numbers of fraudulent and frivolous applications. All of them have ballooned in size to historic numbers of applicants in the last four years. Collectively, these number at least a million and a half and maybe as many as two million people, and that exceeds the size of all the other guest worker programs combined.

For example, the OPT programs were never authorized by Congress but allow hundreds of thousands of foreign students and foreign grads of U.S. schools or fake schools to get a work permit. The U and T visas for crime victims have proven to be mostly ineffective in helping prosecute crimes and need to be replaced with a more tightly managed deferred action program that suits the needs of law enforcement agencies.

Similarly, the Special Immigrant Juvenile program, which was sold as a humanitarian benefit for trafficked kids in need of protection has become amnesty program for young adults whose claims of abandonment or abuse are often not subject to thorough examination. The availability of this benefit, which has few controls or standards, creates demand that gets larger and larger every year.

These are just a few examples of things that can be fixed by Congress and that I hope you will take up in this next session.

Thank you.

[The prepared statement of Ms. Vaughn follows:]

U.S. House Committee on the Judiciary

"Restoring Immigration Enforcement in America"

January 22, 2025

Statement of Jessica M. Vaughan

Center for Immigration Studies

Thank you, Chairman McClintock and Ranking Member Jayapal, for the opportunity to appear at this hearing to discuss how Congress can help restore immigration enforcement, which is central to maintaining the integrity of our immigration system. The late, great lawmaker and civil rights leader Barbara Jordan famously distilled the definition of an effective immigration system – in testimony before this very Committee -- to a single sentence: "those who should get in, get in; those who should be kept out, are kept out; and those who should not be here will be required to leave."[1] It has been disheartening to witness the abandonment of those common sense principles over the last four years, as the Biden administration has worked to undermine our immigration laws rather than enforce them. While we can have high confidence that returning president Trump will be acting swiftly to reverse course, the experience of the last four years reveals that there are many parts of our immigration law that need to be updated and bolstered, so it is essential for Congress to act as well, and to reclaim its authority to establish immigration law for the nation.

This statement is intended to offer a list of recommendations for Congressional action to reform and reinforce immigration law that go beyond the critical improvements already contained in the Secure the Border Act of 2023 (H.R. 2), which the House recently debated and passed.

It includes recommendations for changes not only to enhance the work of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), but also calls for changes to visa and immigration benefits programs to address overstays, fraud and other problems that are also forms of illegal immigration.

Restoring Border Security

1. **State and Local Partnerships -** Clarify the authority found in Section 103(a)(10) of the Immigration and Nationality Act (INA), which gives the President and the Attorney General, and possibly the Secretary of the Department of Homeland Security (DHS), the ability to delegate immigration enforcement authority to state and local law enforcement officers in the event or possibility of a mass influx of illegal aliens over a land or sea border, upon agreement or request of those state and local officials.[2] In addition to clarifying the authority and means to activate this authority, Congress should make funds available to help state and local officials cover the costs involved of helping to enforce immigration laws.

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[1] Testimony before House of Representatives, Committee on the Judiciary, Subcommittee on Immigration and Claims February 24, 1995

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Numerous state and local officials are eager to assist with immigration law enforcement, not only at the border, but also in the interior, because it supports their public safety mission, and because it protects the fiscal stability and quality of life of their communities. Federal authorities need their help. Congress should make sure that this tool is available to them.

2. **Entry-Exit Tracking and Border Crossing Card Compliance** - Direct DHS to complete implementation of a comprehensive biometric entry-exit system for land, sea and air ports of entry that enables all traveler identities to be authenticated, all traveler movements across our border to be tracked, and entries of visa and identity abusers to be prevented. After the swift implementation of US-VISIT in 2004, progress on completing this system, first mandated in 1996, has been very slow. The land ports of entry, some with high crossing volumes and travelers arriving by foot and by car, are still a significant vulnerability. In particular, Congress should direct DHS to work with the Department of State to boost security and compliance of Mexican travelers using Border Crossing Card, with a focus on addressing the problem of imposters and deterring use of the card for illegal employment in the United States. In addition, Congress should limit issuance of the BCCs to residents in the border area of Mexico (residents of the interior should be required to qualify for a regular visa), and restore limits on entry to within 25 miles of the border for a 72-hour period.

3. **Mandatory Visa Interviews and Shorter Stays** - Congress should require that all first-time visa applicants must be interviewed before receiving a non-immigrant visa (with a few very narrow exceptions). In addition, Congress should request a report on the average and median duration of stay for all visa categories and countries of citizenship, with the goal of assisting DHS in crafting a new policy to align the duration of stay authorized by port of entry officers with the length of time actually needed by most travelers, as a way of deterring overstays. For example, a regular B-1/B-2 visa entry should have a default duration of stay of 30 days, not 180 days, unless the traveler requests longer and receives additional vetting. In addition, Congress should require Customs and Border Protection (CBP) to report to the State Department all cases of individual visa-holding travelers who were denied entry, for use in evaluating visa issuance policies.

4. **Border Detention Capacity** - Congress should consider authorizing and funding dedicated detention facilities for CBP use at the border, to enable them to process, detain and return or remove aliens arrested by CBP officers who are held in custody for short periods of time. This will ensure that ICE detention capacity is not affected by the need to detain large numbers of aliens arrested by the Border Patrol.

Restoring Interior Enforcement

1. **Find the Kids** - One of the most disturbing results of the Biden open border policies has been the surge in arrivals of unaccompanied alien children (UACs) and the irresponsible policies for releasing these minors to unvetted sponsors, which has been well documented in hearings before this committee and in the Findings section of H.R. 2. I believe that the changes proposed in that bill would effectively address the problem at the border, before it creates problems within the country, but now the task of locating and returning these children to their families or their home country remains. First, Congress should clarify that the Health and Human Services (HHS) agency has the authority and the responsibility to look out for the welfare of the children who passed through their hands (something that the leadership of this agency has repeatedly denied), and Congress should direct HHS to make changes, including, for example, adopting the strictest version of the recommendations of the Office of the Inspector General last

year, and placement protocols that are comparable to state foster care placements.[3] In addition, Congress should direct HHS to create a multi-agency task force to locate all minors who were placed with sponsors by HHS (who are still minors), return them to their families to the extent possible, and initiate appropriate law enforcement action against sponsors, employers, smuggling organizations, and human traffickers. Those who were allowed to enter as UACs but who are now adults should be subject to immigration enforcement without special status or treatment. Further, Congress should lift all prohibitions on information-sharing among federal and local agencies about UACs and their sponsors, which have recently been inserted into appropriations bills.[4]

2. **Discourage Sanctuaries -** The proliferation of sanctuary policies is one of the biggest challenges for ICE today. They are adopted primarily for political reasons, or because political leaders misunderstand or disagree with immigration enforcement, or believe the false narrative that ICE is overzealous or that such policies encourage more crime reporting by immigrants. In fact, sanctuary policies protect criminal aliens, and undermine public safety as these criminals are released back into the community. Since 2021, more than 22,000 deportable criminal aliens have been released into the community after local jails refused to honor ICE detainers. My experience in working on this issue for more than 10 years is that the prospect of potentially losing access to federal funds to law enforcement agencies or other branches of local government can prompt some sanctuary leaders to change their policies. But the most egregious sanctuary jurisdictions, including California, Washington, Oregon, and Illinois, whose leaders are unmoved by the litany of tragedies that have occurred as a result of these irresponsible policies, are unlikely to change on their own. Congress needs to take several steps to address this problem: a) update 8 USC 1373 and 1644 to prohibit local jurisdictions from barring officers from communicating with ICE about suspects or inmates, or barring ICE access to jails and prisons; b) clarify the legal foundation of ICE detainers so that local law enforcement agencies can honor them without unreasonable liability; b) bar sanctuaries from eligibility for certain federal funding; c) create a private right of action for individuals (or state or local officials acting on their behalf) to enable those harmed by sanctuary policies to seek compensation. In addition, Congress should create penalties or other disincentives to states that issue driver's licenses or other public benefits to illegal aliens.

3. **Crack Down on Illegal Employment -** The main motivation for illegal immigration is employment. In addition to creating a universal mandate for employers to verify that all their employees are authorized to work, Congress should provide additional tools to enforce this mandate, including penalties for employers who egregiously or negligently use staffing companies that provide unauthorized workers. Congress should direct the Internal Revenue Service to share information with ICE on irregularities in payroll or wage filings, and specify actions to be taken by the IRS and ICE.

4. **Allow States to Assist in Enforcement -** Because the illegal immigration problem is currently too large for the federal government to address on its own, and because the costs of this problem are borne primarily at the state and local level, Congress should create mechanisms for state and local governments to assist with immigration enforcement. Congress should direct funding to create expanded opportunities for delegation of immigration enforcement, including increased funding for a greater variety of 287(g) programs, which are a critical force multiplier for ICE and have public safety value for participating

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[3]Department of Health and Human Services Office of Inspector General, "Gaps in Sponsor Screening and Followup Raise Safety Concerns for Unaccompanied Children," February 2024, https://www.borderreport.com/wp-content/uploads/sites/28/2024/02/OEI-07-21-00250.pdf.

[4] See Jon Feere, "NYT Reveals Child Labor Exploitation Corresponds to Actions Taken by Harris, Biden, and Mayorkas,"Center for Immigration Studies, April 19, 2023, https://cis.org/Feere/NYT-Reveals-Child-Labor-Exploitation-Corresponds-Actions-Taken-Harris-Biden-and-Mayorkas.

jurisdictions. In addition, Congress should authorize states to create diversion programs whereby state courts and authorities may offer and enforce repatriation as an alternative to incarceration for non-violent, low-level deportable alien offenders.

5. **Tighten Visa Issuance and Hold Overstayers and Sponsors Accountable -** Since a large share of illegal aliens arrived on temporary visas or visa waivers and then overstayed, the State Department and ICE should be required to dedicate more resources for preventing overstays and targeting more individual aliens who overstay. In 2023, more than 565,000 aliens overstayed their visa or visa waiver entry.[5] Reducing this number requires a multi-layered approach that includes improved visa issuance procedures, more enforcement to deter overstaying, and consequences for the sponsors in certain visa programs that result in a disproportionate number of overstays. Congress should mandate general visa issuance protocols that, in addition to requiring interviews, set thresholds for unacceptable overstay rates that result in the imposition of enhanced vetting procedures and reduced issuances in countries and/or categories with high rates of non-compliance. In addition, Congress should direct the State Department and DHS to create a task force or working group with the responsibility of identifying employers, universities, NGOs, and other sponsors of temporary visitors who have unacceptable or disproportionate rates of sponsored aliens who overstay, and establish penalties for these sponsors, to include fines and/or debarment from participation in these visa programs.

6. **Accelerated Due Process in Removals -** The removal process has become rife with loopholes and opportunities for removable aliens to appeal, contest, or drag out their proceedings. Congress should stitch these closed and either reinforce or create new forms of accelerated due process that allow very limited interference from the courts. For example, expedited removal should be allowed in the case of aliens who cannot show they have been here longer than five years. Congress should address the court-imposed limitations on stipulated removal, which is the equivalent of a plea bargain agreement in which the alien waives a hearing in immigration court, accepts removal, and thereby avoids prolonged detention. In addition, Congress should provide for expanded use of judicial orders of removal, so that federal and state judges can order aliens removed under certain circumstances. Both of these measures would help reduce the backlog in immigration courts.

7. **Alternatives to Detention –** This program has morphed from one designed to allow for the release of low-risk aliens (often families) who stand a reasonable chance of qualifying for relief from removal to a safety valve to enable ICE to release relatively low-risk aliens from detention to a resettlement support program for paroled aliens. In its most recent iterations, it has become expensive and ineffective in accomplishing removals. Congress should restore this program to one that supports ICE's enforcement mission by enabling ICE to monitor a limited number of aliens that meet strict criteria to be released while in proceedings, and promptly remove those who do not obtain relief, with penalties for violations of release conditions.

8. **Eliminate OIDO -** The Office of the Immigration Detention Ombudsman should be terminated or drastically scaled back, with its duplicative functions eliminated. Currently it serves as an advocate for detained criminal aliens and in some cases works to perform pseudo-oversight, often in the form of repetitive "jail inspections" aimed at deterring or shutting down cooperative agreements between local jails and ICE.

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[5] Department of Homeland Security, "Entry/Exit Overstay Report for 2023," https://www.dhs.gov/sites/default/files/2024-10/24_1011_CBP-Entry-Exit-Overstay-Report-FY23-Data.pdf.

9. **Target Gang Members and TCOs -** Gang members, cartel operatives, and those who work for transnational criminal organizations (TCO), and their family members, should be inadmissible and barred from receiving all immigration benefits. Congress should authorize and appropriate funds for a national database of gang members. All non-citizen gang members and TCO operatives should be subject to law enforcement watchlisting and alerts.

10. **Fight Identity Theft -** Congress should direct and fund the creation of an interagency task force or working group to address the rampant identity theft associated with illegal immigration, particularly identity theft of U.S. citizen Social Security Numbers (SSNs). It is possible to detect multiple and suspicious uses of SSNs through analysis of the FBI's criminal biometric database (Interstate Identification Index and National Fingerprint File), payroll and tax records, motor vehicle records, welfare and Medicaid records, U.S. Passport records, and records in Puerto Rico, which is a source of many SSN thefts.[6]

11. **Recalcitrant Countries -** Congress should provide a more robust process for dealing with countries that refuse to accept their citizens back after being ordered removed. Upon notification from ICE that a country is recalcitrant (as defined by Congress) the State Department should be required to impose an escalating series of visa sanctions for recalcitrant countries, and also be required to withhold certain forms of foreign assistance and other support.

12. **Remittances** – In order to help disrupt money laundering and human trafficking and smuggling networks, access to electronic money transfers to foreign countries should be limited to those providing evidence of U.S. citizenship or lawful permanent or temporary legal status. In addition, Congress should mandate that a modest fee should be imposed on all out-going remittance payments, and the proceeds from this fee should be used for immigration enforcement.

Combatting Fraud and Misuse of Temporary Visa Programs

Most non-immigrant visa category rules need updating to prevent further abuse. Among the most important changes needed:

1. **Treaty traders and investors** – Congress overturn the E visa regulations published in the Foreign Affairs Manual (FAM) in 2023[7], and instead write new rules that include specification of a minimum sum of investment and economic activity and also the minimum number of jobs created for U.S. workers in the visa applicant/holder's business. In addition, the eligibility of the visa holders should be evaluated every five years, to include interviews, site visits, and examination of tax records and financial statements.

2. Student visas – The F and M visa categories have highest overstay rates of any of the broad categories of temporary admission. Thirty-two countries have student/exchange visitor overstay rates of higher than 20 percent. Four countries (Brazil, China, Colombia and India) each had more than 2,000 of their citizens overstay student/exchange visas in 2023, with India having the highest number (7,000). Not only do visa issuance policies need to be adjusted and interior enforcement boosted, in addition Congress should

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[6] Jessica Vaughan and James Scott, "Has an Imposter Stolen Your Identity?," Center for Immigration Studies Podcast Episode 78, https://cis.org/Parsing-Immigration-Policy/Has-Imposter-Stolen-Your-Identity.

[7] Corona C. Wang, "State Department Releases Updated Guidance for E-Visa Processing," Ogletree Deakins, July 14, 2023, https://ogletree.com/insights-resources/blog-posts/state-department-releases-updated-guidance-for-e-visa-processing/.

amend the law in several important ways. First, the concept of dual intent should not apply to student visa applicants; instead, each applicant should be required to demonstrate an intent and likelihood to return to their home country after their studies.

Second, the **Optional Practical Training (OPT)** and Curricular Practical Training (CPT) programs, which were never authorized by Congress, and which have spawned an industry of diploma mills and fake schools give cover for bogus training programs and illegal employment, should be eliminated, or much, much more closely regulated. Currently OPT and CPT are the largest guest worker programs we have, with an estimated 540,000 former students employed here, without accountability, oversight, labor condition safeguards. In addition, Congress must impose stricter standards for credentialing schools before they are allowed to issue I-20 forms to visa applicants. Schools with high rates of overstays should lose their eligibility to issue I-20s.

3. **Temporary work visas** – The temporary work visa programs inevitably lead to distortions in the labor market and displacement of U.S. workers, and the immigration agencies should be required to devote more effort to enforcing the rules and combatting fraud. Not only do they contribute to more illegal immigration with high overstay rates, they can create security risks.

The United States does not have a shortage of labor, either in skilled or low-wage occupations. In fact, there are millions of Americans of working age who have dropped out of the labor market. Even in the STEM sector, there are more than two million U.S. STEM degree-holders who are unemployed or not working in STEM, which is about one-sixth of the total. Besides directing more agency action, Congress should overhaul these visa programs to increase opportunities for American workers.

First, no staffing companies should be permitted to sponsor foreign visa workers. These companies operate on a business model designed to replace U.S. workers with workers from abroad who will work for lower wages, and have been associated with illegal hiring practices, such as charging workers illegal recruitment fees and exploiting workers – in both skilled and low-wage occupations.

All employers should be held accountable for high overstay rates for sponsored workers.

Visas for workers specialty occupations **(H-1B)** should be limited to a period of two years with a possible extension to four years, and there should be no automatic extension based on a green card petition. The total number should be limited to 75,000 or less, including the non-profit and research sector, which is currently unlimited. If the category is oversubscribed, then the visas should be awarded to the highest-paying employers, as a proxy for the highest skilled workers. Federal government agencies should be permitted to seek approval for visa workers only in very limited circumstances.

As for temporary agriculture workers **(H-2A)**, Congress should clarify the definition of agricultural work, to exclude food processing. Workers should be required to spend 180 days of each year in their home country to qualify to return, and no visas should be available to dependent family members. This will help ensure that the visa are temporary.

The **H-2B** visa program for seasonal or temporary unskilled labor should be eliminated, or significantly scaled back to allow a duration of stay of less than one year, with renewal available only after a 180-day return to the home country.

4. **Exchange Visitors** – The majority of the so-called cultural exchange (J) visas are in reality work programs that have little value for cultural diplomacy and are not true exchanges that offer opportunities for Americans to have experiences abroad. They have a higher overstay rate than the F- and H visa

programs, and they displace and undercut U.S. workers. Specifically, the Au Pair, Summer Work Travel, Intern, Teacher, Physician, and Trainee programs, which are all work programs, should be eliminated.

In addition, the 212(e) provision requiring certain exchange visitors return home for two years before becoming eligible for other immigration benefits, should be restored to all of the categories, to ensure that the programs are truly short-term exchanges and not a path to immigration or overstay.

Exchange program sponsors should face consequences for program abuses, including violations committed by their sub-contractors and third party sponsors, such as fines and debarment from the ability to bring in foreign nationals. Sponsors should not be allowed to let third parties host exchange visitors under their eligibility.

The State Department should be given additional resources to increase oversight of these programs – especially the high school exchange programs that involve minors.

5. **Visas for Crime Victims** – While well-intentioned, the visas for victims of serious crimes (U and T visas) are not achieving the intended purpose of helping to prosecute crimes against illegal aliens, including severe forms of human trafficking. Instead they have become opportunities for inadmissible aliens to game the system to obtain immigration status. According to an investigation by the DHS Office of the Inspector General,[8] a majority of law enforcement officers surveyed about the U visa stated that the program does not contribute to helping solve crimes and is widely considered to be a drain on their resources and invites crime reporting scams. Similarly, according to an academic study, more than two-thirds of law enforcement agencies surveyed rarely or never consent to sign certifications for T visas.

These two visa programs are massively oversubscribed and bogged down with frivolous and fraudulent applications. This has occurred because of loosely-written regulations and also significant policy changes under the Biden administration. For example, the U visa program, which Congress thought should cover no more than 10,000 foreign crime victims per year, now has a waiting list of more than 300,000 pending cases that could take 30 years to work through. The number applications for T visas (for victims of severe forms of human trafficking) more than quadrupled between 2021 and 2024. Government reports and independent research have documented rampant fraud in the U visa program especially, such as fictitious claims of victimization, staged crimes, altered law enforcement certifications, and more.[9]

There are several reasons for the huge spike in U and T visa applications, which can be corrected by Congress. First, the Biden administration adopted very lenient rule for establishing eligibility and, more importantly, has allowed applicants to receive work permits, protection from deportation, and benefits for family members upon mere filing of an application, before any meaningful review of admissibility, eligibility, or credibility. In addition, under Biden policies, USCIS adjudicators were not permitted to file Notices to Appear in the case of failed benefits applicants, meaning that even those who file frivolous applications will face no consequences upon denial, and so have nothing to lose and a lot to gain.

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[8] DHS Office of the Inspector General, "USCIS' U Visa Program is Not Managed Effectively and is Susceptible to Fraud," January 6, 2022, https://www.oig.dhs.gov/sites/default/files/assets/2022-01/OIG-22-10-Jan22-Redacted.pdf.

[9] Jessica M. Vaughan, "Visas For Victims: A Look At the U Visa Program," Center for Immigration Studies, March 30, 2020, https://cis.org/Report/Visas-Victims-Look-U-Visa-Program and "U Visas for Illegal-Alien Crime Victims: Yet Another Amnesty Ploy," Center for Immigration Studies Podcast *Parsing Immigration Policy*, Episode 92, February 16, 2023, https://cis.org/Parsing-Immigration-Policy/U-Visas-IllegalAlien-Crime-Victims-Yet-Another-Amnesty-Ploy.

Considering that the U and T visas do not contribute to the solving or prosecution of crimes in a meaningful way, Congress should eliminate these visa programs and replace them with a carefully regulated deferred action program. Requests for enrollment in a deferred action program must be initiated by a law enforcement agency on behalf of aliens who are victims of certain very serious crimes enumerated or defined in the law, and who are directly assisting or have directly assisted in the prosecution of the crimes. The crime must have occurred within the last six months in the jurisdiction of the requesting agency. No immigration benefits should be awarded to the alien until appropriate vetting has occurred and the request has been adjudicated, and the benefits will expire within six months of the conclusion of the prosecution or disposition of the case.

6. **TN visas** – Currently, no federal agency is responsible for keeping track of the total number of aliens admitted from Canada and Mexico as TN workers. The State Department reports on the number of TN visas issued to citizens of Mexico, but TN workers from Canada are processed and admitted at the ports of entry, and, to my knowledge, CBP does not report or track the number of workers admitted or the places of employment. No agency monitors compliance with the terms of the visa, to my knowledge. Congress should direct CBP to record and publish the number of TN admissions at ports of entry, and direct USCIS to report on the occupations, employers, salaries, locations, and other information necessary to evaluate the impact of the program on the labor market and on communities where TN workers are located.

7**. Birth Tourism -** Congress should direct all hospitals that receive Medicaid or other federal funding to collect data on births to non-citizens, along with information on mother's immigration status and form of payment for maternity care. This data can be used to inform investigations into birth tourism and potential violations of immigration law. In addition, Congress should create penalties for visa or other violations that occur in cases of birth tourism or international commercial surrogacy.

Combatting Fraud in Green Card Programs

Obtaining legal immigration benefits through fraud or misrepresentation is another form of illegal immigration that is as worthy of congressional attention as illegal border crossing and overstaying visas. Americans value immigration, but our current suffers from lax oversight and too many loopholes that allow large numbers of unqualified applicants to receive benefits and a path to citizenship. Examples abound: a marriage fraud ring run by a local official in Connecticut that facilitated hundreds of sham green card marriages, technology staffing companies exposed for filing fake petitions for foreign workers and for flagrant discrimination against U.S. workers in hiring, bogus office park "schools" that exist to facilitate unauthorized employment, staged convenience store robberies to obtain U visas, the proliferation of social media advertisements from immigration attorneys promising green cards through asylum or special immigrant juvenile applications, perpetrators of war crimes who entered as "vetted" refugees living quietly in small towns, "pop-up" marriages to visa lottery winners, apartment complexes full of expectant and post-partum mothers awaiting a U.S. passport for their newborns before returning to their home country. Our immigration system today lacks integrity and this has contributed greatly to waning public support for liberal immigration laws.

To correct this problem, Congress should direct and fund DHS, in conjunction with USCIS, the State Department, the Labor Department, and ICE, to conduct rigorous fraud assessments for each and every temporary and permanent visa program and for certain other long-term benefit programs, including OPT and Deferred Action for Childhood Arrivals. All immigration-involved agencies should be required to

report periodically to Congress on fraud trends and anti-fraud actions, and articulate any additional tools needed to fight fraud.

In general, Congress should require that no immigrant visas, non-immigrant visas, adjustment of status, or parole applications may be issued, nor marriage-based petitions approved, without an in-person interview of the applicant/s. Employment petitions should not be approved without a site visit. USCIS officers should be required to issue a Notice to Appear (Form I-862), which is the standard immigration violation charging document and first step in removal proceedings, in all cases of failed benefits applicants who are in the country illegally.

Congress should amend the INA to provide for the suspension of acceptance of immigrant visa petitions when the category of admission is oversubscribed and the priority dates for adjudication are more than five years earlier than the start of the fiscal year (meaning there is no chance of receiving a visa for more than five years). The will help avoid applicant frustration with long waiting times that can lead to the temptation to immigrate illegally.

A disproportionate share (more than half) of immigrant households are not fundamentally self-sufficient and accessing welfare programs.[10] This may indicate that the vetting of applicants is inadequate, or it may mean that some applicants are misrepresenting their financial situation, which is a form of immigration fraud, and burdensome to taxpayers. Applicants for family-based immigrant visas and green cards typically submit an affidavit of support to establish that they meet the self-sufficiency requirements, but these are rarely verified, and even more rarely enforced. Congress should demand a report from USCIS assessing the authenticity of these affidavits and amend the INA to provide authorities with a means to enforce them and/or impose consequences such as liens on petitioners who fail to provide support to certain immigrants who become dependent on public support.

Certain green card programs are reasonable in concept but require more stringent rules and oversight to eliminate fraud and abuse. Others, such as the visa lottery, OPT, and EB-5, should be eliminated entirely because they serve no legitimate national interest purpose in their current form and invite fraud.

The following programs need urgent attention from Congress:

1. Special Immigrant Juvenile (SIJ) program – This is a classic example of an immigration benefit that was sold to Congress and the public as a humanitarian-based program for "abused, neglected or abandoned" illegal alien minors, but which has evolved into a lawyer- and NGO-assisted pathway for inadmissible young (often adult) illegal aliens to launder their status, and under current rules, receive a work permit and protection from deportation while their application sits in the long backlog of pending unadjudicated cases.

To qualify, the alien must file a petition before turning 21, and obtain an order of protection from a state juvenile or family court, based on a claim of abuse, neglect, or abandonment by one parent. Contrary to standards for Americans seeking such protections, in the case of petitions from non-citizen youths, many state courts routinely approve these petitions on the basis of unverified statements and affidavits, even if the alien petitioner has no record of needing or receiving services from the state child welfare agency, and their representative expresses no intent to apply for such services for the youth. Many of the applicants

[10] Steven Camarota and Karen Zeigler, "Welfare Use by Immigrants and the U.S.-Born," Center for Immigration Studies, December 19, 2023, https://cis.org/Report/Welfare-Use-Immigrants-and-USBorn.

are living with one capable parent, or are living on their own as adults. Some applicants originally entered on student visas but wish to remain in the United States.

The number of SIJ green card adjustments fall under the umbrella of the Special Immigrant category, which is capped at 10,000 per year. Currently there are about 165,000 approved Special Immigrant petitions on the waiting list. Advocates have estimated that about 120,000 SIJ applications are contained in the backlog of cases awaiting adjudication. The total number of SIJ petitions filed with USCIS was only 1,600 in 2010, jumped to 11,528 in 2015, and reached a record 53,146 in 2023.

In addition to the changes proposed in H.R. 2, which would deny SIJ status to those who have or can be reunited with a responsible custodial parent here or abroad, Congress should make the following changes:

a) Limit eligibility for SIJ status to those who file by age 18, which is the federal age of majority;

b) Approve SIJ petitions only for those applicants who are under active custody or receiving services from a state child welfare agency, and encourage states to instruct their courts to deny orders of protection in cases of petitions filed for the main purpose of applying for this immigration benefit rather than to receive protective services.

c) Clarify that USCIS need not consent to all SIJ petitions when a state court has granted protection, or defer to state court findings, and may act based on its own findings of facts and eligibility.

2. Refugees – The Biden administration has undertaken an unprecedented privatization of the refugee program to allow individual citizens and aliens (even those without lawful permanent status) and non-governmental organizations to sponsor foreign nationals for entry in the refugee program. This scheme, known as the Welcome Corps, which started in June of 2024, not only dilutes the humanitarian impact of our refugee program, but also provides the opportunity for criminal actors to create another kind of smuggling or immigration fraud scheme that facilitates the entry of people who are not refugees.

Aliens sponsored by under the Welcome Corps program do not need to actually be refugees (as defined by the United Nations), let alone belong to the subset of refugees determined by the UN to be in "need of resettlement". Thee sponsors can themselves be earlier refugees or other newcomers.

The Welcome Corps has been expanded to include the Welcome Corps on Campus, bringing "refugees" straight to U.S. college campuses; Welcome Corps at Work", bringing them straight to U.S. jobs; Welcome Corps for Refugees in Latin America, for those of any nationality who are in Latin America;" and Welcome Corps for Afghans which allows U.S.-based non-citizens to sponsor Afghan nationals.[11]

Congress should shut down the Welcome Corps programs as well as other overseas programs, including the Safe Mobility and Labor Neighbor programs, that aim to increase entries of migrants in visa programs that already have high rates of overstay, fraud, and abuse.

3. Temporary Protected Status (TPS) – This is not an immigration program per se, but has evolved into a de facto permanent status, as TPS is seldom categorically terminated, and few beneficiaries leave the United States. Currently, there are an estimated 864,000 people with TPS. Congress should revise

[11] Nayla Rush, "The Welcome Corps: A 'Private' Sponsorship Program for Refugees," Center for Immigration Studies, March 16, 2023, https://cis.org/Report/Welcome-Corps-Private-Sponsorship-Program-Refugees.

the statute on TPS by limiting eligibility to those who were lawfully admitted to the United States and who have maintained lawful status.

4. Marriage Fraud – The marriage-based categories remain one of the most vulnerable to fraud in various forms, some of which can be difficult to prevent and detect, such as in the case of U.S. citizens who are duped by the alien. However, the federal government can take some steps to combat this form of fraud. Congress should amend the INA to require that both sponsor and applicant be at least 18 years old, and be independently self-sufficient (no affidavits of support from parents or others). In addition, Congress should demand that USCIS conduct a fraud assessment of marriage-based categories. In addition, Congress should direct DHS agencies to establish a training program for local officials that issue marriage certificates and to conduct an outreach program emphasizing the consequences of marriage fraud. Further, DHS should establish a tip line for fraud or scam referrals, require USCIS to maintain a dedicated marriage fraud investigative program within the FDNS and require officers issue NTAs in cases of denied petitions and applications on behalf of illegal aliens. Finally, USCIS should establish a program to assist U.S. citizens and lawful permanent residents who believe they are victims of marriage fraud, including when the alien is self-petitioning under VAWA.

Again, thank you for the opportunity to make recommendations for restoring immigration enforcement.

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Mr. MCCLINTOCK. I want to thank you all for your testimoneys.

We'll now proceed to the questions under the five-minute rule, and we'll begin with Mr. Biggs of Arizona.

Mr. BIGGS. Thank you, Mr. Chair.

It is ludicrous for the Ranking Member of the Subcommittee to make the argument that millions of illegal aliens who crossed into the country during the Biden Administration invaded the country because the immigration system is, quote, "broken."

The fact is these individuals came because of Biden's open border policy. No fence, no detention, no removal, and, frankly, no enforcement. That's what happened.

It is rich to decry the pardons of President Trump yet fail to even insult, discuss, address places like San Diego, which have just become a super sanctuary city, or the California State itself with its sanctuary policies.

I submit for the record a story about a sanctuary city dweller suffering sexual battery, stranger rapes, and murders at the hands of illegal aliens in California.

Mr. MCCLINTOCK. Without objection.

Mr. BIGGS. It is almost silly to say that the Senate plan, which would have allowed 7,500 people a day into the country before the President had to take any Executive action at all would have been a panacea Biden's failed policies.

It is unique and, perhaps, we're fortunate that an individual, as the Ranking Member of the entire Committee, is able to condemn pardons, Presidential Pardons as the only person that I know of on this dais who has actually received a Presidential Pardon for his actions.

The *Wong Kim Ark* case, which basically addressed birth right citizenship, was given because somebody was a permanent legal resident, not illegal aliens who have a child in this country. When this gets to the Supreme Court, they are going to rule that way, and I'll be right, unlike Mr. Bier who made his prediction on President Trump's policies when the Supreme Court upheld his policies.

To say that the country's border was in shambles when President Trump was there is ludicrous. Apparently, not looking at any of the numbers, such as in Yuma, in Yuma the entire last year the numbers were about 8,600 I believe it was. That was the total encounters when it was not unusual under the Biden Administration to have 8,600 encounters in a weekend. Ludicrous argument, specious.

The numbers came down. Why did they come down? Because you didn't count people who were applying under CBP One app. You didn't count people who were getting the CHNV program. So, if you're not counting everybody, well, of course, the numbers come down. That's where we sat here today.

The law is this, Mr. Fabbricatore. An asylum requestor is required to remain in custody until that asylum request is adjudicated. Is that not true?

Mr. FABBRICATORE. Absolutely, sir. That's the way it should be.

Mr. BIGGS. Well, not just what it should be. That's the law.

Mr. FABBRICATORE. The way the law is written. Yes, sir.

Mr. BIGGS. No administration has been successful in doing that because there is a massive number of asylum requests.

Mr. FABBRICATORE. Correct.

Mr. BIGGS. Under this administration, how many asylum requestors have been released into the country?

Mr. FABBRICATORE. Too many, sir. They're just released into the country and not put into detention as they should be.

Mr. BIGGS. If they were actually detained by the way the law requires and which President Trump says he wants to do, he wants to enforce the law, what does that do to incentives to come into this country illegally?

Mr. FABBRICATORE. It magnetizes it. It just forces people to come in because they know they're not going to go into detention. They know they're going to get released into the interior of the U.S.

Mr. BIGGS. If you're not detaining them, that's the magnet.

Mr. FABBRICATORE. Yes.

Mr. BIGGS. If you do detain them, it becomes a deterrent.

Mr. FABBRICATORE. It becomes a deterrent. If we put detention back into action and we say we're going to detain you when you are asking, that's going to be a deterrent.

Mr. BIGGS. If you remove people, like you have 1.4 million who are actively in the country with removal orders, that doesn't count all the 500,000 plus criminal individuals. That is just the 1.4 who have had due process.

Mr. FABBRICATORE. Yes.

Mr. BIGGS. If you begin removing people, what does that do as a deterrent or a magnet?

Mr. FABBRICATORE. Again, it deters people from coming. Look, the biggest problem with this is they broke into the country. They entered illegally. They had an opportunity to see an immigration judge. That immigration judge ordered them deported, and they still did not leave the United States. So, compounding just breaking our laws even doubly so by not even listening to what the immigration judge had to say.

Mr. BIGGS. Thank you.

Mr. Chair, my time has expired, but may I put some articles in for—

Mr. MCCLINTOCK. Under unanimous consent request?

Mr. BIGGS. Yes. Thank you.

An article: "What Democrats Must Learn from Biden's Disastrous Immigration Record," "Dems Finally Admit Biden Botched the Border after 2024 Election Loss. We Destroyed Ourselves." This one without a title by *CNN Politics*. Then this one. Sorry. I marked all over the back of it. I apologize for that, "Quantifying Why Democrats Support Open Borders."

I will submit additional UCs without reading them regarding sanctuary cities and the release of violent criminals into the community. I have probably 50 or more articles I will submit for the record, sir.

Mr. MCCLINTOCK. Without objection.

The gentleman's time has expired. The Chair recognizes Ms. Lofgren for five minutes.

Ms. LOFGREN. Thank you, Mr. Chair.

All of us acknowledge that the asylum system broke down. The system was overwhelmed, and I think it's worth noting that a majority of those who sought asylum in immigration court lost their

asylum case. So, clearly, people who are not eligible for asylum were admitted to the United States.

Now, why is that a problem in the law? Well, Section 208(a) says this. This is a law that Congress wrote:

> 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 U.S. waters) irrespective of such alien status may apply for asylum.

That's what the law that we wrote, and people responded to it and in such numbers that the system broke down.

We have never provided enough money to detain everybody who is seeking asylum. Not during the first Trump Administration, not during Biden, and not now. I think we need to address this issue in addition to other elements of immigration law that are not functioning properly.

Mr. Bier, 208(a)(1) provides this really expansive opportunity for people to come and apply. It broke down. Now Trump has tried to use 212(f) of the Act, basically, to override the law. My recollection is that when he tried that before, he lost in court.

Can you enlighten us on that?

Mr. BIER. Yes, that's right. The 212(f) is about limiting the entry of people. The 208(a) is about asylum. It's about applying for a benefit in the United States for people who are already present in the country. So, 212(f) does not override the asylum law that you all wrote, explicitly allowing people to enter regardless of how they entered the country.

Ms. LOFGREN. So, the law is such that if you come in between the ports of entry saying, surreptitiously, you're President of the U.S., 208(a) allows you to apply, correct?

Mr. BIER. That's right. It doesn't matter about the manner of the status that you have. You can apply for asylum.

Ms. LOFGREN. For one, I think Congress ought to revisit that, and I think it's very clear the system has not worked and that we ought to have a different—asylum is important. There are some people who are seeking refuge.

Asylum was adopted by all civilized countries after World War II, and there is an infamous case of Jews escaping Germany who were refused entry into the United States, and by Canada. They were sent back to Germany, and most of them were killed in concentration camps. Most civilized countries adopted asylum rules subsequent to that war.

That's important, but it's important also that it's for asylees, not people who are seeking economic opportunity. I don't dislike or hate someone seeking economic opportunities, but they are not asylees.

So, we need Congress itself needs to address this issue, put some order so that we can have order at the border. Then, if we have a need for people who are meeting economic needs in this country, there needs to be a more orderly way to deal with that as well.

Let me just quickly ask you, if you can, it was an assertion that the 14th Amendment doesn't mean what it says. Can you address the 14th Amendment question for us, Mr. Bier?

Mr. BIER. Yes. So, the 14th Amendment says anyone born and subject to the—born in the United States and subject to the jurisdiction of the United States is a U.S. citizen. The subject to—what the Executive Order says is that all these people who are children of guest workers or children of people without legal permanent resident status or citizenship are not subject to the jurisdiction of the United States, which is flatly absurd. That would mean they weren't here illegally. That would mean they're not subject to U.S. law like a diplomat who has diplomatic immunity.

Obviously, they didn't think through the implications of making that kind of declaration. It's totally out of line with everything, all other Constitutional interpretation.

Ms. LOFGREN. Thank you, Mr. Bier.

My time has just about expired. So, I'll yield back, Mr. Chair.

Mr. MCCLINTOCK. Mr. Tiffany.

Mr. TIFFANY. Thank you, Mr. Chair.

Mr. Bier, what year was the 14th Amendment ratified?

Mr. BIER. In the 1860s.

Mr. TIFFANY. In 1868, Doesn't that sound correct? That was after which war?

Mr. BIER. The civil war.

Mr. TIFFANY. Which was done to end slavery, preserve the union and end slavery, right?

Mr. BIER. Correct.

Mr. TIFFANY. Yes. Did the American immigration system become better under the Biden Administration?

Mr. BIER. It improved, yes.

Mr. TIFFANY. The immigration system in America became better during the Biden years?

Mr. BIER. Correct.

Mr. TIFFANY. Ms. Vaughn, is the Secretary of the State required to halt visas for recalcitrant countries?

Ms. VAUGHN. They are not required to. They have the authority to do that if they get a request from the Department of Homeland Security to do so because a country will not take their citizens back or doesn't cooperate in getting travel documents to return them after deportation.

Mr. TIFFANY. Are there countries like that that are recalcitrant?

Ms. VAUGHN. Yes, there are quite a few.

Mr. TIFFANY. Name a couple of the worst offenders.

Ms. VAUGHN. Cuba, Venezuela, China, India and Bangladesh don't always concentrate. Iran.

Mr. TIFFANY. Has the State Department over the last few years done its job to stop those recalcitrant countries from dumping criminals into our country and then not taking them back?

Ms. VAUGHN. No. The State Department historically has been very reluctant to use visa sanctions to impose consequences on countries that are not fulfilling their international obligation to take their citizens back.

Mr. TIFFANY. So, should we be going to the administration and Secretary Rubio and insisting that they do that, or should we make a law change?

Ms. VAUGHN. Well, I think it would help to make a law change to say that the Secretary must act in certain situations as defined

by Congress to address recalcitrant countries and give even more tools besides visa sanctions, like potentially withholding foreign assistance or other diplomatic tools to require the Secretary to do so.

It may be that Secretary Rubio would want to do that, but there are not always going to be administrations that want to push this issue. So, if Congress changes the law, then they will have that obligation.

Mr. TIFFANY. So, you would suggest we should make it a requirement?

Ms. VAUGHN. Yes.

Mr. TIFFANY. Mr. Newman, in regard to categorical parole, the Mariana Island, the CNMI, they have a program like that where there is no visa needed for people to be able to come in. Isn't that a version of birth right citizenship?

Mr. NEWMAN. Yes. As I understand, it's become a major issue, birth tourism in CNMI. People just basically coming in to get U.S. citizenship.

Mr. TIFFANY. So, you have Chinese nationals coming into this territory, and they're able to have a child there, and the child becomes a citizen.

Mr. NEWMAN. Yes, it's absurd. It shouldn't exist in a modern civilization.

Mr. TIFFANY. Doesn't that seem like that could be a national security threat with all we know about Communist China?

Mr. NEWMAN. Absolutely.

Mr. TIFFANY. Mr. Chair, I ask unanimous consent to enter into the record an article from *The Wall Street Journal* on December 22, 2017, in regard to this issue.

Mr. MCCLINTOCK. Without objection.

Mr. TIFFANY. Mr. Fabbricatore—I hope I got your name right there. Can I just—some people just call you Fab, don't they?

Mr. FABBRICATORE. Yes, sir.

Mr. TIFFANY. So, we know all about the NGO's, including like the international organization for migration, IOM, which I saw when I was down in Panama four years ago and saw them processing people in. Don't they significant amounts of money from the taxpayers of the United States?

Mr. FABBRICATORE. They absolutely do, sir. They get a huge amount of money.

Mr. TIFFANY. Do you have any ideas? Is it tens of millions?

Mr. FABBRICATORE. It's in the tens of millions. Yes, higher than tens of millions.

Mr. TIFFANY. They've been a vital link, haven't they, in this whole process of illegal immigration into America. We talk about the cartels and the horrible things that they do, but don't those NGO's also serve as a—haven't they served as a vital link over the last four years of being able to bring people illegally into America?

Mr. FABBRICATORE. Yes, sir. They have aided in helping illegal immigration enter into the United States.

Mr. TIFFANY. Should we pull the money back from those organizations that have assisted in illegal immigration?

Mr. FABBRICATORE. Yes, we should pull it back and use that money to help us with our deportation process.

Mr. TIFFANY. If we're not able to pull that money back, should we reverse—have them help us reverse the flow and, perhaps, turn them into repatriation centers?

Mr. FABBRICATORE. That sounds like it would be the right thing to do, sir.

Mr. TIFFANY. Mr. Chair, the era of America last is over, as you said in your opening remarks, and it's time to enforce the laws here in the United States of America.

I yield back.

Mr. MCCLINTOCK. You'll get no argument from me on that point, Mr. Tiffany.

The Chair now recognizes Mr. Raskin for five minutes.

Mr. RASKIN. Thank you, Congress—Chair.

Mr. Bier, to be clear, you're with the Cato Institute, which my Republican colleagues generally love and are always quoting you and talking about you whenever we're talking about budget or fiscal affairs, or so on. They don't like what you're saying about immigration today, and they certainly don't like your message, although I think they were completely stymied and flabbergasted when you said that things had improved marginally under President Biden but had gone way South under Donald Trump. Explain why immigration policy was such a nightmare in the first Trump Administration.

Mr. BIER. We basically didn't have an immigration system by the end of the Trump Administration. He basically banned all immigration—legal immigration from abroad. Refugees down 92 percent. Immigrant visas down 78 percent. Nonimmigrant visas down 80 percent. We basically didn't have an immigration system available to people at the end of the Trump Administration. If you look at what happened with convicted criminals crossing the border, the lack of focus on prioritization of convicted criminals in the interior, yes, the immigration system under the Trump Administration led to a disaster, and ultimately it took four years, but the Biden Administration improved things significantly from the end of the Trump Administration.

Mr. RASKIN. So, the new Trump Administration inherits a situation that's better in terms of unlawful crossings. What is going to be the effect of all these Executive Orders at this point? It seems almost like they're calculated to produce more chaos.

Mr. BIER. Absolutely. He's trying to get rid of the legal channels by which people come into the country. He got rid of the refugee programs day one. He got rid of the parole processes that allow people to enter legally on day one. He said we're not going to do any kind of asylum even for people who are entering the country legally. If you do that, what's the alternative? It's illegal immigration. Really, as long as we have illegal immigration, it's going to be a major touch point politically.

Mr. RASKIN. All right. So, let's say that he actually turns the whole country into chaos by trying to deport 12 million people, as he's promised; what would the economic effect of that be? I ask because I get businesspeople coming to my office all the time from the hotel sector, the construction sector, seafood, and from agriculture saying there aren't enough people to do the work now. What would happen if we deported 12 million people?

Mr. BIER. Right. It would be a blow to the economy similar to the great recession in size, $2 trillion blow to the GDP on an annual basis. You're talking about a massive blow to the budget. The Congressional Budget Office estimates that deficits will be lower by a trillion dollars as a result of the immigrant workers that are working in the United States in these industries.

Many American workers depend on the workers that we're talking about. In construction, you have two million Americans who are working in specialized positions and as managers and supervisors of illegal immigrant workers who are doing the tough manual labor jobs at the low end, so there's a complementarity between the U.S. workforce and the immigrant workforce.

Mr. RASKIN. Most violent criminals are not undocumented immigrants. Most undocumented immigrants are not violent criminals. What would it do to our efforts to actually fight real violent crime and gun-based crime in America, the AR–15s, the illegal traffic in guns, if we diverted Federal, State, and local law enforcement just to deporting people who have not committed any crimes at all?

Mr. BIER. Look, we already don't solve 50 percent of murders in the United States; 75 percent of sexual assaults go unsolved. If you look at property crime, it's almost like we're not trying. We need to focus on serious crimes in this country. We have a crime problem. I completely agree with that. Diverting State and local police in particular away from getting justice for victims is a terrible idea for the country. It will not produce safety.

Mr. RASKIN. Yes. Do you think it's a step on behalf of law and order to release en masse violent criminals who attacked the U.S. Government to interrupt the joint session of Congress and the peaceful transfer of power in America?

Mr. BIER. I think people who commit violent crime should have to serve their sentences and be punished accordingly.

Mr. RASKIN. That was actually the position I think taken by our distinguished colleague Mr. Jordan from Ohio who repeatedly distinguished been violent and nonviolent offenders. I'd like to ask unanimous consent to enter in the record a *CNN* article in which Chair Jordan was quoted as, "being hesitant about the sweeping pardons and saying that they basically should be focused on people who had committed nonviolent rather than violent offenses."

Mr. MCCLINTOCK. Without objection.

Mr. RASKIN. Finally, what should we be doing now to fix the immigration system?

Mr. BIER. Anyone could design a better legal immigration system than the one that we actually have. We need Congress to sit down and do their job and say, look, if we want people who come, who can support themselves, who can contribute to this country, there's a way to do it. It's not rocket science. You can write a law that says you have to come and be able to support yourself and contribute to the economy. We have bills that have done this in the past. We just need to pick them up and start that work again.

Mr. MCCLINTOCK. The gentleman's time has expired. Chair Jordan.

Chair JORDAN. Mr. Newman, did the Biden Administration improve the immigration system and border security?

Mr. NEWMAN. I think the stats show no. We've got—

Chair JORDAN. That whole conversation that just took place sounded like a bunch of nonsense to me.

Mr. NEWMAN. Same.

Chair JORDAN. Certainly, 77 million Americans don't believe what they just heard from Mr. Raskin and the Democrat witness.

Ms. Vaughn, did the Biden Administration improve the immigration system and border security?

Ms. VAUGHAN. No. The Biden Administration dismantled the controls, guardrails, limits, and turned programs into purposes for which they were never—

Chair JORDAN. Every community on the border knows they did it, yet we just had a five-minute conversation, "Oh well, things are just wonderful. Joe Biden was the greatest"—Mr. Fabbricatore, you've been out on the front lines. You've dealt with this. Did the Biden Administration improve the immigration system and border security?

Mr. FABBRICATORE. No. We have more illegal alien criminals on the street today because of the Biden Administration.

Chair JORDAN. Yes. They're trying to say, "Don't believe your lying eyes." Of course we know it's gotten worse. Earlier, Mr. Newman, you said—I think you said the Biden Administration invited the crisis. I think you're being nice when you use the word "invited." I think they intentionally, deliberately—that's in my opening statement—willfully created the crisis. I want to know why would they do that? Why would an administration deliberately create the chaos we have seen upward of 10 million people coming into the country?

These border—it's interesting, these border communities, that's been the biggest change in voting Democrat to voting Republican has taken place in those communities because they felt it firsthand. We were in Yuma—Mr. Biggs brought up this. We were in Yuma, Arizona. The cost of the education system, the healthcare system, the public services in those communities, unbelievable. So, why would they intentionally—why would they do this? That's what I've been trying to figure out. Why would an administration say we're going to deliberately create the chaos that 77 million Americans—I think all Americans know has taken place over the last four years?

Mr. NEWMAN. I can't pretend to know the motive of the administration, but what I—

Chair JORDAN. I'm asking you to hazard a guess, as an expert in this area.

Mr. NEWMAN. Looking at what they've done and looking at the policies, what's very clear is that there has been an intentional desire to get as many people into the country as possible and keep them here.

Chair JORDAN. Ms. Vaughn, can you take a run at that question? Why would they do it? I think all kinds of Americans asked that question. Why would our government do this to our Nation?

Ms. VAUGHAN. Because they don't want any limits on immigration and because no one could stop them.

Chair JORDAN. Mr. Fabbricatore.

Mr. FABBRICATORE. There was a definite open border agenda for the last four years, and that is exactly the way that I see it.

Chair JORDAN. You think there's—again, hazard a guess at the motivation. What do you think the motivation is?

Mr. FABBRICATORE. It's hard to guess at allowing so many illegal aliens to enter into the United States. It's something that, when you actually look at it and you look at the numbers, it's unfathomable to even think that this many people were allowed—the gotaways, the two million gotaways that were allowed in this country that we have no idea who they are. To me, I have no idea why they would allow that to happen.

Chair JORDAN. I don't get it either, particularly when you think about what happens to kids on this journey when they come to—kind of what happens to women, the terrible things. I don't get it. For them to try to say it was wonderful and it was an improvement, I don't get that either, because nobody, nobody believes that. I think earlier the Ranking Member said the asylum system was overwhelmed during the Biden Administration. Why was it overwhelmed? Because they just opened everything up. No wall. No Remain in Mexico, and, "When you get here," as you pointed out in your testimony, Mr. Fabbricatore, "you won't be detained; you'll be released." What do we have to do to fix it? Mr. Fabbricatore, a guy who is on the front lines. What do we have to do to fix it?

Mr. FABBRICATORE. First, we need to make sure that we're giving the money to—especially enforcement removal operations to go out and detain, arrest, detain, and remove illegal aliens. That's the bottom line of what we have to do. We have to say this is a situation that we have; we need to put money toward this so that we can be effective.

Chair JORDAN. Once you start repatriating, once you start removing individuals who came here illegally, that's going to send a message. That's going to create an incentive in the right way, because right now all the incentives are the wrong way.

Mr. FABBRICATORE. Yes.

Chair JORDAN. No wall, no wait, and you won't be detained. Everyone comes. You've got to change those incentives. That will start to do that.

Mr. FABBRICATORE. It absolutely will. Letting the men and women know of ICE, of ERO, that they have your backing, and they can go out on the street and actually enforce the immigration law. That's all that they're asking you to do. That's what President Trump wants to do.

Chair JORDAN. Yep.

Mr. FABBRICATORE. He wants to make sure that we go out, and the immigration law is actually enforced.

Chair JORDAN. Fifteen seconds. Mr. Newman, I'll give you the last 15.

Mr. NEWMAN. It's that. It's you have to fund—you have to fund the resources for ICE to get the job done. You have to show to people in this country illegally that you could be caught, and you could be sent home.

Chair JORDAN. This Committee is committed to helping the administration have the resources to enforce the law and fix the problem.

I yield back to the Chair.

Mr. MCCLINTOCK. Ms. Scanlon.

Ms. SCANLON. Thank you, Mr. Chair.

Just because someone repeats fiction over and over and over again doesn't make it true. We all want an immigration system that works, a border that is secure, and a country that's safe. Our immigration laws are broken and vastly outdated and underfunded for the world that we live in today, and that's an issue that Congress needs to solve comprehensively and responsibly. After taking the oath of office this week, the new President signed more than 200 divisive and politically motivated Executive actions that don't further that process of reforming and fixing our border or our immigration system. Included among those orders were several that seemed destined to create more chaos in our immigration system and at our Southern border—not less. Because these orders aren't solutions but political posturing.

What do they do? They eliminate pathways that have been successfully lowering border crossings. They reinstate failed programs of the past. They make it harder to prioritize serious national security threats for enforcement. They have blocked the resettlement of Afghan allies who have been thoroughly vetted and have been waiting years for entry into this country.

There's an attempt to overturn the Constitutional right to birthright citizenship, which everyone from the ACLU to the Catholic Church has condemned as being both unconstitutional and inhumane for making those children stateless. These actions do not make our country safer, but the new President and his allies are so deep in the fiction that they have created with their own cynical narrative, one that's designed to sow chaos and anger, that they can't acknowledge reality, much less solve problems. So, it's not surprising, because these are the same people who blocked the bipartisan border security bill that was negotiated last year.

So, these orders, this is not new behavior. We saw it all before during the first Trump Administration when failed and inhumane immigration policies weakened our economy, undermined our moral standing in the world, and inflicted cruelty on children and families. We can never forget that the Trump Administration's practice of family separation led by his current border czar was condemned as purposeful government torture under the Geneva Convention and other international human rights standards by organizations, including the American Academy of Pediatrics, the American College of Physicians, Amnesty International, and faith-based leaders across the country and across the political spectrum, and of course none of these fix the issues at our border or made us more secure.

Now, Mr. Bier, in your statement, you point out that, in his first administration, the policies imposed by President Trump and his allies actually obliterated—that's your term, the immigration system and shredded enforcement. Will the Executive Orders that we're seeing now or the proposed policies have a different impact just because it's a few years later?

Mr. BIER. No. It's going to make the problem worse, because right now we have the majority—as I said, a majority of the people who are coming to the border right now are applying to enter legally through a regulated screened lawful pathway. So, getting rid of that is actually going to make the problem significantly worse.

We didn't have these lawful pathways when he entered the last time, so getting rid of all these legal channels, getting rid of the refugee program, all these is designed to increase illegal immigration. It's sending a message around the world that the way to come to the United States is to come illegally if you shut down the legal channels.

Ms. SCANLON. Then, of course, that creates chaos and scenes at the border that allow someone to run again and again and again on the idea that they alone can fix it.

Mr. BIER. Right. If you look at what happened, you see the Haitians and the Cubans are a perfect example of this. They for decades have entered legally, almost 100 percent across the Southwestern border legally to apply for asylum. The Trump Administration came along. They shut down the process to people at ports of entry, and then they crossed illegally, and we created a problem where there was no problem.

The Biden Administration came in. They corrected that mistake. Now, almost 100 percent of those groups are entering legally, or at least they were until the Trump Administration took over on January 20th.

Ms. SCANLON. I just wanted to turn to one of the current paths, and we're hearing a lot about, "Oh, you have to follow the rules, you have to follow the legal path." One of the Executive Orders or actions that occurred this week was to eliminate the app that was allowing immigrants to make an appointment to file a legal claim. So, now we have people who have been waiting in Mexico for months to get their appointment, and suddenly that was wiped out.

Mr. MCCLINTOCK. The gentlelady's time has expired. We'll take that as a statement.

Mr. ROY. Thank you, Chair. Thank you for holding this hearing. Thanks to the witnesses for being here.

Mr. Bier, a quick question. Have you visited with or met Alexis Nungaray?

Mr. BIER. Not to my knowledge.

Mr. ROY. You haven't sat down and talked with Alexis Nungaray? Alexis Nungaray was my guest at the inauguration festivities. She was my guest to one of the balls since she wasn't able to attend the inauguration since it was inside. Alexis' daughter Jocelyn was murdered last July. Her 13-year-old beautiful little girl was murdered by individuals associated with TDA, a dangerous gang in Venezuela, who were released by this administration. This administration—I should say the previous administration, the Biden Administration, the one we're referring to.

The Biden Administration released these individuals on to the streets of Texas, and now Alexis' daughter is no longer with us. Alexis chose life when she was a 14-year-old little girl. Alexis is only 28 herself now. I was proud to have her with me this weekend. She is a testament to the greatness of this country. Her parents, her family, migrants themselves, they followed the law. They did it the right way because it has been possible for years to do it the right way.

Ms. Vaughn, is it not correct that we have upwards of three million people that are put into the United States every year through

visas and other programs, student visas, access to becoming an LPR, et cetera?

Ms. VAUGHN. Well, the more than 10 million people who come in on nonimmigrant visas and even more than that come in under the visa waiver program, and yes, it's a huge entry—

Mr. ROY. There is an enormous opportunity to come here legally right now, correct?

Ms. VAUGHAN. Yes.

Mr. ROY. For student visas and our normal programs in immigration.

Ms. VAUGHAN. More than a million immigrant visas, probably close to a million people who get temporary visas for various purposes as well. We have one of the most generous immigration systems in the country.

Mr. ROY. One million green cards, a million guest worker visas, and a million student visas. Does that sound correct to you?

Ms. VAUGHAN. Well, I account the student visas under the million—

Mr. ROY. Right. My point being, we are the most generous country in the world by an order of magnitude, and yet this administration has been violently disregarding our laws to dump people in the United States through the abuse of the parole system and putting people on our streets that have led directly to the murder of American citizens. My colleagues on the other side of the dais here wonder why what happened in November happened.

The H.R. 2, Mr. Newman, do you agree that H.R. 2 has significant reforms in it that we should adopt this Congress, the H.R. 2 that was passed in the previous Congress in the Spring 2023?

Mr. NEWMAN. Absolutely.

Mr. ROY. That bill set out to reform asylum laws, set out to reform parole laws, set out to end the abuse of catch and release through the Flores Settlement and then TBPR, unaccompanied alien children. Did we fix a lot of those broken problems in H.R. 2?

Mr. NEWMAN. Yes.

Mr. ROY. Would that bill have demonstrably changed the ability for a Biden Administration to abuse our laws, to allow them to be open and endanger the American people?

Mr. NEWMAN. Yes.

Mr. ROY. Do you believe that this Congress should take up H.R. 2 in its current form, in the form that was passed the last Congress close, give or take, take that bill up and pass it in this Congress?

Mr. NEWMAN. Yes.

Mr. ROY. Do you believe that the so-called bipartisan legislation that was tried to move in the last Congress in the Senate but never passed the Senate, never passed out and moved in any serious fashion, do you believe that bill should be brought up in this Congress?

Mr. NEWMAN. No, not at all.

Mr. ROY. Do you agree with me that that bill had enormous flaws in it?

Mr. NEWMAN. Yes.

Mr. ROY. That it would have codified a lot of the releases in the broken system under the Biden Administration?

Mr. NEWMAN. Uh-huh.

Mr. ROY. It would have failed to reform asylum?

Mr. NEWMAN. Yes.

Mr. ROY. It would have failed to reform parole?

Mr. NEWMAN. Yes.

Mr. ROY. That would have given more money to NGO's to violate our laws and ignore our borders?

Mr. NEWMAN. Yes.

Mr. ROY. In other words, that bill is a joke, a laughing stock. You agree?

Mr. NEWMAN. Absolutely.

Mr. ROY. With respect to TDA, Mr. Fabbricatore, a Congressman from the jurisdiction that I believe you ran in in Aurora, Colorado, tried to dismiss what was happening in apartment complexes. True or false? I went out and visited with you. True or false, TDA is active in the apartment complexes in Aurora, Colorado, and other places around the country?

Mr. FABBRICATORE. It is absolutely true, sir, absolutely 100 percent true.

Mr. ROY. You witnessed the danger with your own eyes.

Mr. FABBRICATORE. I witnessed that danger. I've been to those apartment complexes, and recently more people were arrested in those apartment complexes for kidnapping and extorting other people in those apartment complexes.

Mr. ROY. You would agree with me that it is a scourge across our country, including in Texas, in my own district in San Antonio?

Mr. FABBRICATORE. Absolutely, sir. It is happening.

Mr. ROY. Well, we don't have any legal scholars. I'll come back to birthright citizenship in the future, but just suffice it to say there is significant and ample evidence with what we understand about birthright citizenship that subject to the jurisdiction thereof does not mean that you have a right to citizenship simply for being on our soil and being born on our soil. We'll talk about that at another hearing.

I yield back.

Ms. SCANLON. Mr. Chair, I have a unanimous consent request. Speaking of felons who have been released, I seek unanimous consent to introduce the arrest warrant for Daniel Charles Bell, a man who was convicted of throwing explosive devices at law enforcement during the January 6th riots. He's just been arrested on Federal gun charges by the Trump-led—

Mr. MCCLINTOCK. The gentlelady is recognized for a unanimous consent request. The request has been made without objection. Granted.

Ms. SCANLON. Thank you.

Mr. MCCLINTOCK. Ms. Ross.

Ms. ROSS. Thank you, Mr. Chair, and thank you to the witnesses for being here. The fact is that enforcement alone will not fix our immigration system. We need a comprehensive approach that balances effective enforcement with the needs of our country. We must strengthen and expand lawful immigration pathways. This is a commonsense solution that will ease pressure on our border and ensure that individuals seeking a better life and to improve the

United States and our economy have a clear and orderly path to enter our country legally.

Creating and enhancing a legal pathway is critical toward enhancing national security and protecting our economy. The reality is that cutting lawful pathways only exacerbates the crisis at the border. For instance, the decision to end the CBP One app, which was essential to make sure that people could come when they knew they had an appointment, and we actually saw people at the border using that app when we did our codel to the Southern border. Getting rid of it threatens to upend progress, threatens chaos, and it is not a solution for unlawful migration.

Additionally, we must consider the humanitarian and economic consequences of mass deportations. Deporting every undocumented immigrant in the country would destroy families, devastate industries, and make our economy less secure.

I represent North Carolina. Without immigrant labor, we would have no agriculture industry. We would not have a food service industry. Many of our tech industry executives beg for more lawful pathways to immigration. Our hospitality industry, our construction industry, I hear from them every single day.

Furthermore, the President's efforts to eliminate birthright citizenship are deeply disturbing. Not only does it fly in the face of the Constitution, but it creates legal uncertainty for millions of children born in the United States. That chaos will overwhelm our legal system, sow confusion, and create an underclass of stateless individuals—all in violation of the Constitution.

As we discuss the future of immigration enforcement, I urge my colleagues to consider the broader implications of these policies and work together to enact solutions that reflect our values and our needs as a Nation. We can secure our border and have enough people in this country to perform essential services.

Dr. Bier—or, Mr. Bier, I'm sorry, I was elevating you, since Congress created the Department of Homeland Security in 2003, we've spent approximately $409 billion on immigration enforcement and tens of billions more on border barriers and other immigration-enforcement-related infrastructure projects. Despite this massive infusion of money, the system is still broken. Can you explain why focusing on enforcement alone will not fix our broken immigration system?

Mr. BIER. As long as there's demand for labor in the United States, people are going to try to come to fill that demand. We saw it under the Trump Administration, the Bush Administration, the Obama Administration, and the Clinton Administration. You can go all the way back. As long as there's no legal way for them to fill jobs, they're going to come illegally. Whether you could say greater or lesser extent, they're going to come, and we're going to continue to deal with this problem.

The most critical area is that right now for lesser skilled jobs there is no visa, no work visa at all for year-round jobs not requiring a college degree. So, where are all the people who are crossing the border going? They're going into those jobs. So, we absolutely need to reform our legal immigration system.

Ms. ROSS. Thank you, Mr. Chair. I yield back.

Mr. MCCLINTOCK. Mr. Van Drew.

Mr. VAN DREW. Thank you, Chair. First, I want to take this opportunity to thank you, Chair. Thank you for the work that you've done on this issue. Thank you for your constant persistence in bringing it up over and over again. You have made a difference on the issue, a significant one, and a difference in the United States of America, and I mean it. I'm proud of the work you've done.

Mr. Bier, I can't say the same for you. I don't even have the words, and I would need an hour and a half with you one-on-one alone to go through it and please—

Mr. BIER. I'd be happy to, anytime.

Mr. VAN DREW. We'll take you up on that. Let me tell you the things that you said to me—and I'm not being disrespectful because I always try to be respectful to everybody—are bizarre. I believe I'm in bizarro world. I don't even know where these statements come from.

Mr. BIER. I've got all the statistics in my statement.

Mr. VAN DREW. I didn't ask you a question, sir. Mr. Bier, I want to associate some of the words that he said. I wish you could sit in front of the families, and it isn't just Laken Riley. I can give you name after name after name of men and women and children who were beaten, who were raped, who were abused, who were disfigured, who were harmed, and we keep overlooking that because we say, "There wasn't that many of them. We don't care about the 400 people that got into this country, the best that we can tell, that are on the terror watch list. Well, it's just not that many of them." Let me tell you, to the mother or the father or the son or the daughter that loses somebody, one is enough.

To have this intellectual argument as we sit here in our comfortable Chairs and our warm room where Laken Riley, for example, fought for 20 minutes not to be raped and then finally was beaten so badly and her skull crushed in that she lost her life while her mother was calling her wondering where she was; that's what matters to me.

So, today's heed is a simple one: Actions have consequences. President Biden's dozens of Executive Orders, they crippled our border security and opened up the floodgates of the Southern border. That is a fact. Mr. Bier, I don't care what you say. It's a fact. We see it and we feel it. That's why Americans know it. That's why the election that occurred had occurred. Congressional Democrats refused to pass H.R. 2, which was a good piece of legislation, and the floodgates opened more. The State and local Democratic leaders opened their cities and spent billions on billions of dollars to care for illegal immigrants. Legal immigration is good. When my colleagues on the other side speak about immigration, let's make sure we all understand there is a big difference between legal and illegal immigration. Under President Biden, U.S. Customs and Border Protection encountered—and the number of changes, it fluctuates, but it's about 10 million inadmissible aliens from January 2021–December 2024. That's three times the number encountered during the Trump Aadministration.

Let's talk about the real numbers and the real facts. The Biden Administration deliberately dismantled the effective protocols and tools that we had and instituted catch and release. That had an effect. It ended the construction of the wall. That had an enormous

effect. They ended Title 42. That had another bad effect. They had ended the Remain in Mexico policy, which hurt us as well. Over and over and over again, everything to open up the borders. No Nation prevails with open borders.

The negligence has introduced us to serious international and national danger. Nearly 400 individuals, as I said, are on the terror watch list. They're not hypotheticals. They're real people. They're real men and women that have been hurt.

The gentleman, good man on the other side, the Ranking Member Mr. Raskin, said "most illegals are not violent." Most illegals are not violent. I agree with that. Most are not violent. They're still breaking the law. Damn it, enough of them are that it's scary. Tell all those families that most of them are not violent. They don't care about most of them. Come on. Let's get into the real world.

It's not compassionated what my friends on the other side of the aisle are doing. It hurts us and it hurts illegals. It hurts children. It hurts American families. It hurts legal immigrants as well.

I have a question for Mr. Fabbricatore. I hope I pronounced your name—

Mr. FABBRICATORE. Yes, sir.

Mr. VAN DREW. As the first non-Italian to marry into my wife's family, and they'll probably listen to this, and I'll get in trouble if I screw it up.

I think we shouldn't fund sanctuary cities and sanctuary States. We're sending Federal money over there. They're purposely breaking the law. What do you think, and what's the specific impact of cutting off this Federal funding would have?

Mr. FABBRICATORE. We should not fund them. Sanctuary cities do not protect American citizens. They only protect criminal illegal aliens.

Mr. VAN DREW. Thank you.

Mr. MCCLINTOCK. The gentleman's time expired.

Mr. VAN DREW. Thank you. I yield back.

Mr. MCCLINTOCK. Mr. Garcia.

Mr. GARCIA. Thank you, Mr. Chair, and to all the witnesses today.

To no one's surprise, President Trump continues again using nativist rhetoric to demonize all immigrants to scare the public. Now, the House and the Senate have passed a bill to turn those words into devastating action.

My first question for Mr. Bier is this. Mr. Bier, on January 17th, you tweeted that "the Laken Riley Act pretends to be about stopping illegal immigration who commit crimes. In fact, it's a trojan horse designed to destroy legal migration." As you know, the Laken Riley Act permits the attorneys general to sue DHS for perceived failures in immigration enforcement, so I'd appreciate you spelling it out here. What are the dangers of that section in the Laken Riley Act? Specifically, how can it be weaponized by State officials to dismantle legal immigration?

Mr. BIER. Look, people who commit crimes are already priorities for removal. They were priorities for removal under the Biden Administration. They're priorities for removal right now. So, there's no difference there. What's different about this act is the empowerment of States' Attorney Generals to go to courts and force the Sec-

retary of State to stop issuing visas to countries that delay deportations to their countries. So, India, China, the largest origin countries, Cuba, Venezuela, these are all countries that are on the list. We would have to stop admitting Afghan allies from Afghanistan, of course.

So, it basically takes the authority away from the Secretary of State. Secretary of State future Rubio in this case would not have the ability to make that determination. It would be turned over to the courts and result in a huge slash in legal immigration and really no change in interior enforcement.

Mr. GARCIA. So, it really provides unprecedented powers to Attorneys General in the States over a Federal matter.

Let's switch gears to the Alien Enemies Act. This is an Executive Order recently invoked by the President. It was enacted in 1789. It was designed to address threats during times of declared war, but it's been criticized since it was implemented in the 18th century, and it continues to be invoked to strip the rights from entire groups based on their national origin, for example, to justify the detainment of Japanese Americans, Italian, German Americans during World War II or, more recently, Trump's Muslim ban.

President Trump signed an Executive Order to use the Alien Enemies Act to do mass deportations without due process, raising significant Constitutional questions. How does this align with the Fifth Amendment, which guarantees due process to all individuals within the United States, Mr. Bier?

Mr. BIER. Yes. So, if he invokes the Alien Enemies Act, it will give him power to use the military to detain, arrest, and remove people without proving that they're in the country illegally or are removable from the United States. That's an incredibly dangerous power that threatens the rights of all Americans. It also could apply even to legal permanent residents and other noncitizens who could be removed. Again, we're not subject to an invasion by a foreign government as required by the act. So, I don't know where he's going to be able to justify the use of this authority that was designed for cases of war.

Mr. GARCIA. Thank you. In one minute, I want you to comment on another debate going on regarding the 14th Amendment. Some argue that the Framers did not consider illegal immigrants when drafting the citizenship clause. Could you elaborate on your perspective regarding the 14th Amendment?

Mr. BIER. Well, if they didn't think about illegal immigrants, then they couldn't possibly have written an exception to them, to the general rule that anyone born in the United States is a U.S. citizen. Obviously, if they weren't thinking about illegal immigrants, they couldn't have written that exception into the law. Obviously, it doesn't apply in this case because, if illegal immigrants are not subject to the laws of the United States, then they're not illegal immigrants. So, it's a circular argument that makes no sense and I assume will be laughed out of the courts.

Mr. GARCIA. Thus, the absurdity of attempting to deny birthright to those born in this country.

Mr. BIER. It's completely absurd, and it's not even just illegal immigrants we're talking about and their children. Also, the children of legal residents who have been invited here by our government

under visa categories, guest workers, international students, even the former Vice President Kamala Harris would be potentially affected by this illegal and unconstitutional order.

Mr. MCCLINTOCK. The gentleman's time is expired.

Mr. GARCIA. Thank you, Mr. Chair.

Mr. MCCLINTOCK. Mr. Moore.

Mr. MOORE. Thank you, Mr. Chair.

I think we'll talk more about the 14th Amendment. Obviously, it passed right after slavery was eradicated in the United States, so all those children born to the slaves were allowed to be citizens. If you look at the Congressional Record when they debated that, it's pretty clear, but we won't talk about that today.

President Trump said yesterday in his inaugural speech to restore common sense to America. Just common sense. So, I'm reminded of lies, and I'm going to give you the Southern Baptist version: Lies, dang lies, and statistics.

Mr. Bier has given us a lot of statistics today, but the reality is that 76 million people elected Donald Trump to fix the chaos that is the U.S. Southern border right now. What I've seen in my communities, and you've heard testimony in here, I had a 14-year-old girl in one of my districts, dragged into a bathroom and raped by a Nicaraguan who had a prior criminal record, Mr. Fabbricatore. He came here 31 years old and claimed to be a minor, and we did no background checks. We turned that man loose into the community, and he raped a girl in the bathroom in a restaurant in Wetumpka, Alabama. That's the kind of chaos that we've seen on the border.

Sheriff Daniels testified, he came here and testified under oath that, in 40 years of working a border town, he had never seen the border any better than it was in 2018 and never any worse than it was when he was here just a few months ago. Mr. Fabbricatore, what do you think changed? What changed? Was it anything we did here in Congress?

Mr. FABBRICATORE. Well, what changed was the Biden Administration letting in millions of people unvetted. The vetting at the border was abysmal at best. It was only checking for histories within the United States. So, if you had someone that had committed crimes in another country—

Mr. MOORE. You don't have a history in this country.

Mr. FABBRICATORE. We did not know many people who came in. We did not know what their criminal histories were.

Mr. MOORE. Is that how a 31-year-old man claims to be a minor and comes in as an unaccompanied minor to this country? Because we weren't vetting anybody.

Mr. FABBRICATORE. The vetting was horrible and that instance happens a lot where we have them claiming to be juveniles, criminal illegal aliens claiming to be juveniles, because they know it would be easier to enter the United States, and they probably won't get put into detention, and the Biden Administration allowed that to happen.

Mr. MOORE. Ms. Vaughn, certainly we've seen this across the country, the fentanyl deaths and the sort of things that are happening in our communities. Over 100,000 kids we lost to fentanyl deaths pouring across the U.S. Southern border. In Yuma, Arizona,

when we had the hearing there, folks, we literally had people coming across in labor that were taking them to a hospital, and those ladies were delivering children in the ER to the point that even the U.S. citizens could not get a bed when they were in labor and delivery.

The crazy—one of the most astonishing things that I saw was that the hospital by Federal law was required to provide them car seats, and so they were running out of car seats for ladies who were having children in our hospitals while the American citizens could not get a labor and delivery bed. That was going on under the prior administration.

Now, so I led out with President Trump said something about common sense. I'm going to give you an opportunity, each of you guys, to tell me the one thing that you think Congress needs to do that makes common sense. How do we fix this crisis that we have? How do we fulfill the promise of securing the U.S. Southern border and making America safe again?

Mr. Fabbricatore, Fab, I'll let you go first.

Mr. FABBRICATORE. Thank you, sir. Make sure ICE is funded. Make sure enforcement removal operations have the officers necessary. Increase detention beds. We need a massive increase in detention beds from what we have now, which is around 40,000 to probably in excess of 70,000. We need to make sure that we can fund this so that we can take care of this problem today.

Mr. MOORE. The Chair mentioned that. We're going to—as this Committee and as Congress, we are going to make sure that we fund the President's priorities to round people up and get them out of here.

Ms. Vaughn.

Ms. VAUGHAN. Another thing that would help a lot would be to eliminate all the programs that allow people who have managed to get into the country to have their status laundered essentially into a program, a visa program or a benefit that gives them a work permit.

Mr. MOORE. Ms. Vaughn, how do you launder a status? That's interesting.

Ms. VAUGHAN. Well, you apply for a program like a U visa program, special immigrant juvenile, or a TPS sometimes can be granted. Even though you entered illegally, you're allowed to stay, and you get a work permit, and the systems are so bogged down, you get this benefit even before your application has been evaluated or you've had a background check, and many of these have a path to citizenship.

Mr. MOORE. Talking about bogging a system down, folks. In Yuma, Arizona, in the testimony, they were getting a cell phone, $800 a month, and we were turning them loose, and then the phones were so we could call them to come to the court case, but they would take our phones and not our calls. It's quite astonishing.

Mr. Newman, one quick comment—

Mr. NEWMAN. Pass H.R. 2. Stop the loophole.

Mr. MOORE. Very good. Very good. We passed that in the House, but the Democratic-controlled Senate would not pass it. Do you know that? Are you aware of that? We'll bring it back.

Thank you, Mr. Chair. I yield back.

Mr. MCCLINTOCK. Time has expired. Ms. Crockett.

Ms. CROCKETT. Thank you so much, Mr. Chair.

I am going to try to get through a lot quickly. As one of the few people sitting on the dais who actually practiced criminal law in the State of Texas as well as licensed in Arkansas and practiced there as well as Federal courts, one of the things that you said earlier, Mr. Bier, really stuck with me is that there are already laws on the books as it relates to those violent criminals, and I know this, because even though I hail from the great city of Dallas, I can tell you that when someone would come in and they were being held in custody for, say, a crime, they also had an ICE hold. OK? That was for those that had maybe been deported before and had re-entered illegally, and things like that.

So, no matter what type of city you're in, I do want to be clear: Federal law already, no matter if it's under the Biden Administration or if it's under a Republican Administration, we all agree that we want to be safe. That's the first premise that we're losing, because there isn't something that is tatted on my head that says that "I'm a Democrat, and, therefore, you illegal bad person, don't come for me, go for the ones that have the Rs on their forehead."

Now, let me be clear about this as well, because we've talked about crime, and we've talked about fentanyl specifically, and this is also something that I have dealt with, unlike some of my other colleagues. Listen, I'm going to be honest because I actually want to fix problems. I actually have a really good Senator in Texas, and I'm sure you can guess which one is the good one, but let me tell you, if we care about fentanyl, I have multiple bills for that. I started on the State level before everybody started talking about it, and I have Federal bills, bills that my Senior Senator has signed on to.

So, I welcome my colleagues, because I actually want to make sure that my communities are safe, but as we start to talk about crime and statistics, Mr. Bier, I want to play a little game with you. It's called rhetoric versus reality. So, I want to ask you my first question, is this rhetoric or reality? Immigrants commit more crimes than U.S. citizens?

Mr. BIER. On a per capita basis—

Ms. CROCKETT. Rhetoric or reality?

Mr. BIER. Oh, it is rhetoric.

Ms. CROCKETT. OK. Thank you so much. Mr. Chair, I'd like to ask for a unanimous consent to enter into the record this article, which states that undocumented immigrant offending rate lower than U.S.-born citizen rate, and this is from *nij.ojp.gov*.

Mr. MCCLINTOCK. Without objection.

Ms. CROCKETT. Thank you so much. The next one, immigrants are just living off the Federal Government and contribute nothing.

Mr. BIER. That would be rhetoric.

Ms. CROCKETT. OK. Thank you so much.

Mr. Chair, I would ask unanimous consent to enter a study that says undocumented immigrants pay almost $100 billion in taxes. This is from the *Alabama Reflector*.

Mr. MCCLINTOCK. Without objection.

Ms. CROCKETT. Thank you so much.

My final rhetoric-or-reality question is immigrants only enter at the Southern border.

Mr. BIER. Rhetoric.

Ms. CROCKETT. OK. Right. Because they enter all kinds of ways. I wanted to make sure that I put that out there. In fact, I have a few more questions, because I still have a little bit of time, which I usually run out of time. We have talked, again, about crime, and there's been this overemphasis on it.

Honestly, I can tell you that I don't want anyone to be killed, whether it's here or anywhere else. There is nothing about me as the child of a preacher that makes me say that I want people to die. OK? So, I feel as if my colleagues from across the aisle have decided that they are going to make immigrants the boogie man. It's insanity to me, but they also show compassion for victims, which they should, but they have no compassion for people that are contributing to making us great in this country.

So, interestingly enough, I'm curious to know, Mr. Bier, if you know if immigrants contributed to these particular crimes? There was a mass shooting in Buffalo, New York, that killed a number of African Americans as they were trying to shop for groceries. Was the defendant an immigrant in that case? Do you know?

Mr. BIER. No. He was a U.S.-born citizen.

Ms. CROCKETT. Thank you so much. In Charleston, South Carolina, there were Black church goers trying to praise the Lord. They were killed. Was that an immigrant that perpetrated that or not?

Mr. BIER. That was a U.S.-born citizen.

Ms. CROCKETT. Thank you so much. Now, coming home to Texas, there was an El Paso shooting. Do you know if that was an immigrant or not?

Mr. BIER. No. They were targeting immigrants in that case.

Ms. CROCKETT. In fact, each of these cases it was White supremacists, and so the last unanimous consent that I'd ask for is this article that states that, "White supremacists behind over 80 percent of extremism related U.S. murders in 2022."

Mr. MCCLINTOCK. Without objection.

Ms. CROCKETT. Thank you so much.

Mr. MCCLINTOCK. The gentlelady's time has expired.

Mr. Grothman.

Mr. GROTHMAN. Thank you. Eventually, some sort of immigration bill is going to be passed this Congress. We're trying to look for some common ground.

Mr. Bier, we've talked about this before in the past. I've introduced something called a Safeguarding Benefits for Americans Act, which prevents noncitizens from receiving what we would normally refer to as welfare benefits. I just want to confirm that you think it would be a good idea, probably improving the quality of immigrants we have coming here.

Mr. BIER. Absolutely. Immigrants should be self-sufficient when they come to the United States.

Mr. GROTHMAN. Very good. Well, there's maybe something we can receive bipartisan support for when we move an immigration bill. Next thing I'd like to point out, and Mr. Moore has always handled this to a degree, I want to point out that in the 14th Amendment it does not say all persons born in the United States

become citizens of the United States. It's all persons born or naturalized in the United States and subject to the jurisdiction thereof. That amendment was passed coming out of the Civil War. There's a reason it passed coming out of the Civil War. Congress was afraid the Democrats would try to undermine the results of that war by forbidding former slaves from voting. Clearly, that's what the amendment was supposed to deal with. It did not include anybody who just happened to show up here and have a baby and moved on.

Any Congressman at that time is going to be seen from the debate on the floor at that time. No Congressman felt that resulted in what we are now referring to as birthright citizenship. It was supposed to be limited to slaves. You did not have—you were not subject to the jurisdiction—you were only subject to the jurisdiction thereof if you were a former slave. A person who came here from France and was just passing through, their child would not become a citizen. That should be obvious.

Now, I want to get on to a few more questions. I'm going to ask these of Ms. Vaughn. When a child arrives at the border—OK. One of the heartbreaking stories you sometimes hear in this country is parents get divorced. One parent grabs the child and flees to somewhere like Pakistan or somewhere. The other parent is here in the United States, and they can't get that child back. In other words, it results in a broken family, which is just horrible. I do think we have to do all we can to keep families together.

In this country, under the Biden Administration, before that, if a child shows up with one parent and they come in this country, is any effort made to see whether the local courts say the child comes here from Guatemala, Cuba, wherever, that the local court has said that they want the parents separate, or do we just assume that the other parent would be OK with this in not seeing this child again?

Ms. VAUGHAN. Well, if you're referring to cases in which the child is seeking an order of protection from say a State family court, is that the scenario?

Mr. GROTHMAN. Well, let's say there's a divorce.

Ms. VAUGHAN. Or at the border itself? At the border, families who arrive—or a person—an adult who arrives with a child is not detained.

Mr. GROTHMAN. Right. Do you think they should be—we should do something to make sure that we don't have a situation like I described where one parent takes the child to Pakistan, and they're gone? Again, if a parent shows up at the Southern—one parent with a child, we don't know where the other parent is. We don't know whether that parent who shows up is fleeing the other parent, trying to raise that child without a parent. Is that of concern to you?

Ms. VAUGHAN. Well, it is because our State family courts are not in a position to evaluate those claims made if the alien child, for example, is seeking a special immigrant juvenile visa, seeking to stay here permanently. There's just no way they're not held to the same standards of evidence that say an American kid would have to receive an order of protection.

Mr. GROTHMAN. Right.

Ms. VAUGHAN. So, this leads to abuse.

Mr. GROTHMAN. You think it would be a good idea when we pass our immigration law if we said that, if a child is here with one parent, we have to make sure legally somehow that the other parent is OK with that where it's in accordance with the local courts, and as I said, Guatemala, Cuba, wherever. The local courts have said it's OK that we're permanently breaking up the family, which I think should happen very rarely.

Ms. VAUGHAN. Yes, that's a tough thing for the American legal system to deal with something that happened, a separation that occurred in the home country.

Mr. GROTHMAN. We wouldn't have to deal with the system if we—

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chair.

Mr. Bier, let me ask you a question about the *Laken Riley* case. You said people who are criminals and felons were already prioritized. Isn't that if they're convicted?

Mr. BIER. That's right. You need a criminal conviction to be subject to mandatory detention. You don't need a criminal conviction if you are in the country illegally already, and the administration can go out and arrest that person even without a criminal conviction.

Mr. COHEN. Laken Riley, I believe, was the bill we had that expanded that to people who were charged with—charged with, not convicted.

Mr. COHEN. You didn't even need an arrest to be subject to mandatory detention. So, there's a difference—there is discretion for ICE to go get someone who is fleeing or evading charges, but if someone has just been arrested and then they're never charged because they didn't commit the crime, it would be wrong to subject someone to mandatory imprisonment in a case where they were cleared.

Mr. COHEN. So, you think there should be some priorities in whom we try to deport.

Mr. BIER. Absolutely. We need to focus on people who have violated the rights of Americans, who have committed crimes with victims. Those are the people that we need to seek justice for—not just if they're immigrants, but, in general, that's what law enforcement should be focusing on.

Mr. COHEN. Even on pardons. If you had people that tried to overthrow the government on January 6th, if you should go after people that were—maybe beat cops up and lead the operation to distinguish from people that were—just showed up and kind of hung out.

Mr. BIER. I absolutely believe that we should focus on violent offenders and prosecute them to the fullest extent of the law.

Mr. COHEN. Mr. Fabbricatore?

Mr. FABBRICATORE. Fabbricatore, yes, thank you.

Mr. COHEN. Do you agree with what Mr. Bier said, that we should have priorities on who we go after?

Mr. FABBRICATORE. No, sir, I do not. I believe we should focus—

Mr. COHEN. Do you think the DACA kids who have been in this country for maybe 20 or 25 years and have been good citizens and might be in the military or National Guard or something, that they should be rounded up and deported as well?

Mr. FABBRICATORE. The focus should be on criminals initially, but if you're violating the immigration law, you violate the immigration law. You violated laws of the United States, and, at some point in time, that needs to come to a reckoning.

Mr. COHEN. We don't have enough money to put into this to deport everybody that's in your category, right?

Mr. FABBRICATORE. I would ask if you would fund that, sir, as Congress.

Mr. COHEN. Well, if we fund it, we'd probably have to cut out lots of basic programs we've got now. It's a tremendous amount of money, billions and billions of dollars.

Mr. FABBRICATORE. I don't put a cost on United States citizens lives, sir.

Mr. COHEN. OK. Maybe we'll get Elon to pay for it. The election is over, and we need to find common ground. The bill that the Senate is proposing, how many Republicans were for that bill or voted for it?

Mr. BIER. I don't remember. Could be a couple.

Mr. COHEN. Could be 15 or 16, couldn't it?

Mr. BIER. I don't have the answer to that.

Mr. COHEN. I think it was closer to 15 or 16. I don't recall exactly, but there were quite a few. What did that bill do that was good and we should take up now; and what was in the bill, if anything, that you think was bad?

Mr. BIER. Well, I certainly think that one of the most important reforms in that legislation was that, if someone is released from U.S. custody, they're able to seek a work authorization and support themselves. What we saw in New York, and it's pointed to repeatedly about these people who are living in hotel rooms and a burden on the community; it's because they are unable to work to support themselves because they're told, "You're not supposed to work; you have to wait six months to get your work permit through the asylum process." So, if the government is not going to remove someone, they're going to release them unless they've committed some serious crime, or there's some other aggravating circumstance. They should be supporting themselves and contributing to the community. So, that's one important thing that it did.

It made some important reforms to the legal immigration process as well, increasing green card caps for the first time since 1990. That's how old our legal immigration system is. The overall framework of the legal immigration system needs to be reformed. This was a modest step in the right direction.

Mr. COHEN. What we need is legislation that is thought out, not just common sense, but logical, thought out, and planned—not where somebody might just say, "What are we going to do with all these January 6th people? It's going to take some time. We have to take some processes. So, just eff it; just do them all." That's a man child. We don't need a man child in charge of our government or making policy, because that makes for mistakes. That makes for the guy who came up with the Silk Road and is the biggest drug

dealer in the world to get a pardon. Needs to stop. Our immigration laws ought to be done in a logical manner and with priorities.

I yield back the balance of my time.

Mr. MCCLINTOCK. Gentleman's time has expired.

Mr. Fry.

Mr. FRY. Thank you, Mr. Chair, for having us here. I think it's really appropriate, as we begin this Congress, that we start with the issue that was settled in November and why the American people chose overwhelmingly Donald Trump to be our 47th President.

I'm a little perplexed, though, Mr. Bier about a statement that you made that Joe Biden made the border and the immigration system better. Nobody believes that. People in their communities, and I'm not going to ask you a question about this, but nobody believes that.

In fact, behind me, the numbers don't lie, sir. Look at the hike under the Biden Administration of illegal migrants coming into this country. He fixed the problem or made it better? I don't think so.

I'd also remind you, and for people watching back home, that it didn't get better. In fact, in September of last year, Chair Green of the Homeland Security Committee released a press release talking about a letter that they received from ICE that nearly 650,000 criminal illegal aliens were currently in ICE's nondetained docket roaming free in the community. That means that they were picked up, processed, had their criminal backgrounds obtained by the U.S. Government, and released into the interior of this country: 15,000 homicides; 20,000 sexual assaults; assaults over 100,000; burglary, larceny, and robbery, 60,000; traffic offenses, 126,000; and kidnapping is 3,500. The list goes on. So, nobody actually believes, sir, that the immigration system got better under Joe Biden.

Really quick, Mr. Fabbricatore, Mr. Newman, and Ms. Vaughn, I'm going to go down the line here and ask a couple questions. When Joe Biden terminated the Remain in Mexico policy, did that lead to a decrease in illegal immigration, sir?

Mr. FABBRICATORE. No, it did not, sir.

Mr. FRY. Ms. Vaughn?

Ms. VAUGHN. No.

Mr. FRY. Mr. Newman?

Mr. NEWMAN. No.

Mr. FRY. When Joe Biden halted construction of the border wall on day one of his administration, did that lead to a decrease in illegal immigration to this country, Mr. Fabbricatore?

Mr. FABBRICATORE. It did not decrease illegal immigration.

Mr. FRY. Ms. Vaughn?

Ms. VAUGHN. No, sir.

Mr. FRY. Mr. Newman?

Mr. NEWMAN. No.

Mr. FRY. When he terminated the asylum cooperative agreements with Guatemala, El Salvador, and Honduras, did that lead to a decrease in illegal immigration?

Mr. FABBRICATORE. No.

Ms. VAUGHN. No.

Mr. NEWMAN. No.

Mr. FRY. When he bastardized parole authority and changed the law himself, did that lead to a decrease in illegal immigration?

Mr. FABBRICATORE. No, sir.

Ms. VAUGHN. No. It got worse.

Mr. FRY. I think the answers are pretty clear. In fact, when we went to Yuma, Arizona, and met with the community and saw firsthand—of course, the Democrats didn't even show up to work. They wouldn't go down there with us. It was an actual Judiciary Committee hearing, a field hearing in Yuma, and they didn't come.

We would hear from the people there the stress on the healthcare system, the stress at the border, and the stress on the families. You couldn't even get a hospital room if you needed to have a child or if you broke your leg. Those are the people who were impacted and, of course, we see this in our community.

So, let's fast-forward to today. President Trump with his Executive Orders reinstated the Remain in Mexico policy. Will that lead to a decrease in illegal immigration?

Mr. FABBRICATORE. Yes, sir.

Mr. FRY. Ms. Vaughn?

Ms. VAUGHN. I believe so, yes.

Mr. FRY. Mr. Newman?

Mr. NEWMAN. Absolutely.

Mr. FRY. Will completing construction of the border wall and funding our immigration services down there, will that lead to a decrease in illegal immigration?

Mr. FABBRICATORE. It will help decrease illegal immigration.

Mr. FRY. Ms. Vaughn?

Ms. VAUGHN. As long as there are no policies to undermine the deterrence.

Mr. FRY. That's a key point. Yes, ma'am.

Mr. NEWMAN. That's a key tool to help.

Mr. FRY. Will designating cartels and gangs as foreign terrorist organizations lead to a decrease in illegal immigration?

Mr. FABBRICATORE. Yes.

Ms. VAUGHN. I hope so.

Mr. NEWMAN. Yes, I hope so.

Mr. FRY. Will terminating categorical parole programs lead to a decrease in illegal immigration?

Mr. FABBRICATORE. It absolutely will.

Ms. VAUGHN. Definitely.

Mr. FRY. Mr. Newman?

Mr. NEWMAN. Yes.

Mr. FRY. Will terminating the use of the CBP One app, which I think was described by somebody on this Committee as the Disney fast pass for illegal immigration, will that lead to a decrease in illegal immigration?

Mr. FABBRICATORE. It will. It was full of fraud.

Ms. VAUGHN. Yes.

Mr. NEWMAN. Yes.

Mr. FRY. So, I think that's pretty clear. The next step, obviously, they are part one of the Executive Orders. Part two, what Congress can do.

So, Mr. Fabbricatore, just for perspective, you served at ICE during the Trump Administration and part of the Biden–Harris Administration. How would you describe the differences between the

two administrations, very briefly, and enforcement under both administrations?

Mr. FABBRICATORE. It was night and day. President Trump wanted to enforce what was exactly in the INA while President Biden, the minute that he came into office, it was a change into we are not enforcing these laws. We're opening this border. He wanted a 100-day moratorium on deportations the first day when he was in office.

Mr. FRY. Ms. Vaughn, final question for you. What steps can we take to make sure that future administrations, like the Biden Administration, don't undermine the actual law or twist policies that we can have a permanent fix to this problem?

Ms. VAUGHN. In addition to funding immigration enforcement, to rewrite the rules on some of these programs and discretionary authorities to give out work permits and categorical parole or attempt categorical parole. Also, I think to get better control and restore integrity to our legal immigration system because when people know that there are loopholes that exist, they come to try to take advantage of that.

Mr. MCCLINTOCK. Thank you.

Mr. FRY. Close the loopholes. Well said.

I yield back. Thank you.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. Nadler.

Mr. NADLER. Mr. Chair, the flurry of Executive Orders signed by President Trump on Monday promised little more than the cast and cruelty we became accustomed to in his first term. His radical anti-immigration agenda will separate families, decimate our economy, and strike fear in our communities.

With the stroke of a pen, he has revived the harsh and inhumane policies of his previous administration, such as the Remain in Mexico program, eliminated enforcement priorities, sharply reduced the availability of humanitarian parole, begun dismantling the refugee program, and launched a breathtaking assault on the Constitution by attempting to end birth right citizenship.

The Trump Administration's policy of mass deportation and destroying legal pathways wrapped as always in a blanket of hateful rhetoric will not fix our broken immigration system. It will only make it harder to reach the bipartisan comprehensive solutions that are so desperately needed.

Mr. Bier, thank you for being here today. Republicans are using this hearing to lay the foundation for their own anti-immigration agenda. So, I want to start with some important facts about the State of the border today.

One, when President Biden left office earlier this week, were unauthorized crossings higher or lower than they were when President Trump left office?

Mr. BIER. They were much lower, significantly lower, about 33 percent lower than when President Trump left office.

Mr. NADLER. Thank you.

What about evasions of border patrol officers? Were they higher at the end of President Trump's first term or President Biden's?

Mr. BIER. They were 42 percent lower at the end of Biden's term than at the end of Trump's, and Trump's increased evasions over the course of his four years.

Mr. NADLER. Isn't it true that unlawful encounters at the border were trending upwards long before President Biden took office?

Mr. BIER. Every month after April 2020, it increased. He keeps pointing to April 2020, when the pandemic started, and unemployment spiked. Every month after that we saw increases in illegal immigration and border crossings and evasions of border patrol.

Mr. NADLER. Thank you.

I want to turn now to the Executive Order that purports to end birth right citizenship. This Executive Order prevents the children of immigrants, both those whose parents have a lawful immigration status, like a work visa, and those whose parents are undocumented, who are born in the United States from being able to obtain documents to demonstrate that they are citizens of the United States.

Can you please talk about how this would work in practice and the sort of chaos that will ensue if this order is actually allowed to go forward?

Mr. BIER. Absolutely. This is going to apply to every single American child born in the United States. You will have to prove the status and citizenship.

Mr. NADLER. Every child. Not just those of undocumented immigrants.

Mr. BIER. Exactly. My family is going to go through this in a few months. We're going to have to prove the citizenship of the parents of the child. Of course, we can do that. If you don't have a passport, according to this order, you don't have proof of citizenship. Your birth certificate isn't enough. So, you will have to go through the rabbit hole. I'll have to prove my parents' citizenship and paperwork.

This is the insanity of this order from an administrative perspective. It's going to burden every single American. It's going to call into question all our citizenship. Looking forward, it's going to create a lot of people who are in Stateless situations where they don't have citizenship of any country and can be subject to removal even though they were born here. They grew up here.

They are Americans. This is an attack on Americans and our rights.

Mr. NADLER. Let's give a specific example the impact this Executive Order can have. Extensive green card backlogs for high skilled workers mean that H–1B visa holders must wait decades and even centuries before a green card is available to them.

Right now, if both parents have H–1B status, a child who was born abroad but who has lived in the United States nearly their entire lives must leave the country when they turn 21 unless they have their own immigration status. That's bad enough. Under this Executive Order, even children born in the U.S. to such parents might have to self deport because they would be denied citizenship at birth.

Mr. Bier, does it make sense to send children who were born in the United States to countries that they don't know, they never have been to, and where they have no support network?

Mr. BIER. No, it absolutely does not. It makes the country weaker. It discourages legal immigration. It discourages high-skilled immigration.

Look, when I talk to a lot of high skilled immigrants in this country, they talk about their family. They talk about the hope they have for their children to be Americans, to grow up in this country and to contribute to this country. We should want them here. We should want to encourage them to stay.

One of the greatest things the United States has ever done is had birth-right citizenship because it encourages assimilation. Everyone who is born here knows I'm an American. I can participate in our democracy and contribute to this country.

Mr. NADLER. Contrary to the President's assertion that only one country has birth-right citizenship—33 do.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. NADLER. I yield back.

Mr. MCCLINTOCK. Mr. Hunt.

Mr. HUNT. Thank you, Mr. Chair.

Biden attempted to reimagine immigration in America. Biden wanted you to think that it was normal to live in an America with open borders, to live in an America with sanctuary cities, to fly 30,000 people per month from Cuba, Haiti, Nicaragua, and Venezuela into America on commercial flights, to turn temporary protected status into permanent protected status. That is not normal. It is not constitutional. Now, thank God, it's over.

Do you want to know what is normal? President Trump's policies are normal, and he's back and he is here to help. Within hours of Trump taking office, President Trump deleted the CBP One app, reformed the parole program, and placed a real border czar, Tom Holman, in charge, and he is a serious man.

Trump also signed a flurry of Executive Orders restoring normal border security and immigration standards to this great Nation. Again, thank God, he's back.

When Trump got elected, we knew that the liberal media would—we knew exactly what they would do because they did the same thing during a previous Trump Administration. We knew that they would attempt to pull our heartstrings to shame us into changing our standard immigration laws. In fact, on the day that President Trump got inaugurated, the liberal media posted a story of a woman crying when her CBP One app appointment was canceled.

That tactic is not going to work this time because we have seen firsthand for the last four years the devastating effects that Biden's border policies have had on all Americans. While I empathize with everyone who wants to come to America because, again, we know this is the greatest place in the world, this compassion is misplaced as it usually is with the left.

The woman's tears that I care the most about are the mothers of Laken Riley, Jocelyn Nungaray, and Rachel Morin. Laken Riley was killed by an illegal alien while out on a jog. It should be known that her killer committed a crime in another American city, but he was released because that city, you guessed it, was a sanctuary city.

Jocelyn, while on her way to a convenient store, was killed by two illegal aliens who entered through the Southern border just a few months earlier. By the time these illegal aliens—at the time, these illegal aliens were still wearing their U.S.-issued ankle tracking monitors when they killed her.

Ms. Morin, a young mother of five children was hiking on a Maryland trail when an illegal alien attacked and killed her.

I could sadly name many more circumstances just like this.

I don't know about other countries, but in America, our daughters, and I have two of them, should be able to go for a jog and a run or to a convenient store without the fear of an illegal alien killing them. That goes for all our children in this Nation. I serve this country to protect my children and our sons and daughters.

Mr. Fabbricatore, thank you so much for being here, as always. You're one of my favorites.

Mr. FABBRICATORE. Thank you.

Mr. HUNT. One of the Executive Orders that President Trump has enacted so far, of them which one do you think is going to be the most helpful and why?

Mr. FABBRICATORE. All the Executive Orders that he's putting through are going to be—they are needed. There is a reason why he did it.

(1) Securing our border. Making sure that CBP app is no longer being used so that there's fraud coming into this country. Overall everything that President Trump is trying to do for the border is for the right reason.

(2) The priority should be protecting American citizens, and that was the goal of President Trump.

Mr. HUNT. Thank you.

Ms. Vaughn, given these last few Executive Orders, as well, I'd like your take on it. Do you think it is going to improve our border and our immigration status, or is it going to hurt our immigration status, just out of curiosity?

Ms. VAUGHN. The set of Executive Orders are definitely going to improve our immigration status, especially the one that rescinded the Biden Orders. I especially look forward to the one that is going to increase State and local partnerships with Federal authorities to work on this common mission.

Mr. HUNT. Thank you, ma'am.

I'll leave you with this. Do not allow the left to gaslight you. Secure borders are normal. I am someone who was deployed all over the world. Every other country would never behave and allow 20 million people to enter their country illegally. That's not normal. So, thank God we're going to get back to normalcy.

Thank you all for leading our charge.

I yield back the remainder of my time.

Mr. MCCLINTOCK. Thank you.

Mr. Knott.

Mr. KNOTT. Thank you, Mr. Chair. Witnesses, thank you for being here.

Before I ask any questions, let me State from a first-person perspective that I had the privilege of serving under both the Biden and the Trump Administrations. I was a Federal prosecutor who focused exclusively on organized crime. The idea that both adminis-

trations were committed to applying the law as it relates to both organized crime and specifically how illegal immigration infested organized crime is laughable. It's demonstrably not true.

On day one of the Biden's Department of Justice in 2021, prosecutors that I worked with had been exclusively assigned to prosecuting illegal reentries and immigration offenses, those individuals were either reassigned or let go. Many of them are no longer with the Department of Justice.

This tracks when you look at the number of illegal reentries. These are people who were removed after having been convicted of a crime and then come back a second time. The number of those prosecutions, the number of those sentences and convictions decreased precipitously under the Biden Administration despite millions and millions of more illegal crossers.

Second, this bureaucratic and administrative effect that I saw from the prosecutor side, it applied equally to the law enforcement side. I'm sure you know, sir, from your contact with the border patrol, with DEA, with ATF and other Federal law enforcement that these bureaucratic hurdles made it very difficult to investigate, to prosecute, to even submit cases that dealt with illegal immigration.

For whatever reason, it was flatly deprioritized in terms of a law enforcement mechanism that the Department of Justice was unable to bring these cases to the grand jury to charge them and to work them over the last four years.

Now, I want to go and ask a few questions. Ms. Vaughn, you specifically mentioned just now that there were very little disincentivizing illegal immigration. Can you expand on that just broadly speaking? Were there any disincentives to any person who wanted to cross illegally into the United States over the last four years?

Ms. VAUGHN. No. People understood that if they could make it to the U.S. border, that they almost certainly were going to be released into the country, possibly issued a work permit, and would not expect any threat of removal or consequences for their illegal entry for the foreseeable future.

Mr. KNOTT. Mr. Newman, were there any disincentives that you saw over the last four years implemented by the Biden Administration specifically to disincentivize illegal immigration?

Mr. NEWMAN. No, not many at all. As Jessica just mentioned, Mrs. Vaughn just mentioned, getting paroled, those are obvious incentives to coming in. Also, as was mentioned before, deprioritizing illegal immigration crimes meant people knew they could just come in and basically vanish into the country, and they did. That's why we have more illegal aliens in the country now than we did four years ago.

Mr. KNOTT. Isn't it true, sir, that the border does have vast swaths of the mileage that were unsupervised by order by the border patrol? That emanated from Washington, obviously, but it was implemented with huge holes in the border?

Mr. NEWMAN. Yes.

Mr. KNOTT. So, therefore, it's entirely foreseeable that tens of thousands, hundreds of thousands, even millions, potentially, could have come across the border without contact?

Mr. NEWMAN. Yes.

Mr. KNOTT. Ms. Vaughn, I want to talk to you about how the cartels exploited these loopholes. Over the last four years, the price of drugs in many respects have gone down precipitously. That's an increase of supply. I saw this in my job.

How have cartels exploited the open border in the last four years?

Ms. VAUGHN. Well, they've reaped enormous revenue from it. Something like $13 billion a year.

Mr. KNOTT. That's just known, by the way.

Ms. VAUGHN. Right.

They have enticed migrants because they could confidently assure their customers that they would succeed in getting into the U.S., and then often they hooked them up with jobs and told them that they would have to pay off the remainder of their smuggling fee by giving back some of the wages that they were earning. All determined by the cartel. Pay for housing, transportation, food, all kinds of other expenses they have in what was a debt bondage or labor trafficking situation. That's how they took advantage of these people.

Mr. KNOTT. That's still going on right now?

Ms. VAUGHN. Oh, absolutely.

Mr. KNOTT. That infrastructure is in place?

Ms. VAUGHN. Yes.

Mr. KNOTT. Correct. That leads to more or less dangerous crime?

Ms. VAUGHN. Oh, more.

Mr. KNOTT. More or less gang violence?

Ms. VAUGHN. One of the ways that they can get people to pay off their debt is to participate in drug trafficking.

Mr. KNOTT. More or less overdose deaths?

Ms. VAUGHN. More.

Mr. KNOTT. Sir, briefly, can you describe the impact on local, non-Federal law enforcement that these open border policies have had?

Mr. FABBRICATORE. It's made it so it's very hard for local law enforcement to respond to anything. They're focused on many more additional crimes. When the Cato Institute says that illegal immigrants commit half less than U.S. citizens, it doesn't matter how much they're committing. It's adding to what local law enforcement has to respond to.

Mr. KNOTT. Right.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. KNOTT. Yes, sir.

Mr. MCCLINTOCK. Mr. Onder.

Mr. ONDER. Thank you, Mr. Chair.

Today I do have some questions, but first I wanted to address some absurdities to which this Committee was treated today.

First, we have the absurdity from Ranking Member Raskin that somehow the 2024 Senate immigration bill was the solution to our border crisis. No one believes that. It failed because it was a lousy bill. It was an amnesty bill. In fact, it was such a bad bill that it failed to—somehow the idea that House Republicans are responsible for its demise is absurd because it failed in the Senate 43 to 50, including six Democrats voting no.

Meanwhile, the Senate Democrats refused to take up a real border security bill, H.R. 2.

Second, the absurdity that somehow, somehow anchor babies should have birth right citizenship under the 14th Amendment. Yes, I said it, anchor babies, because that is the appropriate term. These babies serve as anchors to prevent deportation of illegal aliens.

As it was said earlier, the 14th Amendment involved slaves after the civil war to prevent Democrat Southerners from depriving those freed slaves of their civil rights.

This idea of birth right citizenship for anchor babies was invented out of whole cloth in a footnote, dicta, not even the actual decision by Justice Brennan in 1982. So, I applaud President Trump for that Executive Order.

Then, finally, the absurdity that somehow things were better under President Biden than under President Trump. It's nice that our libertarian friends at Cato remind us that illegal aliens pay some taxes. That's nice. I would also remind you that the great libertarian and economist Milton Friedman once famously said, "you cannot have a welfare State and open borders."

Those illegal aliens cost us in healthcare expenses and education expenses and, of course, in social welfare expenses and devastate those programs.

Mr. Fabbricatore, I'm a medical doctor. I practiced medicine for 30 years. In the early years of my practice, we worried a lot about drugs in terms of overprescription of narcotics by physicians, and we worried about meth dealers making methamphetamine out of Sudafed often in rural areas.

Today, though, we have 100,000 deaths from fentanyl. The great majority of it crosses our Southern border. Then, and a lot of people forget this, 50,000 deaths from methamphetamine. It's not made in a trailer in rural Missouri anymore. It's made in Mexico and comes across our Southern border.

Could you—this is kind of a followup question to the question Representative Knott asked Ms. Vaughn. How has our porous border contributed to the drug problem in the United States?

Mr. FABBRICATORE. The cartel is all about profit. So, if they can make a profit in the United States, they're going to make sure that they do so.

With the fentanyl that we've had coming in, it's been a boom to the cartels. It's been a boom. They don't care that 100,000 United States citizens are dying. That's the cost of business to them.

We should be going after the cartels for poisoning our United States citizens. We're losing 100,000 people a year just off this one drug, and we've done nothing about it this in last four years. Well, I think that's going to stop now, and we're going to go directly after the cartels for killing our United States citizens.

Mr. ONDER. The cartel leaders are terrorists. I think Trump's Executive Order makes them eligible for the Suamani treatment.

Ms. Vaughn, you touched most on the idea of visa abuse. In my district in Missouri, an illegal alien once while driving an Uber and once while driving a Lift sexually assaulted two young women in my district. Now, he was a tourist visa overstayer.

Is there anything we can do to crack down on this very common source of illegal immigration, which is coming legally but then overstaying a visa?

Ms. VAUGHN. Yes, there are a number of things, not one silver bullet, but if we take away the ability of people to work here, that's a disincentive to overstay. We can also lean on the State Department and enact requirements for them to adjust their visa issuance protocols to address high overstay rates.

ICE needs to do more enforcement on overstays, frankly. I would, also, like to see a way to hold the sponsors of some of these visa holders responsible for too much overstaying.

Mr. ONDER. Very good. Thank you.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. Schmidt.

Mr. SCHMIDT. Thank you, Mr. Chair. Thank you for conducting this hearing to kick off this Congress. There is no more important subject than the security of our Nation and of moving away from these horrific policies that have abandoned that security in the name of political correctness or in the name of some sort of social engineering or in the name of political expediency.

I've been listening to this discussion today, and it strikes me that, perhaps, Washington does what so many Americans thinks Washington can do, which is talk ceaselessly about things that have little connection to their actual lives.

Over the past 12 years, I led a State law enforcement agency in my home State of Kansas. I've been thinking on this dais about cases we actually worked. Thinking about a case in which a young man, I think he was 26, was running drugs for the cartels. He was driving North on a U.S. highway. He was stopped by an Oklahoma law enforcement officer. He panicked. He shot the officer in the head. By the grace of God, the officer is still alive to this day.

He then came across the border where our officers stopped his vehicle with stop sticks. He fled on foot. He carjacked the vehicle of an old man in the middle of the night. He fled a high-speed pursuit up a highway in Kansas. He realized he was going to be caught. He pulled over to the side of the highway. He invaded a home. By the grace of God, nobody was home. He then shot at our officers.

I had a lengthy discussion with my counterpart in Oklahoma over who got to prosecute him first. We both sent him to prison for the rest of his life under our respective State laws.

I'm thinking about a case in Johnson County, Kansas, where an illegal alien in this country was drunk one night, and he struck and killed a sheriff's deputy who had done nothing but his job. He pulled over a citizen who was driving erratically on the side of the highway, and the drunken driver, who never should have been in this country, killed that young man. I attended his funeral.

I'm thinking about a case in a very small county in North central Kansas where an illegal alien came to this country, raped a child, and we sent him to prison for the rest of his life under the laws of the State of Kansas not because he was an illegal alien but because he raped a child in our State.

I'm thinking about a case in Northwest Kansas where an illegal alien came in, in a very small county, and murdered his domestic partner. We sent him to prison for the rest of his life.

I'm thinking about a case in Southwest Kansas where the same thing happened, an illegal alien joined up with some lawfully present citizens, stole a car, and then decided to kill the witness. We wound up sending that individual to prison for the rest of his life.

That's just the cases I can think of sitting here that we handled at a State level in a State where the vast majority of criminal activity is handled by local authorities, not by the State of Kansas. Think of the volume that we're talking about here and how offensive it is to those victims and their families to say statistically illegal aliens don't kill people at a higher rate than anybody who actually lives here. Give me a break.

I have a couple of questions for you. I'd like to know—obviously, we've talked a great deal about how enforcement priority and policy priorities in this town affect cooperation and interactive out in the real world where Federal law enforcement actually work with State law enforcement. They're not getting orders out of this town.

They do their jobs to keep our communities safe and don't worry so much about who is doing what. They just want to get the job done. It certainly works that way in my State of Kansas.

Yet, we fight with folks in this town all the way from the operational level. I'm thinking of a briefing that was canceled where I was supposed to go get a briefing from ICE, and folks in this town ordered the local agents not to talk to us because I was a Republican, and we weren't supposed to get access to that information from line enforcement officers.

All the way to the U.S. Supreme Court. I'm thinking of a case we argued and actually won back in 2020 that allowed States to prosecute illegal aliens who commit crimes under the jurisdiction of our State and were not preempt.

So, here is my question for you, and I'll go to Mr. Fabbricatore because he has operational law enforcement experience.

As we figure out what we can actually agree on here that can make a difference, should we or should we not explore the idea of expanding cooperation between local and State law enforcement on the one hand and Federal law enforcement on the other.

Mr. FABBRICATORE. Congressman Schmidt, absolutely. Look, working with Federal law enforcement, local law enforcement, county level, all levels of law enforcement make the United States safe. When we're able to join together and cooperate, we only make the community safer.

Mr. SCHMIDT. What about State and local prosecutors on the one hand or Federal prosecutors on the other hand? There are thousands of State and local prosecutors who encounter the vast majority of criminal aliens. Very few Federal authority. Should we work on expanding cooperation between Federal and State prosecuting authorities?

Mr. FABBRICATORE. Yes, absolutely. Any work that we can do together is going to make sure that we can make sure that we're going after criminals.

Mr. SCHMIDT. So, too, with respect to State courts where the vast majority of these crimes are prosecuted. Should we work on expanding the ability of State courts to assist us in enforcing our immigration laws?

Mr. FABBRICATORE. Yes.

Mr. SCHMIDT. Thank you very much.

Mr. Chair, thank you.

Mr. MCCLINTOCK. Mr. Gill.

Mr. GILL. Thank you, Mr. Chair.

Nothing excites me more than the thought of President Trump initiating the largest deportation operation in American history.

I'd like to remind the Committee that the purpose of our immigration system is for the benefit of American citizens, not foreigners or anybody else.

For the past four years, Democrats have facilitated the invasion of over 10 million illegal aliens into our country. Open borders grow the welfare State. They depress American wages, strain our education and healthcare system, price our working class out of owning a home, and flood our communities with violence and drugs.

Mr. Bier, as well as my colleagues on the other side of the aisle, you're intellectualizing about illegal alien crime notwithstanding, I'd like to remind you that the correct number of American citizens murdered or raped by illegal aliens is zero. Americans have learned firsthand that importing the Third World will turn America into the Third World.

In light of the chaos of the past four years, the question that has come up earlier is why are our Democrat colleagues so determined to flood our country with millions of illegal aliens? I'd like to suggest that perhaps it's because they benefit from it politically.

Remember that every State is apportioned Congressional seats based on population, not based on citizenship. Counting noncitizens in Congressional apportionment has resulted in more seats for Blue States and fewer Congressional seats for Red States.

For instance, excluding noncitizens, an estimated—California, excuse me, would have an estimated three fewer Congressional seats. In Ohio, Pennsylvania, and West Virginia, traditionally Red States, would each have an estimated one additional seat.

Right now, in a political environment where Republicans have a two-seat majority in the House of Representatives, the presence of millions of illegal aliens in America could quite literally change the balance of power in our country.

The problem doesn't stop at Congressional apportionment. The ultimate goal of mass illegal immigration is mass amnesty and citizenship for illegal aliens, which, of course, means ultimately allowing them to vote. That's not a conspiracy theory either.

Senate Majority Leader Chuck Schumer himself said it just two years ago, and I'm quoting him,

> Our ultimate goal is to help the dreamers, but get a path to citizenship for all 11 million, or however many undocumented there are here.

That is their words, not mine.

It appears that for the past four years, providing a path to citizenship for illegal aliens is precisely what the Biden Administration has been doing.

Ms. Vaughn, thanks for being here. Can you explain how through various programs the Biden Administration, either via lax enforcement or through facilitating abuses, provided a path to citizenship for illegal aliens?

Ms. VAUGHN. Well, the main way that that has occurred, at least the most significant, are these programs that allow people who have made it into the country to obtain a status and a work permit, some of which do put them on the path to getting a green card.

For example, there is the OPT program, which allows either foreign nationals who have attended U.S. schools or who enrolled in one of these bogus strip small schools that enables them to get a work permit through the OPT program, that is meant to be for many of them a bridge to another more permanent guest worker program, such as H–1B. Because once they get the H–1B, then they can continue to extend that.

There are also programs like the U and the T visas, which start with a work permit and eventually, once they're adjudicated, without much review, allow them to receive a green card, which is a path to citizenship.

There are others, including temporary protected status, which are like a de facto permanent status at this point because they're never rescinded.

These are not small. We're talking about probably about two million people who are in these kind of quasi legal programs that get to stay here and be considered constituents.

Mr. GILL. So, two million people who have a path to citizenship right now. This isn't a theoretical or a hypothetical problem. This is happening right now. The political party that has nothing to offer voters, but inflation, censorship, and transgenderism is weaponizing mass illegal immigration to their own political benefit.

With that, I yield. Thank you.

Mr. MCCLINTOCK. Thank you. The gentleman's time has expired.

I'll yield myself five minutes for questions. I think we've come to an agreement on at least one point and that is that our immigration laws are broken. The Democrats think they're broken because they don't stop Presidents like Trump from securing our borders. The Republicans think they're broken because they don't stop Presidents like Biden from opening our borders.

I think the most illuminating testimony that we've had today came from the Democrat's witness who opined that the enforcement of our immigration laws was vastly better under Biden than it is under Trump. That is a difference of opinion that we periodically resolve through our elections. From the last election, it is very clear that the American people agree with us, and they have given us the responsibility and the authority to change these laws so that they can never again be evaded and mocked by a future Democratic administration.

Ms. Vaughn, I want to begin with the abuse of our asylum process, which I think is one of the biggest problems that we face. We all know the vast majority of asylum claims turn out to be bogus. Under the Biden Administration, just making that claim got you immediate admittance into our country, a lot of free stuff. You were assured that your claim wouldn't be heard for many years, and

once it was rejected and you were ordered by a court deported, that order wouldn't be enforced.

Obviously, Remain in Mexico took a lot of the incentive out of making these false claims, and, of course, one of President Trump's first orders reinstates that policy.

It seems to me we need to assure permanence of that policy, and we also need to be clear that asylum is reserved for those who have been singled out by their own government for persecution because of their religion, race, or political views. Under international law, once you have crossed that first international border, you have now separated yourself from that government.

You have the right to apply for asylum in that country that you first crossed into. You do not have the right to pass through five other countries because you want free stuff from Americans.

It also seems to me that if you break our laws to enter our country, you should forfeit any claim to asylum because you've already expressed your intention to disobey our laws.

What do we need to do to reinstate these principles and assure that future Presidents can't circumvent them?

Ms. VAUGHN. Well, the asylum system is one of the biggest loopholes in our immigration law right now that's routinely exploited, and that's why we need legislation to actually codify provisions to address the problems that you've mentioned. For example, to make it clear that you must enter through a legal port of entry, that you're not going to qualify for asylum if you've passed through a safe third country, or if you could have relocated within your own country.

We're getting a lot of people at our border now who have been firmly resettled in other countries before coming here to take advantage of the open border and the parole policies.

Mr. MCCLINTOCK. So, are those principles missing from our current asylum law, and we need to place them in it, or are they simply being ignored?

Ms. VAUGHN. The clarification is missing. I think that there are different ways you could interpret our law, but they're not going to be effective. H.R. 2 closed a lot of those loopholes.

Mr. MCCLINTOCK. Your guidance on what else needs to be done to ensure that this doesn't happen again would be much appreciated.

Mr. Fabbricatore, the sanctuary policies, what do those laws do exactly?

Mr. FABBRICATORE. They don't protect American citizens. They protect criminal aliens, and we've seen that happen in the U.S. with the rise of Tren de Aragua in these sanctuary cities.

Mr. MCCLINTOCK. In fact, it's the immigrant community from which they arise that is the most victimized by them, isn't it?

Mr. FABBRICATORE. Yes, sir.

Mr. MCCLINTOCK. I would think that a family at the Roosevelt Hotel in New York is far more likely to be preyed on by these cartels and criminal gangs than somebody living in Scarsdale, for example.

Mr. FABBRICATORE. Initially, they prey on their own, sir, yes.

Mr. MCCLINTOCK. So, what can we do about these sanctuary jurisdictions?

Mr. FABBRICATORE. Well, we need to look at any kind of defunding that we can do. We need to make sure that ICE is going into these communities and they can work with local law enforcement. If we're really serious about keeping American citizens safe, we have to be serious about letting law enforcement work together to keep American citizens safe. That's not going to happen as long as we have these sanctuary jurisdictions that don't allow local law enforcement to give information to ICE.

Sanctuary jurisdiction in Colorado, probation cannot even let ICE know when somebody gets taken out of jail and put on probation. That's someone who is convicted of a crime that's going out onto the street and that probation officer cannot let ICE know when they're going on probation.

Mr. MCCLINTOCK. Mr. Newman, my time is about to expire, but I would like to ask you to put in a response regarding the TPS and parole abuses of the past administration and what we can do to assure that's never done again. I'm now out of time, so if you could give that to us in writing, we will pay very close attention to it.

Mr. NEWMAN. Absolutely.

Mr. MCCLINTOCK. With that, I believe we are ready to conclude today's hearing.

I want to thank our witnesses for appearing. I think this was a very illuminating hearing on both sides.

Without objection, all Members will have five legislative days to submit additional written questions for the witnesses or additional material for the record.

With that, and without objection, the hearing is adjourned.

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

All materials submitted for the record by the Members of the Subcommittee on Immigration Integrity, Security, and Enforcement can be found at the following links: *https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117827*.

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