

**CASE-BY-CASE: RETURNING PAROLE TO ITS  
PROPER PURPOSE**

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**JOINT HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
OVERSIGHT, INVESTIGATIONS,  
AND ACCOUNTABILITY  
AND THE  
SUBCOMMITTEE ON  
BORDER SECURITY AND ENFORCEMENT  
OF THE  
COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED NINETEENTH CONGRESS  
FIRST SESSION  
JULY 15, 2025

**Serial No. 119-22**

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

61-405 PDF

WASHINGTON : 2026

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## **CASE-BY-CASE: RETURNING PAROLE TO ITS PROPER PURPOSE**

**Tuesday, July 15, 2025**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND  
ACCOUNTABILITY, AND THE  
SUBCOMMITTEE ON BORDER SECURITY AND ENFORCEMENT,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 4:02 p.m., in room 310, Cannon House Office Building, Hon. Josh Brecheen [Chairman of the Subcommittee on Oversight, Investigations, and Accountability] presiding.

Present: Representatives Brecheen, Guest, Strong, Crane, Knott, Thanedar, Correa, Carter, and Johnson.

Mr. BRECHEEN. The Committee on Homeland Security, Subcommittee on Oversight, Investigations, Accountability and the Subcommittee on Border Security and Enforcement will come to order.

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

The purpose of today's hearing is to examine the consequences of the Biden administration's abuse of immigration parole and how Congress and the Trump administration can work to address those consequences.

I now recognize myself for an opening statement.

Good afternoon again. Welcome to the Subcommittee on Oversight, Investigations, Accountability and the Subcommittee on Border Security and Enforcement's joint hearing on returning immigration parole to its proper statutory purpose.

First, I would like to thank our witnesses for being here today.

This hearing was originally planned for April 8, however due to last-minute and unforeseen circumstances, it had to be postponed until today. We appreciate our witnesses understanding and grateful you can be here to talk about this important matter.

On the note of witnesses, unfortunately, due to a flight cancellation, one of our witnesses, Charles Marino, will not be able to join us today.

I would like to welcome the gentleman from Louisiana, Mr. Carter, who will serve on the Oversight, Investigations, and Accountability Subcommittee for the 119th Congress, and we look forward to working with you.

We are here today because Congress must find a legislative answer to prevent the future abuse of parole, whether that means

changing the standard for parole, expediting removal of paroles, or eliminating parole access to welfare benefits. We must act so that another administration cannot repeat or, even worse, expand what occurred in the Biden-Harris time period.

From February 2021 to February 2025, under the Biden-Harris administration, U.S. Customs and Border Protection encountered more than 11 million illegal aliens nationwide. According to our witnesses today, nearly 3 million individuals who had no legal reason to be in the United States were allowed—through an unlawful mass parole program were paroled into and by an overwhelmed Border Patrol.

We know—we don't know how many people actually entered through these various unlawful mass parole programs because the Biden-Harris administration refused to give us numbers and data, and that's even after former Chairman Green issued a subpoena for the data.

Why are they hiding the numbers? Because parole was out of control. It would have been a political disaster if the American people knew how bad it was. They abused this authority in support of an open-ended borders agenda.

Congress created immigration parole to provide temporary entry into small numbers of aliens on a case-by-case basis. It started 60 years ago, and it was designed to be for a significant public benefit, this case-by-case temporary pause of normal processing, or a urgent humanitarian reason.

Presidents and Cabinet-level officers in the past have used it to enable essential witnesses to cross the border, testify at criminal hearings, or allow illegals with dire medical conditions to receive aid in American hospitals. One former senior ICE official has said that he paroled just 2 individuals in his entire career.

No administration abused parole to such a degree and with such flagrant disregard for Congressional limitation as compared to the Biden-Harris administration. While that administration and then, at the time, Secretary Mayorkas refused to provide Congress with clear information, their playbook was clear. The administration exceedingly expanded existing parole programs, such as the Cuban Family Reunification Program, to an amount that strained DHS screening and vetting capabilities.

Second, the Biden-Harris administration reintroduced ineffective parole programs that the first Trump administration ended, like the Central American Minors Program. The Trump administration ended these because they served no purpose other than promoting greater illegal immigration and encouraging the exploitation of unaccompanied minors.

Third, the Biden-Harris administration just invented new parole programs to release individuals from Afghanistan, Cuba, Nicaragua, Venezuela, Colombia, Haiti, into the interior. Slapping parole on an inadmissible alien's file, releasing them into the interior, doesn't magically make one less than admissible. It just means you're not following the law as intended.

The parole vetting was so inadequate that one DHS Inspector General report found that 3 Afghan parolees had derogatory information related to felonies in the United States, and at least one had an indication of terrorism-related activity. An additional Af-

ghan national who received parole through Operation Allies Welcome was arrested in my home State in Oklahoma City for plotting an election-day terrorist attack for ISIS.

While Republican Members of this committee and millions nationwide recognize the national security threat of providing parole to poorly-vetted immigrants, the Biden-Harris administration surged making it even easier for more individuals to apply for parole through a CB One application. We even found that, during the administration, the cartels hijacked that CB One app to create deployments for would-be parole, for a fee of course, so that the administration parole program was helping cartels pocket more dollars from desperate individuals.

The Biden-Harris administration also raised the legal requirement from granting parole, allowing the entry of the individuals if they could find a sponsor who could financially support them once within the United States, even though the law requires parole to be granted only on a case-by-case basis for urgent humanitarian reasons or significant public benefit. By law, that is what it stated before it was upended.

Even when an internal DHS report indicated thousands of potential parole sponsors were filing fraudulent applications and supporting financial statements with illegal income, the Biden-Harris administration continued accepting applications after just a month-long process pause in their review of the program. That did not last.

If this wasn't about enough, the DHS Inspector General published a report this month stating that, during the Biden-Harris administration, DHS did not have a process to address parole expiration. Furthermore, DHS did not prioritize taking enforcement action for parolees to remain in the United States after their parole had expired, usually in 1-year or a 2-year time period. The report concluded DHS had no assurances that parolees were lawfully present in the United States after their parole expired.

When you apply these findings with the escalated millions of parolees let into the country during the Biden-Harris administration, it's very troubling that the administration flagrantly abused parole and has serious consequences that continues for the American people.

While illegal immigration suffers a huge financial strain to the American taxpayer, parolees are especially expensive because they are eventually eligible for Federal welfare benefits. One analysis found, at the beginning of January 2026—that's 6 months away—the Biden-Harris parole calamity will cost about \$3 billion a year in welfare benefits per 1 million parolees. Three billion dollars a year for just 1 million. We know that there's—we believe—3 million. So as the time period kicks on, we're looking at \$9 billion, which is—that's a State budget. That's an entire State budget. That's just the quantifiable cost.

American citizens face serious national security and public safety costs from the lack of screening and vetting these parolees. The stories are becoming too many to count. Parolees have been charged and convicted of serious crimes, including terrorism, murder, rape, and sexual assault of children. Thankfully, the Trump administration has made it clear that inadmissible aliens hiding behind the

fig leaf of parole can no longer hide under the protection of temporary parole and remain in the country.

On March 21 of this year, President Trump announced his administration will revoke the parole status for 532,000, that includes the program for Cubans, Haitians, Nicaraguans, Venezuelans, more commonly known as the CHNV program. By returning parole to its proper purpose, the Trump administration can announce to the world and prospective immigrants that parole status cannot be gifted unlawfully and cheaply.

More needs to be done. We're here today to determine how we can begin to undue these devastating impacts that illegal paroling did for untold numbers of inadmissible aliens into America and what that impact will be on our States and local communities. We must protect the taxpayer. We must protect the American people. We must protect our sovereignty. We need to further limit and clarify Executive parole authority to prevent future abuses.

[The statement of Chairman Brecheen follows:]

STATEMENT OF CHAIRMAN JOSH BRECHEEN

JULY 15, 2025

Good afternoon and welcome to the Subcommittee on Oversight, Investigations, and Accountability and the Subcommittee on Border Security and Enforcement's joint hearing on returning immigration parole to its proper, statutory purpose.

First, I would like to thank our witnesses for being here today. This hearing was originally planned for April 8; however, due to last-minute, unforeseen circumstances, it had to be postponed to today. We appreciate your understanding; and we are grateful you can be here today to talk about this important matter.

Second, I would like to welcome the gentleman from Louisiana, Mr. Carter, who will serve on the Oversight, Investigations, and Accountability subcommittee for the 119th Congress. I look forward to working with you.

We are here today because Congress must find a legislative answer to prevent the future abuse of parole, whether that means changing the standard for parole, expediting removal of parolees, or eliminating parolee access to welfare benefits. We must act so that another administration cannot just repeat, or even worse, expand, the Biden-Harris parole programs.

From February 2021 to February 2025, under the Biden-Harris administration, U.S. Customs and Border Protection encountered more than 11 million illegal aliens nationwide.

According to our witness today, nearly 3 million individuals who had no legal reason to be in the United States, were allowed in through unlawful mass-parole programs, or simply just paroled in by an overwhelmed Border Patrol.

However, we don't know how many people actually entered through these various unlawful mass-parole programs because the Biden-Harris administration refused to give us numbers and data. That's even after Chairman Green issued a subpoena for the data.

Why were they hiding the numbers? Because parole was out of control, and it would be a political disaster if the American people knew how the administration was abusing this authority in support of its open-borders agenda.

Congress created immigration parole to provide temporary entry to small numbers of aliens on a case-by-case basis, for a significant public benefit or urgent humanitarian reason.

For example, Presidents and Cabinet-level officers have used parole to enable essential witnesses to cross the border and testify at criminal hearings or to allow aliens with dire medical conditions to receive aid in American hospitals. One former senior ICE official has said that he paroled just 2 individuals in his entire tenure.

No administration, however, abused parole to such a degree and with such a flagrant disregard for Congressional limitations than the Biden-Harris administration. While the Biden-Harris administration and then-Secretary Mayorkas refused to provide Congress with information, their playbook was clear.

First, the Biden-Harris administration excessively expanded existing parole programs, such as the Cuban Family Reunification program, to an amount that strained DHS's screening and vetting capabilities.

Second, the Biden-Harris administration re-introduced ineffective parole programs that the first Trump administration ended, like the Central American Minors Program. The Trump administration ended these because they served no purpose other than promoting greater illegal immigration and encouraging the exploitation of unaccompanied minors.

Third, the Biden-Harris administration just invented new parole programs to release individuals from Afghanistan, Cuba, Nicaragua, Venezuela, Colombia, and Haiti into the interior. Slapping “parole” on an inadmissible alien’s file and releasing him into the interior doesn’t magically make him any less inadmissible—it just means you are not following the law as intended.

The parolee vetting was so inadequate that one DHS Inspector General report found that 3 Afghan parolees had derogatory information related to felonies in the United States, and at least 1 had an indication of terrorism-related activity.

An additional Afghan national, who received parole through Operation Allies Welcome, was arrested in Oklahoma City for plotting an election day terrorist attack for ISIS.

While Republican Members of this committee, and millions nationwide, recognized the national security threat of providing parole to poorly-vetted immigrants, the Biden-Harris administration surged along by making it even easier for individuals to apply for parole through the CBP One application.

We even found out during the administration that the cartels had hijacked the CBP One app to create appointments for would-be parolees, all for a fee, of course—so the administration’s parole program was helping the cartels pocket more dollars from desperate individuals.

The Biden-Harris administration also erased the legal requirements for granting parole—allowing entry to individuals if they could simply find a sponsor who could financially support them once within the United States, even though the law requires parole be granted only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

Even when an internal DHS report indicated that thousands of potential parole sponsors were filling out fraudulent applications and supporting their financial statements with illegal income, the Biden-Harris administration continued accepting applications after just a month-long pause to review the program.

If all of this wasn’t bad enough, the DHS Inspector General published a report this month stating that during the Biden-Harris administration, DHS did not have a process to address parole expiration. Furthermore, DHS did not prioritize taking enforcement action for parolees who remained in the United States after their parole had expired.

The report concluded that DHS had no assurance that parolees were lawfully present in the United States after their parole expired. When you apply these findings to the estimated millions of parolees let into the country during the Biden-Harris administration, it is troubling.

The Biden-Harris administration’s flagrant abuse of its limited parole authority had serious consequences for the American public.

While illegal immigration itself is a huge financial strain on the American taxpayer, parolees are especially expensive because they are eventually eligible for many Federal welfare benefits.

One analysis found that beginning in January 2026, the Biden-Harris parole calamity will cost about \$3 billion a year in welfare benefits per 1 million parolees. Three billion dollars a year. Even if they pay some limited taxes, the burdens they impose on our resources always outweigh their contributions.

That’s just the quantifiable cost. American citizens face serious national security and public safety costs from the lack of screening and vetting of these parolees.

The stories are becoming too many to count, but parolees have been charged and convicted of serious crimes including terrorism, murder, rape, and sexual assault of children.

Thankfully, the Trump administration has made it clear that inadmissible aliens hiding behind the fig leaf of parole can no longer hide under the protection of temporary parole to remain in the country.

On March 21, President Trump announced that his administration would revoke parole status for 532,000 individuals who received parole through the Parole Programs for Cubans, Haitians, Nicaraguans, and Venezuelans, more commonly known as the CHNV program.

By returning parole to its proper purpose, the Trump administration can announce to the world, and to prospective immigrants that parole status cannot be gifted so cheaply.

But more needs to be done. We are here today to determine how we can begin to undo the devastating impacts that illegally paroling untold numbers of inadmis-

sible aliens into America has had on our States and local communities. We must protect the American people, their sovereignty, and their hard-earned tax dollars.

We need to further limit and clarify the Executive's parole authority to prevent future abuses.

Mr. BRECHEEN. I now recognize the Ranking Member of the Subcommittee for Oversight, Investigations, and Accountability, the gentleman from Michigan, Mr. Thanedar, for his opening statement.

Mr. THANEDAR. Thank you, Chairman. Good afternoon to all of you.

First of all, I want to welcome the gentleman from Louisiana, Representative Carter. Thank you for joining the committee. We are honored to have you and honored to have your expertise.

We're supposed—we're here today to examine the use of parole. Let's cut to the chase. President Trump has already ended all parole programs; yet another cruel step in his immigration agenda. President Trump and Republicans are only interested in cruelty, chaos, and deflection. Republicans are really using this hearing to distract from the recent passage of their one big ugly bill that is going to cut Medicaid and SNAP while increasing the national debt by trillions of dollars.

Because Republicans don't want to face the future they created, though millions of Americans lose health care and food assistance, they prefer to live in the past and perpetuate false claims about President Biden's use of parole programs.

Since Republicans seem to enjoy history so much, let's go back to 1956. That's when President Eisenhower first used parole to help 30,000 Hungarians come to the United States after a failed revolt against communism.

Parole has been used by every Republican and Democratic administration since it is a valuable tool to help those in urgent humanitarian situations. Parole programs also reduce illegal border crossing, increase the U.S. work force, and grow our economy.

Given the benefits, the public might be asking why Trump is terminating parole programs. Is it simply because he's on a revenge and a retribution tour? Is it because he hasn't done enough already to shatter the economy? Or is it because he needs to turn parolees into undocumented migrants that cosplay Kristi can then shackle and deport to a prison in El Salvador for a photo op.

Trump and Noem are not focused on just violent criminals. They're arresting and deporting hardworking immigrants who wash dishes, pick crops, and construct homes. This administration is so desperate to achieve its goal of 3,000 arrests a day, it is targeting U.S. citizens and lawful residents exercising their First Amendment rights, all while ignoring court orders.

If my Republican colleagues want to investigate immigration abuses, there is no need to relitigate false claims from the past. President Trump's daily actions are a continual assault on the Constitution that warrant Congressional oversight. The American people are waiting for Republicans to stand up to the mad king.

With that, Mr. Chair, I yield back.

[The statement of Ranking Member Thanedar follows:]

## STATEMENT OF RANKING MEMBER SHRI THANEDAR

JULY 15, 2025

We're supposedly here today to examine the use of parole—let's cut to the chase. President Trump has already ended all parole programs, another cruel step in his immigration agenda.

President Trump and Republicans are only interested in cruelty, chaos, and deflection.

Republicans are really using this hearing to distract from the recent passage of their one big, ugly bill that is going to cut Medicare while increasing the national debt by trillions. Because Republicans don't want to face the future they created where millions of Americans lose health care and food assistance, they prefer to live in the past and perpetuate false claim about President Biden's use of parole programs.

Since Republicans seem to enjoy history so much, let's go back to 1956. That's when President Eisenhower first used parole to help 30,000 Hungarians come to the United States after a failed revolt against communism. Parole has been used by every Republican and Democratic administration since. It is a valuable tool to help those in urgent humanitarian situations. Parole programs also reduce illegal border crossings, increase the U.S. workforce, and grow our economy. Given the benefits, the public might be asking why Trump is terminating parole programs.

Is it simply because he is on a revenge and retribution tour? Is it because he hasn't done enough already to shatter the economy? Or is it because he needs to turn parolees into undocumented migrants that Secretary Noem can then shackle and deport to a prison in El Salvador for a photo op?

Trump and Noem are not focused on just violent criminals, they are arresting and deporting hard-working immigrants who wash dishes, pick crops, and construct homes. This administration is so desperate to achieve its goal of 3,000 arrests a day, it is targeting U.S. citizens, lawful residents, and university students exercising their first amendment rights all while ignoring court orders.

If my Republican colleagues want to investigate immigration abuses, there is no need to relitigate false claims from the past. President Trump's daily actions are a continual assault on the Constitution that warrant Congressional oversight. The American people are waiting for Republicans to stand up to the mad king.

Mr. BRECHEEN. Thank you, Ranking Member.

I now recognize the Chairman for the Subcommittee on Border Security and Enforcement, the gentleman from Mississippi, Mr. Michael Guest, for his opening statement.

Mr. GUEST. Thank you, Mr. Chairman.

This afternoon, our hearing will provide a critical opportunity to investigate how the Biden-Harris administration systematically weakened our national border security and at the same time intentionally facilitated the influx of millions of inadmissible aliens in the United States through the unlawful use of mass parole.

As members of the Legislative branch, it is our duty to determine how and why the Biden-Harris administration abused its authority to grant parole meant to be applied only on a case-by-case basis for urgent humanitarian needs or significant public benefit to justify the mass release of between 2 and 3 million inadmissible aliens into our country.

However, the Biden-Harris mass parole programs, though stopped by the Trump administration, continue to impose significant financial cost on the American public and generate increased public safety threats.

During his time in office, former President Biden's open policies incentivized illegal immigration, signaling to the world that our borders were open. In response, people from around the world flattered across our borders and overran our communities. This resulted in historic never-before-seen apprehension numbers.

To combat the bad optics of the growing border crisis and to try to cover up the true scale of illegal immigrants entering the United States, the Biden-Harris administration created multiple mass parole programs to hide the truth from the American people and to quickly release individuals into the interior. These programs were deliberately designed to conceal and downplay the true scope of our border crisis.

One of the ways the former administration misled the public was through the conversion of a little-known program originally designed to schedule cargo inspections into one of the most abused programs in our Nation's history. The CBP One app was used in a manner never authorized by Congress to create a fast-track pathway for parole into the interior of the country. The implementation of CB One mass parole program resulted in nearly 1 million illegal aliens entering this country.

This committee found that the individuals who applied for entry in the United States using the CBP One app were ultimately released into the interior at least 95 percent of the time. Additionally, more than half a million other inadmissible aliens were granted parole under the mass parole program for Cubans, Haitians, Nicaraguans, and Venezuelans. The Trump administration has wisely ended both of these program by Executive Order, but the fallout remains.

Earlier this year, DHS Office of Inspector General released a review of specific Biden-Harris administration parole programs, confirming that the previous administration had no plan to remove aliens whose parole had expired. That meant that there are potentially hundreds of thousands of inadmissible aliens who may still be at large in a country long after their parole has expired.

To make matters worse, many of these aliens and those who sponsor their entry were not properly vetted. Both the CHNV program and the CBP One appointments had to be paused due to suspected rampant fraud. The consequences of these reckless and unlawful parole programs have been devastating, and the American public has paid the price.

One horrifying example is the brutal murder of 22-year-old Laken Riley, an Augusta University student, at the hands of an illegal alien from Venezuela who was paroled into the country by the Biden-Harris administration. More recently, an Afghan national who was paroled into the United States in 2021 was arrested for plotting an attack in the name of ISIS on election day 2024. This arrest and Laken's tragic death should be a wake-up call to lawmakers that we must be serious about preventing future abuse of our immigration law.

In closing, Congress has a responsibility to examine what steps should be taken to mitigate the on-going financial and public safety threats enabled by the previous administration's abuse of parole. There is no scenario in which paroling millions of inadmissible aliens in the country is consistent with current law. We must never allow this to happen again. We must work together to ensure that future administrations can never again jeopardize our Nation's safety and sovereignty. We must implement legislative solutions that will guarantee American security for generations to come.

I look forward to hearing from our witnesses today.

With that I yield back.  
[The statement of Chairman Guest follows:]

STATEMENT OF CHAIRMAN MICHAEL GUEST

JULY 15, 2025

This hearing will provide a critical opportunity to investigate how the Biden-Harris administration systematically weakened our Nation's border security and, at the same time, intentionally facilitated the influx of millions of inadmissible aliens into the United States through the unlawful use of mass parole.

As Members of the Legislative branch, it is our duty to determine how and why the Biden-Harris administration abused its authority to grant parole—meant to be applied “only on a case-by-case basis”, for “urgent humanitarian reason” or “significant public benefit”—to justify the mass releases of between 2–3 million inadmissible aliens into our country.

However, the Biden-Harris mass-parole programs, though stopped by the Trump administration, continue to impose significant financial costs on the American people and generate increased public safety threats.

During his time in office, former President Biden's open-border policies incentivized illegal immigration, signaling to the world that our borders were open.

In response, people from around the world flooded across our border and overran border communities. This resulted in historic, never-before-seen apprehension numbers.

To combat the bad optics of the growing border crisis and to try to cover up the true scale of illegal immigrants entering the United States, the Biden-Harris administration created multiple mass-parole programs to hide the truth from the American people and to quickly release individuals into the interior. These programs were deliberately designed to conceal and downplay the true scope of our border crisis.

One of the ways the former administration misled the public was through the conversion of a little-known program originally designed to schedule cargo inspections into one of the most abused programs in our Nation's history. The “CBP One app” was used in a manner never authorized by Congress to create a fast-track pathway for parole into the interior of the country.

The implementation of the CBP One mass-parole program resulted in nearly 1 million aliens entering the country. This committee found that individuals who applied for entry into the United States using the CBP One App were ultimately released into the interior at least 95 percent of the time.

Additionally, more than 500,000 other inadmissible aliens were granted parole under the mass-parole program for Cubans, Haitians, Nicaraguans, and Venezuelans.

The Trump administration has wisely ended both these programs by Executive Order, but the fallout remains. Earlier this month, the DHS Office of Inspector General released a review of specific Biden-Harris administration parole programs, confirming the previous administration had no plan to remove aliens whose parole had expired. That means that there are potentially hundreds of thousands of inadmissible aliens who may still be at large in the country long after their parole has expired.

To make matters worse, many of these aliens—and those who “sponsored” their entry—were not properly vetted. Both the CHNV program and CBP One appointments had to be briefly paused due to suspected rampant fraud.

The consequences of these reckless and unlawful parole programs have been devastating, and Americans have paid the price.

One horrifying example is the brutal murder of 22-year-old Laken Riley, an Augusta University student, at the hands of an illegal alien from Venezuela who was paroled into the country by Biden and Harris.

More recently, an Afghan national, who was paroled into the United States in 2021, was arrested for plotting an attack in the name of ISIS on Election Day in 2024.

This arrest and Laken's tragic death should be a wake-up call to lawmakers that we must be serious about preventing future abuse of our immigration laws.

In closing, Congress has a responsibility to examine what steps should be taken to mitigate the on-going financial and public safety threats enabled by the previous administration's abuse of parole.

There is no scenario in which paroling millions of inadmissible aliens into the country is consistent with the law.

We must never allow this to happen again.

We must work together to ensure that future administrations can never again jeopardize our Nation's safety and sovereignty.

We must implement legislative solutions that will guarantee American security for generations to come. I look forward to suggestions from our witnesses today.

With that, I yield back.

Mr. BRECHEEN. Thank you, Chairman Guest.

I now recognize the Ranking Member for the Subcommittee on Border Security and Enforcement, the gentleman from California, Mr. Lou Correa, for his opening statement.

Mr. CORREA. Thank you, Mr. Chairman. I want to thank our witnesses for being here today. Concur, words just said, need legislation to guarantee to support American security, American prosperity too.

I'm going to ask, what happened? What's going on, folks? President Trump got elected. Said he was going to deport criminals, those that have been in the country less than 2 years and those with orders of deportation.

Last I looked, 70 percent of the individuals being deported right now don't fit any of those categories. They're essentially hard-working individuals, many individuals that have been in this country 25, 30 years.

My district, just a few weeks ago, man been here 25 years, not a ticket to his name, not a traffic ticket, was apprehended by ICE. He's a gardener. Three children, all serving in the U.S. Marine Corps. Let me repeat, man held by ICE, 25 years in this country, not a ticket to his name, not a traffic ticket, apprehended, he has 3 children in the U.S. Marine Corps.

Now, I don't know about you, but we make movies about people like that. We give people like that a tour of the White House. Patriots. He raised 3 patriots that were ready to make the ultimate sacrifice for this country. What do you say to those 3 Marines? Spirit to corps. Keep up the good attitude. Everything's going to be OK tomorrow. A lot of people in that situation.

I know the President understands that this policy is hurting this Nation economically. Just a couple of weeks ago he came on and said, I'm going to suspend the deportation of those that work at farms, those that work in hospitality industry. Two days later he said, I was just kidding, never mind, we're going to continue to sweep them up.

You know, each one of us represents a different part of the country, a different State. I'll tell you a little bit about California, and I've said this before, so please excuse me for repeating myself. It's important to note. California, a big portion of our work force is undocumented. As a State, we've done everything we can to document those workers—driver's licenses, other things that we need to do.

As a result today, California is the fourth-largest economy in the world. If we deregulate a little bit, we could be No. 3 in the world. No. 1 nationally on agriculture. Fifty to 70 percent of those workers are undocumented. We feed a lot of parts of this country and the rest of the world.

We're also No. 1 in manufacturing in Southern California. It's not Pittsburgh, it's not Michigan. It's Southern California. Manufacturing sector of the United States. Center of manufacturing in the United States. Guess what? A lot of those workers are what? Undocumented.

I thought we were supposed to do some nearshoring to bring back a lot of those jobs from other parts of the world. That's what we were supposed to be doing.

Let's talk about venture capital. Guess what State really has about 60 to 70 percent of the venture capital today? California. Talk about high tech. Silicon Valley. A lot of those workers are, guess what? Visa holders. Overstayed visa. India, China, Europe. We attract the best and brightest. We have the best biotech in the world right now. We invent the best medicines in the world right now in California.

As a result of that, folks, we pay \$100 billion more in taxes to the Federal Government than we get back. I hear statements, burden; well, no, we are the net donor to the Federal Government. Now the Federal Government is going to tell us how to run the economy in the State of California. Is that what I'm hearing today?

Stop a minute and not talk about undocumented. Let's talk about American citizens. I live in Orange County. Not Los Angeles, Orange County. We have the National Guard downtown. OK? Almost had the Marines there. Sheriff Barnes, who's been in this committee, testified, OK? He's told me, I didn't call for back-up. Local police, I didn't call for back-up. Why are they here? They're messing things up, work that we've done for public safety for the last 30 years. When they leave, we got a mess to fix. We didn't call for them.

Go downtown Santa Ana right now where I live. It's peaceful. Why is the National Guard there? American citizens, right now, American citizens afraid of going out on the streets. Parents telling their kids, take your birth certificate, take a passport. Are you kidding me? Is this America or is this a communist country? American citizens.

Just 2 weeks ago, female attorney, American-born citizen, walking down the park, there was a raid going on, turned around, they took her in too, arrested her. Never been so frightened in her life. She said, masked men grabbed me, put me in a van with no windows, took me in a holding cell that I had no idea where I was going. Few hours later she was let go. Why? Was she profiled? Thought you weren't supposed to be doing that.

OK. Home Depot. Heard another story. An off-duty police officer walking into Home Depot, they were about to grab him. He turned around and said, back off, I got a concealed weapon. Can you imagine what we almost had? Almost had a shootout there, because you have masked individuals—and I have no idea who they are, I have no idea what training they have, about to grab somebody without even a warning. These are our streets in the United States of America. What are we coming to?

You know, the other day, President Trump was meeting with President Bukele, said, quote—the President—home-grown are next. You got to build about 5 more of these places. This place is not big enough.

So we're sending American citizens now to foreign prisons? Forget about green card holders. I will tell you, I have told them, do not leave the country. You will not be let in. What are we coming to, folks? What is going on?

California is the fourth-largest economy in the world. Our ag industry is getting devastated. We won't even talk about the trade at the ports of Los Angeles, Long Beach, the biggest ports we have in this country. I think the trade is down 30, 40 percent.

This hearing is about parole, but I think the bigger issue is about immigration policy. My colleague just said we need to protect—legislate, protect American security. We've also needed immigration reform for a long time. It's not only California.

I've got some articles here talking about the Wisconsin dairy farmers. Seventy percent of the work force is undocumented. So get rid of those workers, and I guess our milk will be less expensive, I would imagine, if you can get it at all.

Another one here. "Immigrants Contribute Greatly to the Social Security's Trust Fund Solvency." They pay into Social Security, never get a dime back. Labor and immigration reform. Many dairy farmers struggle to recruit, retain native workers despite higher wages and benefits. But I guess you want to take our graduate students and now tell them to go milk the cows and take care of the cows. That's what we're saying.

This is an interesting one. Little bit off point. "Irish tourist jailed by ICE for months after overstaying the U.S.—his visa—by 3 days." By the way, tourism is a big industry in my district. They're down 20 or 30 percent.

Dairy farms are vulnerable to Trump's mass deportation threats. The industry hopes to get a pass.

All you have to do is read the newspapers every day. I'm not quite sure where we got off on this track. We're supposed to deport criminals.

I can tell you, back home, I've talked to people who believed the President when he said he was going after these 3 sets: criminals, overstays, those who have less than 2 years. Now, going after hard workers. Our economy is going to suffer, inflation, shortages.

Maybe the President doesn't know what's going on. He needs to know that ICE is doing more than maybe he knows we're doing.

Look forward to hearing the testimony from our witnesses today. Mr. Chair, take over the gavel.

Mr. BRECHEEN. The gentleman yields.

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

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JULY 15, 2025

Republicans are not interested in "Returning Parole to its Proper Purpose" as their hearing title suggests. I say that because the proper purpose of parole under Republican and Democratic administrations has always been to help people in desperate need. But Donald Trump and Republicans are only interested in cruelty, chaos, and deflection. The truth of the matter is that Donald Trump has essentially ended lawful parole and closed legal pathways for people to seek safety in the United States.

I'd like to see Cosplay Kristi or one of the many Republican Members auditioning for Chairman go walk the streets of Haiti and tell me it is "safe." Republicans on this committee do not care if the policies they support harm the American people and undermine homeland security. All they care about is stroking Donald Trump's ego and "owning the libs." The damage they have done is shameful. It is so shameful, in fact, that their own Chairman was spending time in Guyana before he re-

signed. But he made sure to return to vote for the Big Ugly Bill that will hurt his constituents.

American citizens will go hungry and die from treatable illnesses while future generations drown in debt because Republicans voted to gut SNAP and Medicaid in Trump's Big Ugly Bill that increases the Federal deficit to historic highs.

American farms are in crisis and food is rotting in the ground while homeless veterans starve on the streets because Donald Trump has targeted farm workers for deportation and cut the Nation's agency reducing homelessness. Grocery prices are up, and consumer confidence is down because of Trump tariffs and Trumpflation.

Do you see a pattern here? The Trump administration has its hand around the necks of the American People, and Republicans in this body are cheering him on. Not just that, but even when the administration does admit something went wrong, it is never their fault. The Secretary of Defense leaked Classified war plans to a journalist. Republicans called it an accident. Immigration and Customs Enforcement deported a man who had protected legal status granted by an immigration court. Trump's Press Secretary called it a clerical error. The Federal Government fired the employees who maintain our nuclear weapons. Republicans said oops, just another accident.

It's no wonder that these people are rehashing their tired talking points about parole and the Biden administration. Republicans simply cannot take responsibility for the present or for their President.

They are stuck in the past. It is time for my colleagues to get over their unhealthy obsession with Joe Biden and focus on the present—and their failed President.

Mr. BRECHEEN. I'm pleased to have a panel of expert witnesses before us today on this very important topic. I ask that our witnesses please rise and raise your right hand.

[Witnesses sworn.]

Mr. BRECHEEN. Let the record reflect that the witnesses have answered in the affirmative.

Thank you.

I would now like to formally introduce our witnesses.

Mr. Ken Cuccinelli is a senior fellow at the Center for Renewing America; Dr. Steven Camarota is the director of research at the Center for Immigration Studies; Dr. David Bier is the director of immigration studies at the CATO Institute.

I thank the witnesses for being here today. I now recognize Mr. Ken Cuccinelli for 5 minutes of his opening statement.

**STATEMENT OF KENNETH T. CUCCINELLI, II, SENIOR FELLOW  
FOR IMMIGRATION AND HOMELAND SECURITY, CENTER  
FOR RENEWING AMERICA**

Mr. CUCCINELLI. Thank you, Mr. Chairmen, and Ranking Members, and Members of the committee. I will try not to repeat some of the data some of you have already talked about. I would go straight to the statute that provides legal authority for the granting of parole. There's only one statute. It's INA section 212(d)(5)(A). Particularly it says, "The Secretary of Homeland Security may, in his discretion parole in 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." For conditions. For conditions.

This is a change in 1996 in the Illegal Immigration Reform and Immigrant Responsibility Act, which was passed on an overwhelmingly bipartisan basis on a voice vote in the Senate and by over a—or approximately a 10-to-1 margin in the House.

This was the first time the case-by-case requirement was included in the parole statute. So the example of President Eisen-

hower from 1956 was executed under the 1952 version of the parole statute which did not include the case-by-case language.

Congress intentionally narrowed the parole authority in 1996 to require decisions on parole to be on a case-by-case basis. Only on a case-by-case basis, to quote the statute. That is the most significant change in this statute in the 1996 amendments. Again, it passed on an overwhelmingly bipartisan basis.

Despite that rather obvious limitation, the Biden administration created a series of new immigration admission arrangements without Congressional approval, essentially making its own law, using the parole authority, sometimes explicitly and sometimes implicitly.

The 2 words were used together in some of these statements already made today, “parole programs”. Well, parole program is an oxymoron. Parole is intended to be exercised on a case-by-case basis. You said so as an institution almost 30 years ago.

The restrictions added to the parole authority in 1996 have never been fully litigated. Such a case was in process at the transition from the Biden administration to the Trump administration, but the case was withdrawn by the Trump administration, and the district court ruling was vacated and dismissed. So we’ll have our discussion here today, but there is not a high court ruling to point to interpreting the application of the case-by-case language. Normally, basic statutory interpretation, you go to the plain language of the statute, unless it’s in some way unclear. Well, only on a case-by-case basis strikes me as extremely clear.

But if Congress truly wants case-by-case to be applied one case at a time, then, clearly, even more explicit restrictions should be put in place. My suggestion would be a pick a number low enough that any competent Secretary of Homeland Security would want to be particular with each parole slot. I would suggest something around 3,000 a year. At that level, there would be no point in setting up so-called, but misnamed, programmatic parole arrangements, as they would reach annual limits so fast they wouldn’t be useful for those purposes.

America’s reaping the financial and security costs of former President Biden’s unprecedented and illegal importation of millions of illegal aliens, 2½ to 3 million, it depends how you’d like to count them, using the parole power. We will literally be paying those prices for decades to come.

I know parole reform is noted. I think it was by Congressman Correa that parole reform is just but one of the immigration tasks you have before you and that require Congress attention if it’s ever to be set on a proper long-term footing. But I’m happy to join you today and address this subject and answer any questions that you may have.

[The prepared statement of Mr. Cuccinelli follows:]

PREPARED STATEMENT OF HONORABLE KENNETH T. CUCCINELLI, II

JULY 15, 2025

Two-and-a-half million people, on a so-called “case-by-case” basis? The loose application and use of parole to effectively create new immigration entry pathways for illegal aliens who do not qualify to enter the United States legally.

Mr. Chairman, Ranking Member, and Members of the committee, thank you for your interest and concern regarding the growth in mass-scale abuses of immigration parole authority, most particularly during the Biden administration.

While exact numbers are subject to debate due to fluid definitions that have changed as convenient to accomplish open-borders goals, roughly 2.5 million illegal aliens were granted parole by the Biden administration, thus making parole authority one of the most important tools in support of an open-borders policy based on raw entries.

In the most conservative reasonable terms, parole was granted by the Biden administration to groups of individuals (not on a case-by-case basis) as follows:

*Program-Category / Estimated Number Paroled*

Afghan Evacuees—76,000  
 Ukrainians (U4U)—171,000  
 CHNV Program—435,000  
 CBP One Parole—400,000+  
 Border Parole (Mass)—1.2 to 1.4 million  
 CAM Program—Several thousand  
 TOTAL—2.3 to 2.5 million

The statute that provides legal authority for the granting of parole by the Secretary of Homeland Security is INA § 212(d)(5)(A), which provides as follows:

“The Secretary of Homeland Security 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, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.”

The language you see bolded above was passed by Congress in 1996 as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which was passed on a broad and bi-partisan basis. This language substantially narrowed the parole authority existing prior to the passage of the IIRIRA. The 1996 language narrowed the statutory parole language that had been in place since 1952. Critically, the addition of “only on a case-by-case basis” was the first time that Congress had clarified that it intended that parole NOT be used for groups of people, but only for individual cases, considered one at a time.

Despite that rather obvious limitation, the Biden administration created a series of new immigration admission arrangements without Congressional approval—essentially making its own law—using the parole authority, sometimes explicitly and other times implicitly.

The restrictions added to the parole authority in 1996 have never been fully litigated. Such a case was in process at the transition from the Biden administration to the Trump administration, but the case was withdrawn by the Trump administration and the District Court ruling was vacated and dismissed.

If Congress truly wants “case-by-case” to be applied one case at a time, then clearly additional explicit restrictions should be put in place. My suggestion would be to pick a number low enough that any competent Secretary of Homeland Security would want to be particular with each parole slot. I would suggest something in the 3–5,000 range. At that level, there would be no point in setting up so-called, but misnamed, “programmatic parole” arrangements, as they would reach annual limits so fast that they would not be useful for such purpose.

One might reasonably ask, what about those poor Hungarians facing the Soviets under Eisenhower? Or other such large-scale, but obviously righteous “urgent humanitarian reasons”? The answer to that is found in the Immigration and Nationality Act as amended by the Refugee Act of 1980.

In a situation like the Hungarians following the Soviet crackdown in 1956, the President now has broad authority to set and change the number of refugees that may enter the United States in a given year. The President’s authority to change the number reflects Congress’ determination that flexibility was required to meet exactly that kind of sudden refugee crisis. Thus, such a tool is available for circumstances that meet refugee/asylum requirements, but not just for a general increase in letting in otherwise ineligible individuals.

America is reaping the financial and security costs of former-President Joe Biden’s unprecedented and illegal importation of millions of illegal aliens, and we will for

literally decades. Parole reform is but one immigration task that requires Congress' attention if it is ever to be set on a proper long-term footing.

I am happy to answer any questions that you may have at this time.

Mr. BRECHEEN. Thank you, Mr. Cuccinelli. That was excellent. You hit your time mark. You're seasoned in this. I appreciate that.

I want to now recognize Dr. Camarota for 5 minutes for his opening statement.

**STATEMENT OF STEVEN A. CAMAROTA, PH.D., DIRECTOR OF RESEARCH, CENTER FOR IMMIGRATION STUDIES**

Mr. CAMAROTA. Thank you, Mr. Chairman, and Members of the subcommittee, for having me here today. I'm Steve Camarota, director of research at the Center for Immigration Studies.

As many of you pointed out, the Immigration and Nationality Act gives the Secretary of Homeland Security discretion to grant parole on a case-by-case basis for a limited number of people, for a limited time, to individual aliens for urgent humanitarian reasons or because they would create a significant benefit.

It's not a program to be used en masse. Yet, published data indicates that the Biden administration released nearly 2.9 million people into the United States using parole. It's very hard to see how parole granted on this scale could have been done on a case-by-case basis. Now, my testimony will focus specifically on the fiscal implications of this.

Prior research is very clear that educational attainment at arrival is a key determinant of immigrants' fiscal impact because it not only determines what types of jobs they'll do, but also their likely income, and their tax payments, and use of social services.

Census Bureau data indicates that 1 out of every 4 recent immigrants from the top parolee-sending countries lack a high school diploma, compared to just 6 percent for the U.S.-born. Also, new adult parolees are significantly less likely to have a college degree than the U.S.-born. As a result, the average wages of newly-arrived immigrant men from these top parolee-sending countries is only 44 percent that of U.S.-born men. Further, half of households headed by new immigrants from the top parolee countries access at least one welfare program. That's nearly twice the rate of the U.S.-born.

Now, the budget reconciliation legislation that just passed states that parolees will no longer be, quote/unquote, qualified aliens after 1 year of residence. Qualified aliens have to live in the United States for 5 years to be directly eligible for many welfare programs. But my analysis of Census Bureau data showing high welfare use is confined to parolee countries who have lived in the United States for less than 5 years. So the designation of qualified alien is not the reason for the heavy use of welfare programs. So the removal of that designation isn't going to make much difference.

The reason so many parolees use means-tested programs is, first, many are poor and have low income; second, they can receive benefits on behalf of U.S.-born children; third, all low-income residents of the United States can access some programs regardless of legal status. Finally, some States give benefits to otherwise ineligible aliens.

In addition to traditional welfare, 40 percent of households headed by recent immigrants, again, from the top parolee-sending coun-

tries, are poor enough to receive cash payments from the Earned Income Tax Credit. Parolees have work authorization and Social Security numbers and for the most part so they can get the EITC. Again, the Big Beautiful Bill doesn't change any of this.

Now, to be sure, immigrants from top parolee-sending countries with work authorization most certainly do pay some taxes. However, on average, parolee head of households have only 47 percent of the Federal tax liability of U.S.-born households.

Now, having said this, the low average tax payment or high use of welfare by parolees should not be seen as some kind of moral failing on their part. Instead, the fiscal dream they create simply reflects the reality of the modern American job market, our progressive system of taxation, coupled with an extensive social safety net.

It should also be pointed out that immigrant men from the main parolee-sending countries have relatively high rates of work. But that does not preclude use of welfare in any way, nor does it mean their average tax contributions will be large.

Now, to be sure, by working and consuming in the United States, parolees do make the U.S. economy bigger. But it is a common mistake to confuse this with their tax contributions. Almost all of the increased economic activity they create goes to the parolees themselves in the form of wages, as it should, since they're the ones doing the work.

In conclusion, the decision by the prior administration to grant parole on a massive scale will have significant negative fiscal impact for years to come, given all we know about the educational attainment of parolees.

Thank you.

[The prepared statement of Mr. Camarota follows:]

PREPARED STATEMENT OF STEVEN A. CAMAROTA

JULY 15, 2025

The decision by the Biden administration to parole nearly 3 million otherwise inadmissible aliens into the country represents a profound distortion of the intent of the program, which is supposed to be used on a limited case-by-case basis due to compelling humanitarian need or because of a significant benefit to the United States. My testimony will focus on the fiscal consequences of this policy. The limited information available indicates that recent parolees are almost certainly a net fiscal drain—creating more in costs than they pay in taxes. This is primarily due to their relatively low average education levels, resulting in low average earnings and tax payments. Their lower average incomes allow a large share to qualify for means-tested programs. About half of households headed by newly-arrived immigrants from the primary parolee-sending countries receive welfare. Recent male parolees have a relatively high rate of work. However, given the realities of the modern American economy, our extensive social safety net, and progressive system of taxation, allowing large numbers of less-educated people into the country unavoidably creates fiscal costs. This fact should be a key consideration when formulating policy.

Key Findings:

- The Center for Immigration Studies estimates that an unprecedented 2.86 million people were granted parole during the Biden administration.
- The enormous scale of parole during the prior administration makes it very hard to believe that most grants of parole were made on a case-by-case basis as the law requires.
- Educational attainment is a key determinant of income, tax payments, and use of means-tested programs. New adult immigrants from virtually every top parolee-sending country are significantly less educated than U.S.-born adults.
- The average wages of newly-arrived adult immigrant men from most of the primary parolee-sending countries are less than half those of U.S.-born men.

- Households headed by recent immigrants from virtually every major parolee-sending country have substantially higher welfare use than U.S.-born households. On average, about half of households headed by immigrants from the top parolee-sending countries access one or more welfare programs—nearly twice the rate of U.S.-born households.
- Parolees are able to access welfare for a number of reasons: First, some have U.S.-born children. Second, those paroled for at least 1 year are considered “qualified aliens”, with the welfare eligibility of new lawful permanent residents, while others have immediate access. Third, all residents can access some programs (e.g. WIC and Medicaid for pregnant women). Fourth, some States offer welfare to otherwise ineligible aliens.
- In addition to traditional welfare programs, 40 percent of households headed by recent immigrants from the primary parolee-sending countries have incomes low enough to receive the Earned Income Tax Credit (EITC). Those receiving the EITC pay no Federal income tax and instead receive a cash payment.
- Immigrants from the top parolee-sending countries do pay taxes, including Federal income and payroll taxes. However, on average parolee-headed households have only about 47 percent the Federal tax liability of native-headed households.
- The fiscal drain created by high welfare use and lower average tax contributions by immigrants from parolee-sending countries is not caused by low rates of work. Working-age men (18 to 64) from parolee-sending countries generally have rates of work that match or exceed those of U.S.-born men.
- By working and consuming, parolees add tens of billions of dollars to the Nation’s GDP each year, but this is not a measure of their tax contributions or the benefits they create for Americans. Almost all of the increase in economic activity they create goes to the parolees themselves in the form of wages.

#### INTRODUCTION

The Immigration and Nationality Act remains the country’s foundational immigration law. That law allows the attorney general to “parole” aliens into the United States. It states: “The Secretary of Homeland Security 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, but such parole of such alien shall not be regarded as an admission of the alien.”<sup>1</sup>

It is important to note that the law is clear that it is not a program to be used en masse but instead parole is to be granted only on a case-by-case basis. Moreover, those granted parole are not considered to be formally admitted to the country. Further, when the reason for the parole no longer exists, the parolee should be returned to DHS custody, and the alien is to be dealt with in the same way as any other person trying to be admitted into the United States. Center for Immigration Studies Resident Fellow in Law and Policy Andrew Arthur’s publication “Biden Has Paroled In Two Million-Plus Inadmissible Aliens” provides a valuable overview of the Biden administration’s approach to parole.<sup>2</sup> For the history of parole and the legal framework surrounding it, see Center legal fellow George Fishman’s detailed analysis entitled “The Pernicious Perversion of Parole: A 70-year battle between Congress and the president”.<sup>3</sup>

Parolees are eligible to apply for employment authorization (8 C.F.R. §274a.12(c)(11)). Further, after 1 year, those granted parole are eligible for Federal welfare benefits to the same extent as any lawful permanent residents (8 U.S.C. §§ 1613(a), 1641(b)(4)). Due to specific policies and legal provisions, most parolees from Cuba, Haiti, Afghanistan, and Ukraine have much more immediate access to welfare programs.<sup>4</sup> This eligibility for means-tested programs has important impli-

<sup>1</sup>Section 212(d)(5)(A) of the Immigration and Nationality Act <https://uscode.house.gov/view.xhtml?edition=prelim&num=0&req=granuleid%3AUSC-prelim-title8-section1182>.

<sup>2</sup>Andrew R. Arthur, “Biden Has Paroled in Two Million-Plus Inadmissible Aliens”, Center for Immigration Studies, June 21, 2024 <https://cis.org/Arthur/Biden-Has-Paroled-Two-Million-Plus-Inadmissible-Aliens>.

<sup>3</sup>George Fishman, “The Pernicious Perversion of Parole: A 70-year battle between Congress and the president”, Center for Immigration Studies, February 16, 2022 <https://cis.org/Report/Pernicious-Perversion-Parole#2>.

<sup>4</sup>The Afghanistan Supplemental Appropriations Act, 2022, and Additional Afghanistan Supplemental Appropriations Act, 2022 (ASA) provided the Office of Refugee Resettlement (ORR) with specific appropriations to provide parolees from Afghans with welfare benefits. See also “Benefits for Afghan Humanitarian Parolees”, Administration for Children and Families, Office of Refugee Resettlement, 2023 <https://acf.gov/sites/default/files/documents/orr/Benefits-for-Afghan-Humanitarian-Parolees.pdf>. The Additional Ukraine Supplemental Appropriations Act,

cations for public coffers. As we will see, recent immigrants from the primary parolee-sending countries make heavy use of the Nation’s welfare system. As a result, there is every reason to believe this will be the case for recent parolees.

#### NUMBER OF PAROLEES UNDER BIDEN

The Government does not make it easy to determine how many people were granted parole in recent years. In a recent analysis, my colleague at the Center for Immigration Studies Andrew Arthur estimated that 2.86 million illegal immigrants had been granted parole during the Biden presidency.<sup>5</sup> He is a former immigration judge and a leading expert on parole and the administrative data documenting its scale. To date, Arthur has compiled the most complete estimate of parole during the prior administration. At some point the Government may release its own comprehensive report on the number of individuals granted parole during the Biden administration. For this testimony, I will rely on Arthur’s analysis.

*Andrew Arthur’s Analysis.*—His analysis is mainly based on the Excel spreadsheets at the DHS Office of Homeland Security Statistics (OHSS) website, as well as published reports by Customs and Border Protection (CBP).<sup>6</sup> Based on these sources, Arthur finds 2.86 million individuals were granted parole from February 2021, when President Biden took office, to January 2025, when he left. This breaks down by year in the following fashion: 58,730 in fiscal year 2021; 721,671 in fiscal year 2022; 1,087,267 in fiscal year 2023 and 897,794 in fiscal year 2024. These figures include Afghans granted parole as part of “Operation Allies Welcome/Refugee” following the chaotic evacuation from Afghanistan and Ukrainians released as part of Uniting for Ukraine.<sup>7</sup> Arthur observes that “Congress largely acquiesced” to these actions, but he adds that Congress “never OKed border releases”. His estimate also includes inadmissible aliens granted parole during the Biden presidency as part of the CHNV program for Cubans, Haitians, Nicaraguans, and Venezuelans.

#### THE FISCAL IMPACT OF RECENT PAROLEES

*Educational attainment.*—One of the largest and most important studies on the fiscal impact of immigrants was a 2017 study by the National Academies of Sciences, Engineering, and Medicine. That study found that the education level of immigrants is a key factor that determines fiscal impact.<sup>8</sup> A 2024 Manhattan Institute study also concludes that educational attainment is the key factor that determines an immigrant’s net fiscal impact.<sup>9</sup>

The reasons for this are straightforward. Education determines what type of jobs immigrants typically do and their resulting incomes. Income matters enormously be-

2022 (AUSAA) provided funding for welfare for parolees from Ukraine. See also, “Ukrainian Humanitarian Parolees Eligible for ORR Benefits and Services”, Administration for Children and Families, Office of Refugee Resettlement, March 2023 <https://acf.gov/sites/default/files/documents/orr/PL-22-13-Ukrainian-Humanitarian-Parolees-Eligible-for-ORR-Benefits-and-Services.pdf>. Cuban and Haitians granted parole under the Cuban Haitian Entrance Act are eligible immediately for most Federal benefits. See “ACF’s Office of Refugee Resettlement (ORR) Benefits for Cuban/Haitian Entrants”, Administration for Children and Families, Office of Refugee Resettlement, December 2022 <https://acf.gov/sites/default/files/documents/orr/Benefits-for-Cuban-Haitian-Entrants.pdf>. For more discussion, see Andrew Arthur, “The Welfare Giveaway in Biden’s Cuban and Haitian Parole and Release Programs”, Center for Immigration Studies, December 12, 2023 <https://cis.org/Arthur/Welfare-Giveaway-Bidens-Cuban-and-Haitian-Parole-and-Release-Programs>. See also George Fishman, “Parole with Benefits: A million Biden parolees march toward a multi-billion-dollar welfare ‘parole payday’”, Center for Immigration Studies, April 13, 2023 <https://cis.org/Report/Parole-Benefits>.

<sup>5</sup>Andrew R. Arthur, “Did Joe Biden Really Parole In Nearly 3 Million Aliens? A review of the stats—and the Trump administration response”, Center for Immigration Studies, May 28, 2025 <https://cis.org/Arthur/Did-Joe-Biden-Really-Parole-Nearly-3-Million-Aliens>.

<sup>6</sup>The “Immigration Enforcement and Legal Processes Monthly Tables”, OHSS website. <https://ohss.dhs.gov/topics/immigration/immigration-enforcement/immigration-enforcement-and-legal-processes-monthly>. See page 4 (PDF page 8) in “Parole Requests Fiscal Year 2022, Report to Congress”, July 12, 2023, Department of Homeland Security. [www.dhs.gov/sites/default/files/2023-08/23\\_0712\\_cbp\\_fy22\\_parole\\_requests.pdf](http://www.dhs.gov/sites/default/files/2023-08/23_0712_cbp_fy22_parole_requests.pdf). See page 6 in “Parole Requests Fiscal Year 2023, Fourth Quarter, Fiscal Year 2023 Report to Congress”, April 3, 2024, Department of Homeland Security [www.dhs.gov/sites/default/files/2024-07/2024\\_0403\\_dmo\\_ply\\_parole\\_requests\\_q4.pdf](http://www.dhs.gov/sites/default/files/2024-07/2024_0403_dmo_ply_parole_requests_q4.pdf). As he explains in his blog, Arthur’s estimates also make adjustments to avoid double counting.

<sup>7</sup>DHS Operation Allies Welcome website (<https://www.dhs.gov/archive/operation-allies-welcome>) and Uniting for Ukraine website (<https://www.dhs.gov/archive/uniting-ukraine>).

<sup>8</sup>“The Economic and Fiscal Consequences of Immigration”, National Academies of Sciences, Engineering, and Medicine, 2017, <https://doi.org/10.17226/23550>.

<sup>9</sup>Daniel Di Martino, “The Lifetime Fiscal Impact of Immigrants”, Manhattan Institute, September 2024. <https://media4.manhattan-institute.org/wp-content/uploads/the-lifetime-fiscal-impact-of-immigrants.pdf>.

cause it affects both tax payments and eligibility for means-tested Government programs. Unfortunately, it is not possible to estimate the education level of recent parolees precisely, mainly because that information is not collected by the Government from parolees. However, it is possible to use Census Bureau data, particularly the Current Population Survey, to estimate the education level of recently-arrived immigrants from the primary parolee-sending countries.<sup>10</sup> Due to sample size limitations the results for some individual countries reported should be interpreted with caution.

*Education Level by Countries.*—Table 1 reports the education level of recent immigrants from countries that account for a large share of parolees. Again, we do not have a perfect representative sample of parolees. What can be said from Census Bureau data collected in 2024 is that, in general, new immigrants from the countries that make up much of the parolee population are significantly less educated than are the U.S.-born.

As the table shows, while it is not the case for all countries, relative to the U.S.-born a much larger share of new adult immigrants from parolee countries do not have even a high school diploma. For the most part, recent immigrants from parolee countries tend to be significantly less likely to have a bachelor's degree than the U.S.-born. The lower level of education of immigrants from the primary parolee-sending countries has important fiscal implications.

<b>Table 1</b>				
<b>Educational Attainment for Recently Arrived Adult Immigrants from Countries that Sent a Significant Number of Parolees</b>				
<b>Country</b>	<b>&lt;HS</b>	<b>HS only</b>	<b>Some College</b>	<b>Bachelor's or more</b>
Cuba	9%	44%	12%	34%
Haiti	21%	34%	27%	19%
Nicaragua	29%	36%	11%	23%
Venezuela	7%	33%	16%	43%
CHNV countries*	13%	37%	17%	32%
Ukraine	3%	20%	17%	61%
Afghanistan	16%	56%	11%	18%
Guatemala	60%	27%	5%	8%
El Salvador	44%	31%	13%	12%
Honduras	39%	42%	8%	10%
<b>All the above countries</b>	<b>25%</b>	<b>36%</b>	<b>14%</b>	<b>25%</b>
<b>U.S.-born</b>	<b>6%</b>	<b>29%</b>	<b>28%</b>	<b>36%</b>

Source: Oct, Nov, Dec public use 2024 Current Population Survey. Analysis confined to those who arrived 2020 to 2024 based on year of entry question in the survey. Values do not equal 100% due to rounding. \*Cuba, Haiti, Nicaragua and Venezuela.

<sup>10</sup>The 9 countries we report education and other data for in this testimony reflect the limited information available from the Parole Requests reports cited above and Border Patrol data showing the country of birth and the fiscal year of border encounters in recent years. Ukraine, Afghanistan, and Venezuela in particular are included in our list because the Biden administration specifically used parole to admit large numbers of individuals from these countries. However, the 9 countries we do report data for do not represent the comprehensive list of all the countries parolees have come from.

*Parolee Employment and Income.*—The first column in Table 2 reports the share of recently-arrived, working-age (18 to 64) immigrant men from the top parolee-sending countries who are employed. In general, immigrant men from these countries have relatively high rates of work. However, the second column in the table shows that employed immigrants from these countries earn significantly lower average wages than U.S.-born men. The third column in Table 2 reports income from all sources, not just wages, for recently-arrived men from parolee countries. For the most part, new immigrant men from these countries have significantly lower average incomes than U.S.-born men. The same is true on the right side of the table when all adults are considered. This is not surprising, given the large share with modest levels of education.

The significantly lower average wages and income of immigrants from these countries means they will almost certainly pay significantly less in taxes than the U.S.-born. Income is a key determinant of tax liability. Of course, we would expect the income of parolees to rise over time if they are allowed to stay in the country. However, when we look at all immigrants from these same countries, not just recent arrivals, we still find that their average wages and incomes are much lower than the U.S.-born.<sup>11</sup>

Country	Men Only			Both Sexes	
	Share 18 to 64 to 64 Employed	Average Wages for Employed Men	Total Average income from all	Average wages for Employed	Total Average income from all
Cuba	74%	\$37,647	\$43,487	\$32,724	\$48,578
Haiti	34%	\$61,158	\$61,992	\$40,990	\$41,387
Nicaragua	91%	\$41,731	\$44,767	\$36,963	\$40,373
Venezuela	80%	\$24,843	\$27,915	\$22,578	\$26,193
CHNV countries*	72%	\$34,205	\$38,151	\$29,722	\$37,457
Ukraine	70%	\$57,494	\$58,045	\$56,988	\$57,453
Afghanistan	67%	\$11,933	\$13,777	\$15,225	\$17,949
Guatemala	84%	\$39,970	\$41,245	\$36,593	\$38,179
El Salvador	84%	\$23,821	\$25,428	\$25,958	\$27,170
Honduras	75%	\$20,808	\$24,829	\$22,879	\$26,013
All the above countries	75%	\$33,903	\$36,926	\$30,847	\$36,118
U.S.-born	77%	\$77,653	\$72,989	\$67,764	\$60,596

Source: Public-use 2024 Current Population Annual Social and Economic Supplement. Analysis confined to adult immigrants who arrived 2020 to 2024 based on year of entry question in the survey. \*Cuba, Haiti, Nicaragua and Venezuela.

*Parolee Use of Welfare Programs.*—Welfare use is an important indicator of fiscal impact because not only are the programs themselves costly, but those receiving them generally pay little to no Federal or State income tax as well. Table 3 shows that, compared to the U.S.-born, households headed by recently-arrived immigrants from the primary parolee-sending countries have much higher use of welfare, with the exception of new immigrants from Haiti. In addition to traditional welfare, Table 3 shows that households headed by recent immigrants from parolee-sending

<sup>11</sup>Table 2 shows that recent immigrant men from the top parolee-sending countries earn 40 percent as much as U.S.-born adult men. All immigrant men from these same countries, not just the recently arrived, earn 57 percent as much. This is a clear indication that more-established immigrants from these countries do earn more than their newly-arrived counterparts, but their wages still lag significantly behind their U.S.-born male counterparts.

countries, for the most part, have incomes low enough to qualify for cash payments from the Earned Income Tax Credit (EITC) compared to the U.S.-born. The EITC is the Nation's largest means-tested cash anti-poverty program for workers. Table 4 only reports those with incomes low enough to receive cash payments. Not everyone eligible for the program receives it. However, because parolees have work authorization and valid Social Security numbers it seems very likely that most parolees who are eligible for the EITC receive it.

<b>Country</b>	<b>Any Welfare</b>	<b>Cash</b>	<b>Food</b>	<b>Medicaid</b>	<b>Earned Income Tax Credit</b>
Cuba	51%	11%	40%	33%	33%
Haiti	10%	<1%	7%	10%	10%
Nicaragua	36%	5%	19%	31%	34%
Venezuela	46%	2%	35%	26%	36%
CHNV countries*	42%	5%	31%	27%	31%
Ukraine	65%	8%	24%	43%	28%
Afghanistan	88%	11%	56%	64%	51%
Guatemala	48%	10%	26%	41%	60%
El Salvador	74%	1%	55%	56%	75%
Honduras	61%	4%	51%	45%	51%
<b>All the above countries</b>	<b>50%</b>	<b>6%</b>	<b>35%</b>	<b>35%</b>	<b>40%</b>
<b>U.S.-born</b>	<b>28%</b>	<b>5%</b>	<b>17%</b>	<b>19%</b>	<b>10%</b>

Source: Public-use 2024 Current Population Annual Social and Economic Supplement. Analysis confined to households headed by immigrants who arrived 2020 to 2024 based on the year of entry question in the survey. Values do not equal 100% due to rounding. Cash programs include SSI, TANF and state assistance programs, food includes SNAP, school lunch and WIC. Any welfare includes cash, food, Medicaid and public and subsidized housing. \*Cuba, Haiti, Nicaragua and Venezuela.

Putting aside Haiti, households headed by recent immigrants from parolee countries make extensive use of the welfare system and EITC. It may seem surprising that these households have such high welfare use, given that they are newly-arrived in the country. But a number of factors explain this situation. First, some of these households have at least one U.S.-born child, who have full welfare eligibility. Second, those granted parole from Cuba, Haiti, Afghanistan, and Ukraine have the same access to the welfare system as legal immigrants do in most cases. Third, as already mentioned, all parolees gain welfare eligibility after 1 year of residence in the United States. Fourth, all individuals in the United States, including parolees, are eligible for certain programs such as WIC, free/subsidized school meals, and Medicaid for pregnant women. Fifth, some States offer welfare programs to aliens ineligible for Federally-funded welfare.

All of these factors, coupled with the large share of parolees with modest levels of education, and resulting low incomes, mean many qualify for welfare. In addition, there is a large welfare bureaucracy whose job it is to help those eligible for programs navigate the system. Finally, welfare costs are by no means the only costs parolees will create. Public education is one of the largest costs. We know that 20.8 percent of recent immigrants from the top parolee-sending countries are school-age

(5 to 17).<sup>12</sup> Applying this percentage to the 2.8 million estimate of parolees in the country means that there are roughly 582,000 parolees in schools. In the United States, average expenditure per pupil is \$17,700 a year.<sup>13</sup> This translates into more than \$10 billion a year spent by public schools on parolees.

*Average Tax Payments.*—Table 4 provides estimated Federal tax payments for the primary parolee-sending countries. Overall, the table shows that on average households headed by immigrants from these countries generally have much lower median incomes and Federal income tax liability. This is less true for Social Security and Medicaid taxes. This is partly because immigrant households often have more workers than U.S.-born households, even if the average earnings of those workers are significantly lower. The Federal tax liability of recently-arrived immigrants from the primary parolee-sending countries overall are roughly one-third that of households headed by the U.S.-born on average. The leading parolee-sending countries make extensive use of welfare, but they also pay significantly less in Federal taxes. This makes it almost certain that parolees are a net fiscal drain.

Country	Median Household Income	Avg. Household Size	Avg. Federal Income Tax Liability	Average Social Security Tax <sup>1</sup>	Average Medicare Taxes <sup>2</sup>	Liability for All Three Taxes	Average Tax Liability Relative to US-born
Cuba	\$36,000	2.6	\$13,540	\$3,410	\$1,001	\$17,952	94%
Haiti	\$55,238	2.4	\$4,665	\$2,512	\$698	\$7,875	41%
Nicaragua	\$78,408	3.2	\$11,437	\$5,068	\$1,381	\$17,886	93%
Venezuela	\$38,001	3.4	\$4,464	\$3,239	\$792	\$8,495	44%
CHNV countries*	\$40,001	2.9	\$8,591	\$3,388	\$917	\$12,896	67%
Ukraine	\$22,500	2.6	\$8,933	\$4,839	\$1,132	\$14,904	78%
Afghanistan	\$9,000	4.1	-\$3,146	\$1,137	\$266	-\$1,743	0%
Guatemala	\$40,001	3.9	-\$581	\$2,445	\$572	\$2,436	13%
El Salvador	\$34,000	3.5	-\$2,231	\$2,469	\$577	\$815	4%
Honduras	\$30,000	3.8	-\$1,436	\$2,551	\$597	\$1,712	9%
<b>All the above countries</b>	<b>\$36,540</b>	<b>3.2</b>	<b>\$5,161</b>	<b>\$3,120</b>	<b>\$803</b>	<b>\$9,085</b>	<b>47%</b>
<b>U.S.-born</b>	<b>\$81,421</b>	<b>2.3</b>	<b>\$13,502</b>	<b>\$4,469</b>	<b>\$1,189</b>	<b>\$19,159</b>	<b>n/a</b>

Source: Public-use Current Population Survey Annual Social and Economic Supplement. Analysis limited to households head by immigrants who arrived 2020 to 2024. Those with negative federal income tax liability do not owe federal income taxes, and may receive cash payments under such programs as the EITC and ACTC. <sup>1</sup>Equals 6.2% of earnings up to the Social Security tax limit. <sup>2</sup>Equals 1.45% of earnings. \*Cuba, Haiti, Nicaragua and Venezuela.

The Federal income figures are those calculated in the 2024 survey by the Census Bureau and represent liability, not actual tax payments. Further, payroll taxes are calculated as a simple percentage of earnings. If immigrants from these countries are less likely to comply with tax laws, then their actual payments would be less. However, these individuals are eligible for work authorization, so the overwhelming majority should be paid on the books and thus subject to income and payroll taxes.

*Impact on Size of the U.S. Economy.*—Using the 2.86 million parolees under President Biden as a starting point, it is possible to very roughly estimate the impact of parolees on the overall size of the U.S. economy. Based on Census Bureau data, 59.4 percent are working, earning a little less than \$31,000 (see Table 2). Their labor income adds something like \$52 billion per year to the U.S. GDP.<sup>14</sup>

But there are 3 things to keep in mind about this number. First the estimate does not consider the possibility that adding parolees to the labor market may reduce the wages and employment opportunities or have any other adverse impact on U.S.-born workers or legal immigrants. This estimate does not consider the possibility that adding these workers may complement rather than compete with workers already in the country. Second, the size of the addition to the American economy is very

<sup>12</sup>This is based on analysis of the October, November, and December Current Population Survey for the top parolee-sending countries used throughout this report.

<sup>13</sup>Melanie Hanson, "U.S. Public Education Spending Statistics", Education Data Initiative, February 8, 2025. <https://educationdata.org/public-education-spending-statistics>.

<sup>14</sup>The figures for the share of recent immigrants employed from the major parolee countries come from an analysis of the fourth quarter monthly Current Population Survey from 2024.

small relative to U.S. GDP of roughly \$30 trillion. Third, although some may call the larger GDP that parolees create a “benefit” or “contribution” to America, it is not a measure of their tax contributions, nor does it represent the benefits they create for the U.S.-born. Almost all of the increase in economic activity immigrants in general or parolees in particular create goes to the parolees themselves in the form of wages—as it should, since they are the ones doing the work. There is no clear evidence showing immigration substantially increases the per capita GDP of the U.S.-born. Per capita GDP is what determines how well-off a society is.

#### CONCLUSION

It is understandable many Americans focus on the plight of those who have left their homelands in search of a better life in the United States. But seeing the millions of individuals who arrived at our Nation’s border in the last 4 years, or who wish to leave their home countries more generally, as simply desperate people facing desperate circumstances, fails to appreciate that they are also rational risk-takers who are responding to the incentives we create. By handing out parole in a fashion never before contemplated at the border or even flying inadmissible aliens into the country, the Biden administration encouraged ever-larger numbers of people to seek entry into the United States, creating the border crisis and pushing the overall level of immigration to levels never before seen.

Elected leaders are supposed to act in the best interest of the American people. By encouraging so many inadmissible aliens to come to the border by misusing parole, the Biden administration created a cascading series of consequences for the American people. My testimony today focused only on the scale of parole during the prior administration and the negative fiscal impact it almost certainly creates.

Prior research makes it clear that by adding large numbers of people to the country with modest levels of education, which parole has done, creates a net fiscal drain—taxes paid minus costs. That said, there is no evidence that parolees are lazy or that most come to get welfare. Rather, the limited data available on new immigrants from the top parolee-sending countries indicate they have lower levels of education than the U.S.-born. As a result, although many work, they tend to have modest incomes and make relatively modest tax contributions. At the same time, the data indicates that they make extensive use of the welfare system. All of this means they are a net fiscal drain on public coffers.

To avoid this situation in the future, parole needs to be used only as originally intended—as a limited program for a small number of otherwise inadmissible aliens on a case-by-case basis. Enforcing the law and sending as many parolees back to their home countries as possible will help avoid fiscal costs in the future. If the huge number of parolees currently living in the country are allowed to stay, so will the fiscal drain they create.

Mr. BRECHEEN. Thank you, Dr. Camarota.

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

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

Mr. BIER. Chairmen, Ranking Members, and distinguished Members of the subcommittees, thank you for the opportunity to testify.

For nearly half a century, the CATO Institute has produced original research showing that people, whatever their ancestry, background, or birthplace, benefit the United States. Sadly, the U.S. immigration system is outdated, approving just 3 percent of immigrants seeking legal, permanent residence last year. This fact has made temporary statuses like parole even more important as a way for legal entry.

Since 1952 when Congress created the parole category, administrations have invoked this authority at least 126 times. Millions have entered legally as parolees and have contributed greatly to our country for decades.

The parole processes created under the last administration were no different. The Congressional Budget Office estimates indicate that recent parolees will lower U.S. debt by more than half a tril-

lion over the course of a decade. The current administration admits these recent parole processes were lawful and case-by-case and that they reduced illegal immigration, but it terminated them anyway, and tore up promises to 1.5 million legal immigrants, stripping them of status with no warning.

This chaos typifies the administration's mass deportation policy, which consists of 3 basic pillars. No. 1, strip people of legal status and U.S. citizenship; No. 2, arrest based on convenience and profiling, not threats; and No. 3, deport without due process.

*First pillar.* Parolees, temporary protected status holders, thousands of international students, and even some green card holders who haven't committed any crimes are having their status stripped away. They are even attempting to take away U.S. citizenship from many U.S.-born babies and threatening to do the same to many naturalized citizens. In some cases, they are taking away people's status explicitly to retaliate against their free speech.

Millions losing their status isn't fixing illegal immigration. But that's not their goal. Their goal is to increase targets for deportation paid for by us, the taxpayer.

*Second pillar.* Target based on convenience, not threat. ICE isn't prioritizing the worst of the worst. Parolees were and are continuously vetted. They aren't threats. They're just convenient targets. That's why ICE is rounding up those who are complying with the asylum process, attending court hearings, and not committing any crimes. Two-thirds of those detained by ICE this year have no criminal conviction. None. Just 7 percent have a violent conviction.

ICE agents themselves are sounding the alarm. Quantity over quality, said one agent. Deprioritizing the real threats. Indeed, the White House has explicitly ordered them to stop focusing on serious criminals and conduct indiscriminate random round-ups at bus stops, parking lots, at Home Depot, and even churches.

ICE is arresting over 10 times as many noncriminals on the streets as even under the first Trump administration in 2017. But you can't see someone's legal status. So this means blatant illegal profiling in violation of the Fourth Amendment. As one court has already found, they are detaining U.S. citizens for street interrogations and then wrongfully arresting them if they refuse to talk.

*Third pillar.* After detaining without reasonable basis, they're deporting without due process. In March, the administration grabbed more than 50 people who entered America legally, never violated any law, it threw them on a plane and sent them to a foreign torture prison without a trial or so much as a hearing and in violation of a court order.

The Supreme Court has already found these expulsions were unconstitutional. But DHS, it disagrees. The President is violating court orders openly filed in U.S. law and violating the First, Fourth, Fifth, Sixth, Eighth, Tenth, and Fourteenth amendments to the U.S. Constitution.

President Trump can certainly make America poor, weaker, and less safe with his feckless, chaotic deportation crusade, but he cannot ignore the Constitution. The Constitution is our law of defense against tyranny. It's the one law we all should agree needs to be higher.

Thank you.

[The prepared statement of Mr. Bier follows:]

PREPARED STATEMENT OF DAVID J. BIER

JULY 15, 2024

Chairmen Brecheen and Guest, Ranking Members Thanedar and Correa, and distinguished Members of the subcommittees, 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, DC. For nearly half a century, the Cato Institute has produced original immigration research showing that a freer, more orderly, and more lawful immigration system benefits Americans. People are the ultimate resource. In a free country, immigrants can contribute to their new homes, making the United States a better, more powerful, and more prosperous place.

One legal way for immigrants to enter and participate in U.S. society is parole, an immigration category first created by Congress in the Immigration and Nationality Act of 1952. Over the decades since then, millions of individuals have entered this country as parolees. Although parole is a temporary status, it allows immigrants to adjust to lawful permanent residence if they are eligible through another pathway, which many thousands of parolees have done. Many former parolees are now Americans and continue to contribute to their new home. It is an essential and important feature of America's legal immigration system.

Congress should:

- protect current parolees from the President's mass deportation efforts;
- reinstitute the parole processes suspended by the President; and
- expand those processes to give more people a viable legal option to immigrate legally to the United States.

PRESIDENT BIDEN'S USE OF PAROLE HAS DEEP HISTORICAL PRECEDENT.

Although President Biden utilized parole in various important ways, his use of parole was not unique. The Executive branch has implemented case-by-case categorical parole programs more than 126 times since 1952, when Congress created the parole authority.<sup>1</sup> Here are several noteworthy instances:

- *Parole from detention (1954–1980)*.—On November 12, 1954, Ellis Island and several other Immigration and Naturalization Service (INS) detention centers were closed, and detainees were paroled into the United States. The number of detained immigrants decreased from a monthly average of 225 to less than 40.<sup>2</sup> Paroles were carried out under section 212(d)(5) of the Immigration and Nationality Act (INA). The INS promulgated a regulation on January 8, 1958, authorizing this practice of parole from ports of entry rather than detention.<sup>3</sup> From 1954 until 1981, “most undocumented aliens detained at the border were paroled into the United States.”<sup>4</sup> Even after 1982, when the use of parole was narrowed, its use continued “when detention is impossible or impractical.”<sup>5</sup> The INS associate commissioner testified in 1964 that closing the detention facilities met the requirement of the parole statute because “it created a better image of the American Government and American public.”<sup>6</sup>
- *Hungarian parole (1956–1958)*.—On November 13, 1956, in response to the failed revolution against communists in Hungary, President Eisenhower ordered that 5,000 Hungarians be paroled into the United States.<sup>7</sup> On December 1, 1956, he increased the limit to 15,000 Hungarians before removing the cap entirely on January 2, 1957.<sup>8</sup> By June 30, 1957, 27,435 parolees had entered, to-

<sup>1</sup>David J. Bier, “126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders,” *Cato at Liberty* (blog), July 17, 2023.

<sup>2</sup>Annual Report of the Immigration and Naturalization Service, *US Department of Justice*, 1956.

<sup>3</sup>Fed. Reg. Volume 23 Number 5, January 8, 1958.

<sup>4</sup>“Highlights of Selected Recent Court Decisions,” *I&N Reporter*, October 1957.

<sup>5</sup>*Hearing on Detention of Aliens in Bureau of Prison Facilities, Before the Committee on the Judiciary, Subcommittee on Courts, Civil Liberties, and the Administration of Justice*, 97th Cong. 2d Sess. (June 23, 1982).

<sup>6</sup>*Study of Population and Immigration Problems, Before the Committee on the Judiciary, Subcommittee No. 1*, (May 15, 1963) (Statement of Mario T. Noto, Associate Commissioner, Immigration and Naturalization Service, U.S. Department of Justice).

<sup>7</sup>*Annual Report of the Immigration and Naturalization Service*, U.S. Department of Justice, 1957.

<sup>8</sup>Page 162, *Journal of the House of Representatives of the United States*, 85th Cong. 1st. Sess. 1957.

taling 31,915 by 1958.<sup>9</sup> For context, only 109 immigrants were admitted from Hungary in 1956, and just 321,625 immigrants were admitted worldwide. The Justice Department stated in 1957 that this was “the first time that the parole provision has been applied to relatively large numbers of people.” Several U.S. charitable organizations helped prepare parole applications and assisted in finding housing and jobs for them.

- *Cuban parole (1959–1973)* Starting on January 1, 1959, following the communist revolution, the Eisenhower administration used parole to allow a “small percentage” of Cubans who had left the island and entered the United States illegally. By June 1962, the number of Cubans on parole increased to 62,500. Overall, about 107,116 Cubans were paroled into the United States from 1959 to 1965. Starting on December 1, 1965, based on a November 6, 1965 memorandum of understanding with the Cuban government, the Johnson administration operated daily “Freedom Flights” from Cuba to Miami.<sup>10</sup> During their operation, 281,317 Cubans were paroled into the United States.<sup>11</sup> At its peak in 1971, 46,670 Cubans arrived via parole,<sup>12</sup> compared to 361,972 total immigrants worldwide that year. Congressional appropriations funded the flights. In May 1972, the Cuban government suspended the flights, which were permanently terminated on April 6, 1973. The Cuban Adjustment Act of 1966 made it possible for Cuban parolees entering after 1959, including future parolees, to adjust their status to legal permanent residents after 2 years in the United States.
- *Vietnamese, Cambodian, and Laotian parole (1975–1980)*.—On April 18, 1975, the President authorized a large-scale evacuation to Guam using parole. In fiscal year 1975 alone, about 135,000 individuals received parole.<sup>13</sup> Congress funded (partially retroactively) the processing under the Indochina Migration and Refugee Assistance Act.<sup>14</sup> In August 1975, the program was expanded to include Cambodians and Vietnamese with special connections to the United States, and on May 6, 1977, an additional 11,000 were authorized from Vietnam, Cambodia, or Laos.<sup>15</sup> From 1975 until mid-1980—when the Refugee Act was enacted and replaced the parole programs—more than 330,000 Vietnamese, Cambodians, and Laotians were paroled into the United States.<sup>16</sup>
- *Soviet/Moscow refugee parole (1988–present)*.—In August 1988, the attorney general overturned the presumption that Soviet Jews qualified as refugees. On December 8, 1988, he established a “public interest” parole program for 2,000 Soviets each month who were denied refugee status.<sup>17</sup> Parolees needed to have sponsors in the United States and were not eligible for refugee benefits.<sup>18</sup> A total of 7,652 individuals were paroled in fiscal year 1989.<sup>19</sup> About 17,000 Soviets were paroled from 1992 to 1998.
- *Cuban Migration Accord paroles (1994–2003)*.—On September 9, 1994, the United States and Cuba signed an agreement to pursue policies aimed at reducing illegal immigration, including the United States maintaining a minimum of 20,000 legal admissions of Cubans per year.<sup>20</sup> In order to meet this quota, the United States created the Special Cuban Migration Program to grant parole to

<sup>9</sup>LeMont Eaton, “Hungarian Parolee Inspection Program,” *I&N Reporter*, April 1960.

<sup>10</sup>“Cuba and United States: Agreement on Refugees,” *International Legal Materials* 4, no. 6 (1965): 1118–1127.

<sup>11</sup>Charlotte J. Moore, “Review of U.S. Refugee Resettlement Programs and Policies. A Report. Revised,” Congressional Research Service, 1980.

<sup>12</sup>Charlotte J. Moore, “Review of U.S. Refugee Resettlement Programs and Policies. A Report. Revised,” Congressional Research Service, 1980.

<sup>13</sup>*Refugee Admissions by Region, Fiscal Year 1975 through September 30, 2022, Bureau of Population, Refugees, and Migration*, October 5, 2022.

<sup>14</sup>*The Indochina Migration and Refugee Assistance Act of 1975*, Pub. L. 94–23, 94th Cong. 2d Sess., May 23, 1975.

<sup>15</sup>Elmer B. Staats, “Domestic Resettlement of Indochinese Refugees: Struggle for Self-Reliance,” Department of Health, Education, and Welfare, May 10, 1977.

<sup>16</sup>“Hearings, Reports, and Prints of the Senate Committee on the Judiciary,” *U.S. Government Printing Office*, 1980.

<sup>17</sup>Ruth Marcus, “U.S. Moves to Ease Soviet Emigres’ Way,” *Washington Post*, December 8, 1988.

<sup>18</sup>*Hearings on Foreign Operation, Export Financing, and Related Programs Appropriations for 1990, Before a Subcommittee of the Committee on Appropriations*, 101st Cong., 1st Sess. (1989).

<sup>19</sup>*Hearing on U.S. Refugee Programs for 1991, Before the Senate Committee on the Judiciary*, 101st Cong., 2d Sess. (October 3, 1990).

<sup>20</sup>“Migration and Refugees,” *Communique between the United States of America and Cuba*, September 9, 1994.

about 5,000 Cubans annually through a lottery.<sup>21</sup> Around 75,000 Cubans were paroled under these programs from 1994 to 2003 (the last year for which statistics are available).<sup>22</sup>

- *Cuban Wet Foot, Dry Foot parole (1995–2017)*.—On May 2, 1995, the U.S. Government announced that it would not parole any Cubans intercepted at sea, even if within U.S. waters, but it would parole anyone on U.S. soil or arriving at a port of entry.<sup>23</sup> The INS and later Customs and Border Protection field manual stated that Cuban asylum seekers “may be paroled directly from the port of entry” except for those who “pose a criminal or terrorist threat.”<sup>24</sup> Subsequently, the number of Cubans paroled at ports of entry (mainly along the Southwest Border) increased significantly. From 2004 to 2016, 226,000 Cubans were paroled at U.S. land borders.<sup>25</sup>
- *Visa Waiver Program parole (2000)*.—The authorization for the Visa Waiver Program expired in April 2000, so the Attorney General authorized all Visa Waiver Program entries under the parole authority.<sup>26</sup> Visa Waiver Program travelers were paroled into the United States from late April to September 2000 (approximately 8 million times).<sup>27</sup>
- *Family reunification paroles (2007–2017, 2021–2025)*.—On November 21, 2007, the DHS established a new parole program for any Cuban with an approved family-based petition for legal permanent residence. On December 18, 2014, DHS implemented a new parole program for any Haitian with an approved family-based immigrant visa petition if they have a priority date within 2 years of being current.<sup>28</sup> On August 2, 2019, DHS announced it would terminate the program but would extend the parole of current participants.<sup>29</sup> On October 12, 2021, it reversed its decision and continued the program.<sup>30</sup>

The Biden administration’s effort to use parole was not unique in purpose, approach, or volume. There is no basis for describing it as unprecedented or unlawful. The statute envisions case-by-case categorical parole.

Allowing qualified immigrants to enter the United States using parole is unquestionably legal. Congress established this authority. Section (d)(5)(A) of the Immigration and Nationality Act (INA) states:

“The Secretary of Homeland Security 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 . . . .”<sup>31</sup>

In 1996, Congress added the phrase “case-by-case basis,” and some people erroneously claim that “case-by-case” means that the Secretary of Homeland Security cannot designate any categories of people as eligible to apply for parole. However, that is obviously incorrect.

1. The Secretary of Homeland Security must define categories eligible to apply for parole. The statute does not specify the meaning of “urgent humanitarian reasons or significant public benefit,” so the Secretary of Homeland Security needs to determine the categories of individuals who meet those requirements and will be considered for parole on a case-by-case basis. A case-by-case basis means that they are evaluated individually once they establish eligibility to apply. As the Immigration and Naturalization Service (INS) General Counsel explained in June 2001:

<sup>21</sup>Immigration and Naturalization Service, “INS ANNOUNCES SECOND CUBAN MIGRATION PROGRAM,” 73 No. 11 Interpreter Releases 319 Interpreter Releases, Thomson Reuters Practical Law March 18, 1996.

<sup>22</sup>David J. Bier, “126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders,” *Cato at Liberty* (blog), July 17, 2023.

<sup>23</sup>President William J. Clinton, “Joint Statement with the Republic of Cuba on the Normalization of Migration,” May 2, 1995.

<sup>24</sup>*Inspectors Field Manual, Part A, US Customs and Border Protection*, 2010.

<sup>25</sup>David J. Bier, “126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders,” *Cato at Liberty* (blog), July 17, 2023.

<sup>26</sup>Abigail F. Kolker, “Visa Waiver Program,” *Congressional Research Service*, October 15, 2024.

<sup>27</sup>“2000 Statistical Yearbook of the Immigration and Naturalization Service,” Department of Justice, September 2002.

<sup>28</sup>“Implementation of Haitian Family Reunification Parole Program,” *US Citizenship and Immigration Services*, December 18, 2024.

<sup>29</sup>“USCIS to End Certain Categorical Parole Programs,” *US Citizenship and Immigration Services*, August 2, 2019.

<sup>30</sup>“The Haitian Family Reunification Parole (HFRP) Program,” *US Citizenship and Immigration Services*, October 12, 2021.

<sup>31</sup>8 U.S.C. 1882(d)(5)(A).

“Designating, whether by regulation or policy, a class whose members generally would be considered appropriate candidates for parole does not conflict with the ‘case-by-case’ decision requirement, since the adjudicator must individually determine whether a person is a member of the class and whether there are any reasons not to exercise the parole authority in the particular case.”<sup>32</sup>

2. Before 1996, categorical parole processes were administered on a case-by-case basis. Parole has historically been both categorical and case-by-case. The Executive branch has ordered case-by-case categorical parole programs more than 126 times since 1952, when the parole authority was created.<sup>33</sup> For example, the Cuban Migration Accord of 1994 included a case-by-case requirement even though it created a new category eligible to apply.<sup>34</sup> This language was also used to describe parole decisions for Cubans in 1980 and Vietnamese in the 1970’s.<sup>35</sup> If Congress had intended to eliminate all earlier categorical parole programs through the case-by-case language, it would not have used the same language that those programs had.

3. Congress specifically removed language in 1996 that limited parole to narrowly-defined circumstances. The initial House version of the 1996 law that became the Illegal Immigration Reform and Immigrant Responsibility Act included language that defined “urgent humanitarian reasons or significant public benefit,” but that bill never reached the floor of the House.<sup>36</sup> This was done in response to concerns that it denied the President “flexibility to deal with compelling immigration situations.”<sup>37</sup> Congress also removed a provision that would have banned the use of parole for people denied refugee status.

4. Congress has repeatedly demonstrated agreement with categorical uses of parole. For example, in 1966, Congress approved the adjustment of status to legal permanent residence for any Cuban paroled into the United States for over a year.<sup>38</sup> In 1996, even as Cubans continued to be paroled into the United States and as the law added terms like “case-by-case” into the parole statute, Congress affirmed that the Cuban Adjustment Act should remain in effect until Cuba has a democratically-elected government.<sup>39</sup> That same year, it also provided an adjustment of status for Polish and Hungarian parolees.<sup>40</sup> In 2010, it extended this to include orphan parolees from Haiti.<sup>41</sup> In 2020, Congress expressed support for an on-going parole program for relatives of U.S. military members.<sup>42</sup> In 2021, it extended certain refugee benefits to Afghan parolees,<sup>43</sup> and in 2022, it did the same for Ukrainian parolees.<sup>44</sup>

#### THE 2022–2024 PAROLE PROCESSES WERE LAWFUL AND EFFECTIVE.

When the U.S. Government expanded the use of parole in 2022, the United States was experiencing levels of illegal crossings not seen in decades. As part of a comprehensive strategy to reduce illegal immigration, the United States was negotiating with many countries to decrease flows to the U.S. borders.

- *Ukrainian border parole at ports.*—In February 2022, Russia invaded Ukraine, leading tens of thousands of Ukrainians to come to the U.S.-Mexico border seeking protection. Initially, Customs and Border Protection paroled the Ukrainians

<sup>32</sup>“Expert Declaration of Yael Schacher,” Civil Action No. 6:23–CV–00007, *United States District Court, Southern District of Texas, Victoria Division*, June 20, 2023.

<sup>33</sup>David J. Bier, “126 Parole Orders over 7 Decades: A Historical Review of Immigration Parole Orders,” *Cato at Liberty* (blog), July 17, 2023.

<sup>34</sup>“U.S. Response to the 1994 Cuba Migration Crisis,” *US General Accounting Office National Security and International Affairs Division*, September 1995.

<sup>35</sup>P. 38, *Hearing on Caribbean Refugee Crisis, Cubans, and Haitians, Before the Committee on the Judiciary, U.S. Senate*, 96th Cong., 2d Sess. (May 12, 1980).

<sup>36</sup>H.R. 2202, “Immigration Control and Fiscal Responsibility Act of 1996,” 104th Cong., 1st Sess., August 4, 1995.

<sup>37</sup>“Immigration in the National Interest Act of 1995,” 104th Cong., 2d Sess., March 4, 1996.

<sup>38</sup>Initially 2 years.

<sup>39</sup>*Omnibus Consolidated Appropriations Act*, Pub. L. 104–208, September 30, 1996.

<sup>40</sup>Pub. L. 104–208, providing for adjustment of status of Polish and Hungarian parolees.

<sup>41</sup>*Help HAITI Act of 2010* (Pub. L. 111–293), providing for adjustment of status of Haitian orphan parolees.

<sup>42</sup>The *National Defense Authorization Act of 2020* (Pub. L. 116–92), expressing Congressional support for an on-going parole program for relatives of U.S. military members.

<sup>43</sup>The *Extending Government Funding and Delivering Emergency Assistance Act of 2021* (Pub. L. 117–43), providing refugee benefits to Afghan parolees, explicitly appropriating money for those benefits, and directing the creation of a plan to process Afghan parole applications.

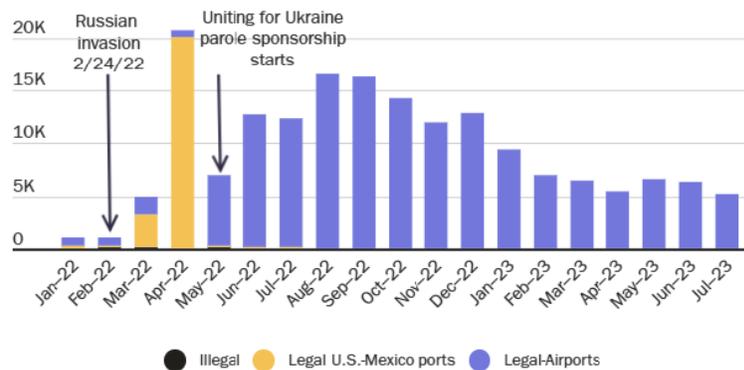
<sup>44</sup>The *Additional Ukraine Supplemental Appropriations Act of 2022* (Pub. L. 117–128), providing refugee benefits to Ukrainian parolees.

into the United States under section 212(d)(5)(A) of the INA.<sup>45</sup> In April 2022, approximately 20,102 Ukrainians were paroled into the United States from the Southwest Border.<sup>46</sup> This approach was clearly preferable to them crossing illegally and burdening Border Patrol.

- *Uniting for Ukraine parole sponsorship.*—The administration rightly determined that it was even better for Ukrainians not to have to reach the U.S.-Mexico border at all. On April 27, 2022, the Department of Homeland Security (DHS) established the Uniting for Ukraine parole process. Through the U4U process, Ukrainians could apply for and obtain travel authorization in Europe and then fly to the United States to be paroled at airports, provided a U.S.-based sponsor pledged to support them. The legal basis for this parole was the urgent humanitarian crisis caused by the invasion of Ukraine,<sup>47</sup> and no one challenged the action in court. The U4U process reduced Ukrainian arrivals at the U.S.-Mexico border by over 99 percent.

#### Ukrainians stopped coming to the US-Mexico border after parole sponsorship

Ukrainian border encounters by location of entry, January 2022–July 2023



Source: "Nationwide Encounters," Customs and Border Protection, last updated August 28, 2023.

Note: Data are estimated based on inadmissibles at airports minus the average number of inadmissibles at airports preprogram.

- *Haitian border parole at ports.*—After evidence showed that U.S.-Mexico ports of entry could handle higher flows of legal crossings of asylum seekers, the administration expanded access to ports for individuals referred to them by certain nonprofit organizations in 2022.<sup>48</sup> Haitians were the most represented among those using this new process. This is not surprising because Haitian asylum seekers had traditionally entered legally at the U.S.-Mexico border until the Trump administration restricted and then eliminated their opportunity to do so.<sup>49</sup> Some States requested a district court to block this new parole process,<sup>50</sup> but it did not do so.<sup>51</sup> Within months of opening the ports to Haitians, about 99 percent of all Haitians arriving at the Southwest Border were no longer crossing illegally.

<sup>45</sup> Kevin Sieff, "There are new migrants on the U.S.-Mexico border: Ukrainian refugees," *Washington Post*, April 2, 2022.

<sup>46</sup> "Nationwide Encounters," *U.S. Customs and Border Protection*, last modified March 13, 2025.

<sup>47</sup> *Implementation of the Uniting for Ukraine Parole Process, Department of Homeland Security*, April 27, 2022.

<sup>48</sup> "Fourth Declaration of Blas Nuñez-Neto," *Arizona v. Centers for Disease Control and Prevention*, November 10, 2022.

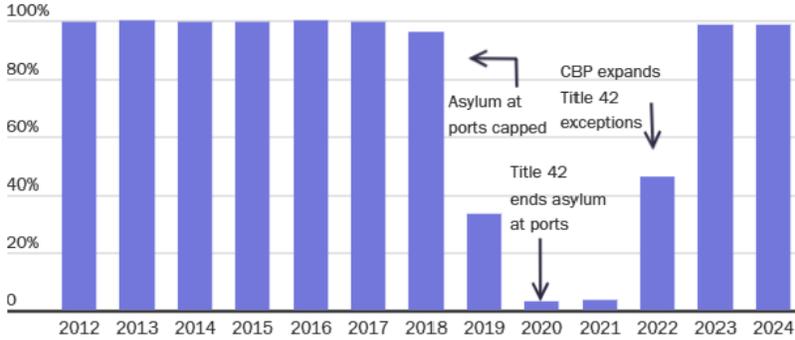
<sup>49</sup> David J. Bier, "How the U.S. Created Cuban and Haitian Illegal Migration," *Cato at Liberty* (blog), February 15, 2022.

<sup>50</sup> David J. Bier, "Some States Are Fighting in Court to Increase Illegal Immigration," *Cato at Liberty* (blog), November 2, 2022.

<sup>51</sup> *State of Louisiana v. Centers for Disease Control and Prevention*, November 14, 2024.

**Haitians don't cross illegally when they have the opportunity to enter legally**

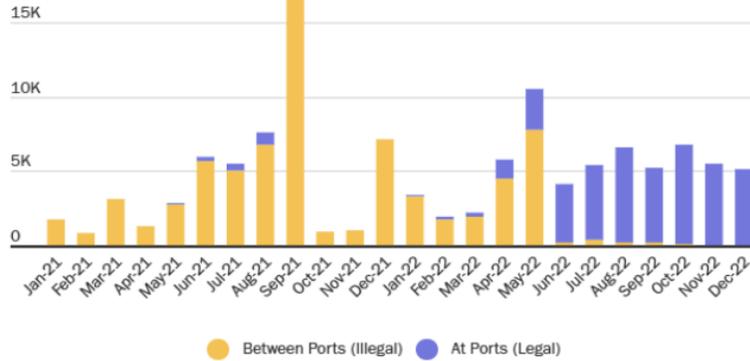
Legal Share of Undocumented Haitians Processed at the U.S.-Mexico Border



Source: Customs and Border Protection, "Nationwide Encounters", 2024; CBP, "Southwest Border Inadmissibles by Field Office," 2017-2019.

**Parole at ports reduced illegal immigration by Haitians**

Haitians encountered either at or between ports of entry, Jan. 2021–Dec. 2022



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

- *Venezuelan parole sponsorship process.*—Following the success of Uniting for Ukraine, DHS expanded the parole sponsorship program to include some Venezuelans in October 2022.<sup>52</sup> The main reason was the significant public benefit of “enhancing the security of our border by reducing irregular migration of Venezuelan nationals.” The process initially lowered illegal immigration dramatically. However, because the process was capped at such a low number and there were so many displaced Venezuelans, it did not meet enough of the demand to stop illegal immigration from Venezuela. Due to the long delays in travel authorization that quickly developed, many Venezuelans could not be convinced to wait (despite efforts from some of their friends who did wait).<sup>53</sup>

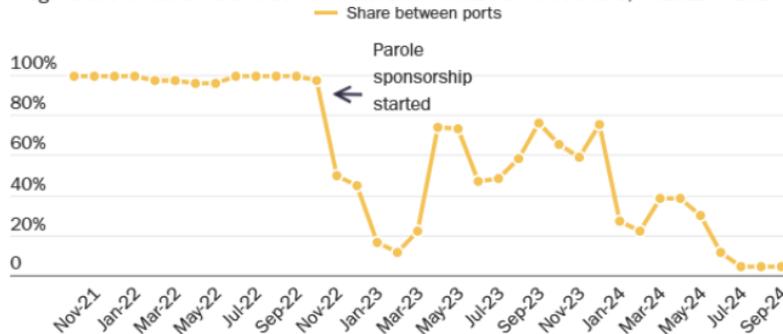
Nonetheless, illegal immigration was lower than it would have been without the existing processes because many immigrants were diverted from crossing illegally. The Venezuelan experience highlights the need for Congress to establish durable,

<sup>52</sup>“An Implementation of a Parole Process for Venezuelans,” *Department of Homeland Security*, October 19, 2022.

<sup>53</sup>Julie Turkewitz, “She Heeded Biden’s Warning to Migrants. Will She Regret It?” *New York Times*, October 24, 2023.

permanent options for legal migration so potential immigrants can credibly believe that these options will continue to exist.

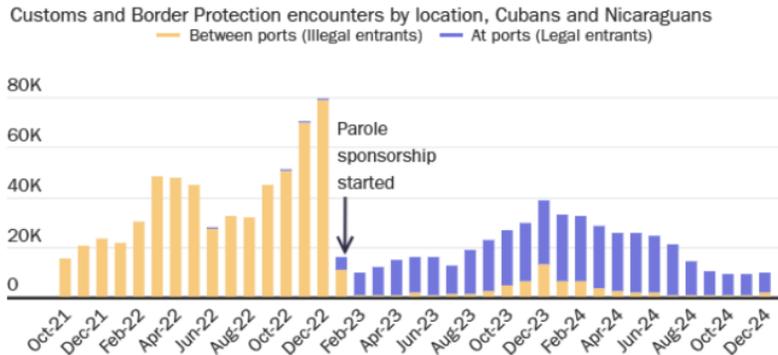
**The share of Venezuelans coming illegally decreased after the parole option was created**  
 Illegal share of Customs and Border Protection Venezuelan encounters, FY2022-FY2024



Source: "Nationwide Encounters," Customs and Border Protection.  
 Note: Data are estimated based on inadmissibles at airports minus the average number of inadmissibles at airports preprogram.

- *Parole sponsorship for Cubans and Nicaraguans.*—In January 2023, DHS announced the expansion of the Venezuelan parole process to include Cubans, Haitians, and Nicaraguans—collectively, this process is known as the CHNV parole process. Again, the primary “significant public benefit” the Government cited was to reduce illegal immigration.<sup>54</sup> In December 2023, Cuban and Nicaraguan illegal immigration had reached an unprecedented level, but the parole process clearly and immediately had an enormous and sustained impact on Cuban and Nicaraguan illegal immigration.

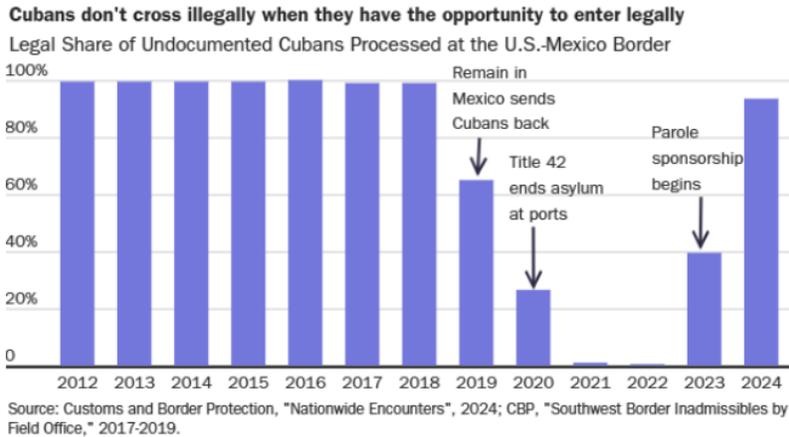
**Cubans and Nicaraguans switched away from illegal entry to parole sponsorship**



Source: "Nationwide Encounters," Customs and Border Protection.  
 Note: Data are estimated based on inadmissibles at airports minus the average number of inadmissibles at airports preprogram.

It is not surprising that the Cubans quickly adopted the new process because they had historically always entered legally before the Trump administration terminated their right to request asylum at U.S.-Mexico ports of entry. As with Haitians, President Trump created the problem of Cuban illegal immigration, which had never existed before at the Southwest Border, by banning the legal way for them to enter.

<sup>54</sup>“Implementation of a Parole Process for Cubans,” *Department of Homeland Security*, January 9, 2023.



- *Parole through the CBP One app.*—Alongside the expansion of the parole sponsorship process, the administration introduced a new system where anyone in Mexico could schedule an appointment to apply for parole at a port of entry using the CBP One mobile application.<sup>55</sup> Given that CBP had been denying asylum to those who crossed illegally, the CBP One appointment scheduling process was the only way for the United States to comply with sections 208 and 235 of the INA, which mandate processing immigrants for asylum.<sup>56</sup> CBP One had a limit of 1,450 appointments per day.<sup>57</sup> About 4.2 percent of CBP appointments did not result in parole.<sup>58</sup>

By the end of the Biden administration, the CBP One process became the main method for asylum seekers to enter in the United States. As a result of CBP One and earlier Haitian nonprofit referral programs, over 1 million Haitians avoided having to cross the border illegally.<sup>59</sup> Due to the CHNV+U4U parole processes, nearly 780,000 immigrants avoided having to come to the border at all. Most CBP encounters from June to December 2024 involved people entering legally. By the end of Biden's term, in December 2024, overall Border Patrol arrests were 33 percent lower than when he took office.<sup>60</sup>

<sup>55</sup> "DHS Scheduling System for Safe, Orderly and Humane Border Processing Goes Live on CBP One™ App," *Department of Homeland Security*, January 12, 2023.

<sup>56</sup> 8 U.S.C. § 1225; 8 U.S.C. § 1158.

<sup>57</sup> "Fact Sheet: CBP One Facilitated Over 170,000 Appointments in Six Months, and Continues to be a Safe, Orderly, and Humane Tool for Border Management," *Department of Homeland Security*, August 3, 2023.

<sup>58</sup> "New Documents Obtained by Homeland Majority Detail Shocking Abuse of CBP One App," *Homeland Security Republicans*, October 23, 2023.

<sup>59</sup> *Immigration Enforcement and Legal Processes Monthly Tables*, *Office of Homeland Security Statistics*, last updated January 16, 2025.

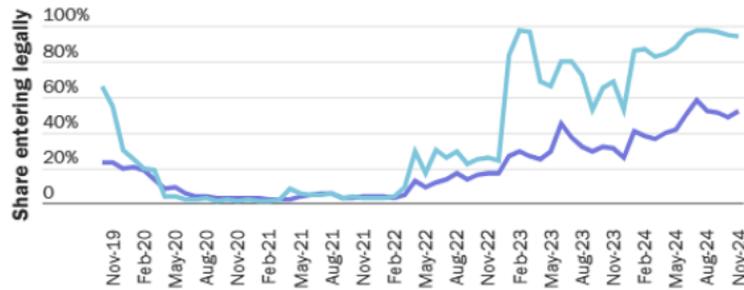
<sup>60</sup> *Testimony of David J. Bier*, Director of Immigration Studies at the Cato Institute, Before the Committee on the Judiciary, Subcommittee on Immigration Integrity, Security, and Enforcement, January 22, 2025.

### Biden's parole has led to more entering the country legally than illegally

Share of CBP encounters with persons entering legally at ports of entry

Oct. 2019–Nov. 2024

— All nationalities — CHNVU



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.

By May 2024—before President Biden's last major Executive Action on the border and before the suspension of the CHNV program—illegal entries were down:

- by 80 percent for Venezuelans from their pre-parole level (September 2022);
- by 96 percent for Nicaraguans from their pre-parole level (December 2022);
- by 98 percent for Haitians from their pre-parole level (May 2022); and
- by 99 percent for Cubans from their pre-parole level (December 2022).

Several States led by the State of Texas challenged these parole processes in court. In March 2024, judge ruled that Texas "has failed to prove that it suffered an injury-in-fact" because immigration to and through the State of Texas declined due to the success of the parole process.<sup>61</sup> In May 2024, the State of Texas later urged reconsideration in light of new facts, but the judge affirmed this ruling.<sup>62</sup>

Although these parole processes were categorical, even the Trump administration's DHS agrees that "potentially eligible beneficiaries were adjudicated on a case-by-case basis."<sup>63</sup> Moreover, the Trump administration's DHS acknowledged that "these programs were accompanied by a significant decrease in CHNV encounters between Southwest Border POEs."<sup>64</sup>

The parole processes were beneficial to the United States.

The parole processes did more than change the categorization of immigrants from legal to illegal. They also eased a heavy burden on Border Patrol, Customs and Border Protection, and State and local governments along the border.

- *More predictable arrivals.*—For instance, in September 2021, CBP encountered nearly 18,000 Haitians who crossed en masse at a single location in Del Rio, Texas. The crossings overwhelmed Border Patrol's processing capacity so much that they couldn't bring them into custody them for almost 2 weeks. Immigration and Customs Enforcement was required to shift half of all deportation flights to Haiti for 2 weeks.<sup>65</sup> Everyone admitted through the CBP One app or via parole sponsorship must plan their arrival with CBP in advance, enabling CBP to predict when people will enter, which could have prevented the chaos in Del Rio but did prevent a reoccurrence.
- *Pre-arrange transportation in advance.*—Border Patrol had to release people when its detention facilities reached capacity. Since individuals were released without notice and often without possessions, they couldn't easily find transpor-

<sup>61</sup> "Memorandum Opinion and Order," *State of Texas v. United States Department of Homeland Security*, March 8, 2024.

<sup>62</sup> "Memorandum Opinion and Order," *State of Texas v. United States Department of Homeland Security*, May 28, 2024.

<sup>63</sup> "Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans," *Department of Homeland Security*, March 25, 2025.

<sup>64</sup> See footnote 34, "Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans," *Department of Homeland Security*, March 25, 2025.

<sup>65</sup> Thomas Cartwright, *ICE Air Flights, September 2021 and Last 12 Months, Witness at the Border*, October 8, 2021.

tation to their final destination, causing huge backups at bus stations. “We don’t have enough private bus seats to get everyone out,” McAllen, Texas City Manager Roy Rodriguez told *The New York Post*.<sup>66</sup> Under CHNV, immigrants would pay for commercial flights directly to their final destination.<sup>67</sup>

- *Pre-arrange housing.*—Immigrants who entered illegally often did not know if they would be released or deported, so they had no way to secure housing in advance. Under CHNV, sponsors promised to help find housing for the parolees, and the parolees had time to arrange housing before they arrived.<sup>68</sup> Throughout the duration of the CHNV program, the Biden administration checked in with New York City, Boston, Chicago, and Denver—cities that had chosen to house migrants—to see if CHNV immigrants were arriving in significant numbers. They were not. In fact, one survey of CHNV arrivals found that only 3 percent relied on local organizations or the government for support.<sup>69</sup>
- *Pre-arrange jobs.*—Another reason why CHNV parolees were likely not ending up in city shelters is that CHNV allowed parolees to immediately request authorization to work. Unlike those who entered illegally, CHNV and CBP One parolees could request employment authorization from DHS on their first day in the United States. Thanks to an act of Congress, U4U parolees didn’t need to request permission to start working legally.<sup>70</sup> Many immigrants in city shelters said they just wanted to work but were prohibited from doing so. “What I want the most is to work,” an asylum seeker in New York named Patricia who was not paroled told *CBS News*.<sup>71</sup> Meanwhile, parolees quickly found jobs and began contributing to the United States.<sup>72</sup> One survey found that 88 percent of CHNV parolees intended to work once they received their permits.<sup>73</sup>

As of 2024, about three-quarters of a million parolees were already working in the United States, including 120,000 in construction, 120,000 in hospitality, and 90,000 in manufacturing.<sup>74</sup>

Due to increased immigration from people without traditional visas, such as asylum seekers, parolees, and illegal immigrants, the Congressional Budget Office (CBO) estimated that the U.S. economy would be about \$1.3 trillion larger in 2034 than it would have been without their contributions, and U.S. Federal debt held by the public would be nearly \$1 trillion lower.<sup>75</sup> The CBO also estimated that parolees made up the majority of the workers providing these economic benefits.

#### THE PAROLE PROCESSES IMPROVED U.S. SECURITY AND VETTING.

The parole processes improved vetting by allowing for more information checks prior to entry and for the implementation of enhanced screening for parolees.

1. *Every parolee is subject to biometric and biographic background screening prior to entry.*—As DHS explained:

“There are distinct advantages to being able to vet more individuals before they arrive at the border so that we can stop individuals who could pose threats to national security or public safety even earlier in the process. The [CHNV] parole process will allow DHS to vet potential beneficiaries for national security and public safety purposes before they travel to the United States. As described below, the vetting will require prospective beneficiaries to upload a live photograph via an app. This will enhance the scope of the pre-travel vetting—thereby enabling DHS to better identify those with criminal records or other disquali-

<sup>66</sup>Marie Banks, “‘Not enough seats’: Buses leaving Texas border town packed with illegal migrants,” *New York Post*, July 22, 2021.

<sup>67</sup>“CBP Releases December 2024 Monthly Update,” *Customs and Border Protection*, January 14, 2025.

<sup>68</sup>Marcela García, “Haitians are desperately looking for sponsors in Boston,” *Boston Globe*, March 3, 2023.

<sup>69</sup>“Survey data show the administration’s parole policy for the Americas is a successful model for new legal pathways,” *fwd.us*, January 25, 2024.

<sup>70</sup>“Work Authorization for Ukrainians—Uniting for Ukraine Program,” *Reddy Neumann Brown PC*, November 22, 2022.

<sup>71</sup>Camilo Montoya-Galvez, “As cities struggle to house migrants, Biden administration resists proposals that officials say could help,” *CBS News*, August 22, 2023.

<sup>72</sup>“Survey data show the administration’s parole policy for the Americas is a successful model for new legal pathways,” *fwd.us*, January 25, 2024.

<sup>73</sup>“Survey data show the administration’s parole policy for the Americas is a successful model for new legal pathways,” *fwd.us*, January 25, 2024.

<sup>74</sup>“Industries with critical labor shortages added hundreds of thousands of workers through immigration parole,” *fwd.us*, March 26, 2025.

<sup>75</sup>“Effects of the Immigration Surge on the Federal Budget and the Economy,” *Congressional Budget Office*, July 2024.

fyng information of concern and deny them travel before they arrive at our border, representing an improvement over the status quo.”<sup>76</sup>

2. *The Biden administration implemented enhanced vetting for parolees.*—Parolee vetting includes checks against National Crime Information Center data, Terrorism Screening Dataset, INTERPOL, and other U.S. Government sources. The Biden administration improved vetting in 2 ways: First, as part of the Afghan, Ukraine, and CHNV parole initiatives, the Biden administration also expanded vetting for parolees to include screening against Classified holdings for the first time from CBP’s National Vetting Center, subjecting them to more rigorous checks than other travelers and immigrants to the United States.<sup>77</sup> Second, it established recurrent continuous vetting against all the same U.S. holdings after the parolees entered the country.<sup>78</sup>

3. *The financial sponsor provided an additional check.*—The purpose of the financial sponsor was to provide the parolee with someone in the United States who could help them if needed. However, having this financial sponsor also added an additional layer of vetting for applicants. Approximately 18 percent of parole sponsors were denied by DHS.<sup>79</sup>

4. *All applicants submitted their information on-line.*—For the first time in U.S. immigration history, both applicants and sponsors submitted their information electronically, which enabled DHS to conduct unprecedentedly detailed fraud reviews of these processes.

DHS NEVER CONCLUDED THERE WAS MASSIVE FRAUD WITHIN THE PAROLE SPONSORSHIP PROGRAM.

In 2024, enabled by the thorough electronic vetting enhancement in the parole process, DHS finalized an analysis of potential fraud indicators among CHNV sponsor applications. This caused the administration to temporarily suspend processing until the investigation was completed.

- *DHS fraud review did not conclude that there was “massive fraud”.*—Instead, it identified potential issues to investigate.
- *Repeat sponsors were permitted under CHNV.*—The main concern came from serial sponsors who had submitted dozens of applications for potential parolees. However, there was no limit to the number of individuals one could sponsor under the program.<sup>80</sup> Many of these sponsors were proud of their philanthropic efforts and did not hide them.<sup>81</sup> I personally know a wealthy individual who filed over 70 sponsor applications.
- *Typographical errors in big data aren’t a sign of fraud.*—I have personally worked with large datasets of user text input, and it is universally the case that some individuals enter physical addresses where mailing addresses should be, accidentally replace the letter “O” with the number 0, invert numbers while typing quickly, and make similar typos. Similarly, in the context of millions of applications, some people unintentionally click “yes” when they intended to click “no.” These errors are easily noticeable to someone reviewing them in context and are simply not evidence of fraud.
- *DHS did not set a baseline rate for fraud in immigration processes in general.*—There is no evidence to suggest that these processes experience more fraud than other immigration categories.
- *DHS fraud review did not recommend ending the program.*—Instead, it suggested implementing additional protocols to better verify the identities of individuals submitting supporter applications and to investigate the problems.<sup>82</sup>
- *DHS investigated the concerns and found no programmatic fraud problem.*—DHS reviewed over 70,000 concerning sponsor applications and referred just 6

<sup>76</sup>“Implementation of a Parole Process for Haitians,” *Department of Homeland Security*, January 9, 2023.

<sup>77</sup>“Uniting for Ukraine, Process Overview and Assessment,” *Homeland Security Office of Strategy, Policy, and Plans*, November 4, 2024.

<sup>78</sup>“DHS Has a Fragmented Process for Identifying and Resolving Derogatory Information for Operation Allies Welcome Parolees,” *DHS Office of the Inspector General*, May 6, 2024.

<sup>79</sup>“Shock and Awe: Internal Homeland Security Report Proves that the Biden-Harris-Mayorkas CHNV Parole Program is Loaded with Fraud,” *Federation for American Immigration Reform*, August 2024.

<sup>80</sup>David Bier and Alex Nowrasteh, “Biden’s DHS Halting Migrant Program Raises Border Security Concerns,” *Reason*, August 9, 2024.

<sup>81</sup>Gisela Salomon, Elliot Spagat, and Amy Taxin, “Message from US asylum hopefuls: Financial sponsors needed,” *Associated Press*, January 6, 2023.

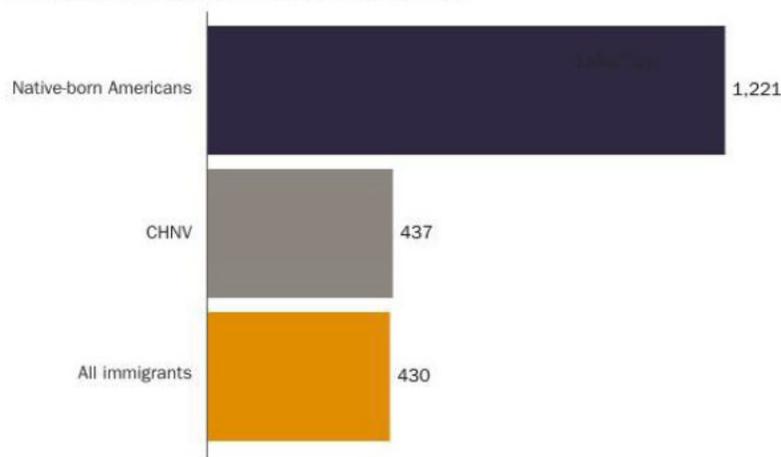
<sup>82</sup>Julia Ainsley, “Biden administration to restart immigration program that was paused over fraud concerns,” *NBC News*, August 29, 2024.

for criminal investigation.<sup>83</sup> DHS concluded: “In the majority of cases, these indicators were ultimately found to have a reasonable explanation and resolved. For example, a supporter had entered a typographic error when submitting their information on-line.”<sup>84</sup> The Trump administration did not state that vetting was the reason for canceling the parole processes, and it has not identified any fraud.<sup>85</sup>

- *DHS did not find any fraud concerns related to parolees.*—The issues it recommended investigating involved U.S. sponsors who would be in the United States, regardless of whether the parole process was in place. DHS review concluded that it did not identify any “issues of concern relating to the screening and vetting of program beneficiaries.”<sup>86</sup> Law enforcement has no evidence of any criminal threat patterns related to CHNV parolees. During the first 6 months of the Trump administration, not a single person has been prosecuted for fraud related to the CHNV parole process.<sup>87</sup>
- *CHNV nationals are less crime-prone than the U.S. population.*—According to the Census Bureau’s American Community Survey, immigrants—legal and illegal—are less likely to have committed serious crimes that led to their incarceration in the United States than the average U.S.-born person.<sup>88</sup> The incarceration rate for Cubans, Haitians, Nicaraguans, and Venezuelans is also below the U.S.-born average, meaning they help lower the crime and victimization rates for Americans.<sup>89</sup>

#### Immigrants from CHNV countries have similar incarceration rates to all immigrants

Incarceration rates by region of birth in 2023, ages 18-54



Sources: Alex Nowrasteh and Michelangelo Landgrave, “Illegal Immigrant Incarceration Rates, 2010-2023: Demographics of Incarcerated Immigrants,” Cato Institute Policy Analysis no. 994, April 24, 2025.

Note: Rates are per 100,000 residents in each subpopulation.

<sup>83</sup> Julia Ainsley and Laura Strickler, “Biden administration may soon restart immigration program that was paused for possible fraud,” *NBC News*, August 28, 2024.

<sup>84</sup> Julia Ainsley, “Biden administration to restart immigration program that was paused over fraud concerns,” *NBC News*, August 29, 2024.

<sup>85</sup> “Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,” *Federal Register* Volume 90 Number 56, March 25, 2025.

<sup>86</sup> Julia Ainsley, “Biden administration to restart immigration program that was paused over fraud concerns,” *NBC News*, August 29, 2024.

<sup>87</sup> “Declaration of Kika Scott,” *Svillana Doe, et al., vs Kristi Noem, et al.*, July 1, 2025.

<sup>88</sup> Michelangelo Landgrave and Alex Nowrasteh, “Illegal Immigrant Incarceration Rates, 2010–2023,” *Cato Institute Policy Analysis* no. 994, April 24, 2025.

<sup>89</sup> Alex Nowrasteh, “Haitian Immigrants Have a Low Incarceration Rate,” *Cato at Liberty* (blog), July 7, 2025.

## DHS'S INDISCRIMINATE DEPORTATION OF PAROLEES IS UNJUSTIFIED AND UNJUST.

Despite the success of the parole processes in reducing illegal immigration and integrating legal arrivals into the U.S. labor market, the Trump administration immediately suspended all new entries under CHNV and CBP One—completely removing the scheduling functionality from the CBP One app.<sup>90</sup> This action stranded thousands of people who had already been accepted into those processes and canceled almost 2 million sponsorships by legal U.S. residents.

- *DHS is increasing illegal immigration by canceling CHNV and CBP One parole.*—On March 25, 2025, DHS announced it was canceling the parole of all CHNV parolees en masse.<sup>91</sup> DHS acknowledges that this abrupt cancellation of their parole will leave many parolees with “no lawful basis to remain in the United States,” thus increasing the number of people in the country illegally. On April 8, 2025, DHS revoked parole for nearly 1 million parolees who entered legally through the CBP One app.<sup>92</sup> It did not provide any public notice of the decision, nor did it follow the legal requirement to revoke parole only when the Government determines that the purpose of the parole is complete.<sup>93</sup> The DHS Office of Inspector General found that DHS had no way to track parolees or confirm their lawful status, yet the Department ended their parole early anyway.<sup>94</sup>
- *DHS is carrying out indiscriminate arrests of parolees.*—The Trump administration is carrying out indiscriminate mass deportations of parolees who entered the United States legally under the Biden administration. DHS stated in its notice ending the parole that it “intends to remove promptly aliens who entered the United States under the CHNV parole programs,” even though this increases the Department’s burden compared to allowing them to leave voluntarily or continuing their parole.<sup>95</sup> This is diverting resources away from arresting public safety threats. ICE has arrested and imprisoned:
  - a Bronx high school student, Dylan Contreras, who entered legally using CBP One while attending his immigration court hearing.<sup>96</sup>
  - a 6-year-old child with leukemia who had lawfully entered using the CBP One app and was attending his immigration court hearing with his mother.<sup>97</sup>
  - an Afghan who entered with parole and had a pending special immigrant visa application based on his long support for U.S. military activities in Afghanistan.<sup>98</sup>
  - a 6-year-old boy and a 9-year-old girl who were paroled into the country with their mother were arrested and detained at their court hearing.<sup>99</sup>
- *DHS illegally blocked parolees from receiving any other status for months.*—From February to June 2025, the Trump administration unlawfully delayed parolees’ applications for permanent or temporary statuses to prevent them from getting an alternative status when it canceled their parole en masse in April and again in June.<sup>100</sup>
- *DHS has stripped parolees of due process prior to removal.*—DHS is now expelling parolees through expedited removal without granting them a hearing in im-

<sup>90</sup>Thomas Graham, “US asylum seekers in despair after Trump cancels CBP One App: ‘Start from zero again’,” *The Guardian*, January 23, 2025; “Plaintiffs’ Reply in Support of Motion for Temporary Restraining Order,” *Las Americas Immigrant Advocacy Center, et al. v. U.S. Department of Homeland Security, et al.*, January 29, 2025.

<sup>91</sup>See footnote 4, “Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,” *Department of Homeland Security*, March 25, 2025.

<sup>92</sup>Ali Bianco, “DHS revokes parole for hundreds of thousands who entered via the CBP One app,” *Politico*, April 8, 2025.

<sup>93</sup>“Opinion and Order Granting Petition for Habeas Corpus,” Case No. 3:25-cv-965-SI, July 9, 2025; “Memorandum & Order Granting in Part Plaintiffs’ Emergency Motion for a Stay of DHS’s En Masse Truncation of All Valid Grants of CHNV Parole,” Civil Action No. 1:25-cv-10495-IT, April 14, 2025.

<sup>94</sup>US Department of Homeland Security, Office of Inspector General, “DHS Needs to Improve Oversight of Parole Expiration for Select Humanitarian Parole Processes,” July 2, 2025.

<sup>95</sup>See footnote 4, “Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,” *Department of Homeland Security*, March 25, 2025.

<sup>96</sup>Briana Scalia, “NYC public school student detained by ICE: Who is Dylan Contreras?” *FOX5 New York*, May 30, 2025.

<sup>97</sup>Corky Siemaszko, “6-year-old Honduran boy with leukemia who had been seized by ICE is back in L.A.,” *NBC News*, July 4, 2025.

<sup>98</sup>Madeleine May and Hannah Marr, “Afghan ally detained by ICE after attending immigration court hearing,” *CBS News*, July 1, 2025.

<sup>99</sup>Hallie Golden, “Family sues over US detention in what may be first challenge to courthouse arrests involving kids,” *Associated Press*, June 27, 2025.

<sup>100</sup>Camilo Montoya-Galvez, “U.S. pauses immigration applications for certain migrants welcomed under Biden,” *CBS News*, February 19, 2025; “Declaration of Kika Scott,” *Svitlana Doe, et al., vs Kristi Noem, et al.*, July 1, 2025.

migration court.<sup>101</sup> This means that any parolee in the country for less than 2 years receives no due process prior to removal and can be deported based solely on the decision of a low-level immigration agent. This decision violates numerous provisions of section 235 of the INA, which explicitly states that anyone “admitted or paroled into the United States” cannot be subject to expedited removal.<sup>102</sup> The law also explicitly prohibits applying expedited removal to anyone from a Western Hemisphere country that lacks full diplomatic relations with the United States, which includes all Venezuelans.<sup>103</sup>

- *DHS is arresting parolees and sending them to prisons in Cuba and El Salvador.*—The Trump administration has already sent parolees who never violated any laws in the United States or elsewhere to Guantanamo Bay prison in Cuba. For instance, Luis Alberto Castillo Rivera entered the United States on January 19, 2025, with a CBP One appointment but was sent to a prison in Cuba, even though he has no criminal record.<sup>104</sup> DHS has even been sending parolees to El Salvador’s notorious prison. For instance, former professional soccer player Jerce Reyes Barrios, who entered the United States via CBP One and has no criminal record in the United States or elsewhere, was illegally renditioned to El Salvador under the Alien Enemies Act in violation of a court order.<sup>105</sup>

#### HOW ENDING PAROLE FITS INTO THE PRESIDENT’S MASS DEPORTATION STRATEGY.

Ending parole typifies the 4 parts of President Trump’s mass deportation plan:

1. *Cancel lawful status or citizenship to open as many people as possible to deportation.*—The wide-spread cancellation of parole demonstrates that mass deportation isn’t just about “illegal immigrants.” President Trump also intends to deport those here lawfully and American citizens. This includes:

- terminating parole for 1.5 million people with parole;
- allowing ICE agents to arrest parolees who still have valid parole;
- banning asylum, and terminating Temporary Protected Status early for Venezuelans, Haitians, Afghans, Nepalese, Cameroonians, Hondurans, and Nicaraguans;<sup>106</sup>
- arresting and detaining legal permanent residents and students;
- attempting to deny the citizenship of U.S.-born children of people without permanent residence or U.S. citizenship.

2. *Arrest based on convenience rather than threat.*—Arresting parolees shows how radically President Trump has deprioritized criminal threats to focus on already-vetted immigrants who haven’t committed any crimes in the United States but have made their presence known, making them easy targets.

- On his first day in office, President Trump rescinded the requirement for Border Patrol and ICE to focus exclusively on recent border crossers and public safety threats.<sup>107</sup>
- The White House set an arbitrary daily arrest quota, forcing ICE agents to prioritize noncriminals attending hearings over actual fugitives, requiring “quantity over quality,” as one ICE agent put it.<sup>108</sup>
- The White House has mandated that ICE and Border Patrol stop creating lists of criminals to target and prioritize the arrest of immigrant workers who are going to their jobs, not committing crimes.<sup>109</sup>

<sup>101</sup> “Designating Aliens for Expedited Removal,” *Department of Homeland Security*, January 21, 2025.

<sup>102</sup> 8 USC § 1225(b)(1)(A)(iii)(II) (2025).

<sup>103</sup> 8 USC § 1225(b)(1)(F) (2025); Jennifer Hansler, “Venezuelan embassy run by opposition in US closes after Guaido ouster,” *CNN.com*, January 6, 2023.

<sup>104</sup> “Declaration of Luis Alberto Castillo Rivera,” *Center for Constitutional Rights*, March 1, 2025.

<sup>105</sup> Armando Garcia, “Man deported to El Salvador under Alien Enemies Act because of soccer logo tattoo: Attorney,” *ABC News*, March 20, 2025.

<sup>106</sup> Juliana Kim, “DHS ends Temporary Protected Status for thousands from Nicaragua and Honduras,” *NPR.com*, July 7, 2025.

<sup>107</sup> President Donald J. Trump, “Protecting the American People Against Invasion,” *The White House*, January 20, 2025.

<sup>108</sup> Jennie Taer, “Trump admin’s 3,000 ICE arrests per day quota is taking focus off criminals and ‘killing morale’: insiders,” *New York Post*, June 17, 2025.

<sup>109</sup> Elizabeth Findell et al., “The White House Marching Orders That Sparked the L.A. Migrant Crackdown,” *Wall Street Journal*, June 9, 2025.

- By June, 71 percent of people booked into ICE’s detention facilities this year were individuals without criminal convictions—just 7 percent had violent criminal convictions—and nearly half have no pending charge either.<sup>110</sup>
- ICE is currently arresting 6 times as many immigrants without any criminal convictions as they did in 2017—6,000 per week.<sup>111</sup>

### In June, 71% of ICE arrests and 67% of ICE detentions had no criminal convictions

ICE arrests and book-ins, June 1-7, 2025

Criminal status	Arrests	Share	Book-ins	Share
Total	8,571	100%	10,195	100.0%
No conviction	6,043	71%	7,041	69%
With convictions	2,528	29%	3,154	31%

Note: The amount is the total for the 7-day period ending June 7.

Source: Immigration and Customs Enforcement via DeportationData.org • Get the data • Created with Datawrapper

3. *Deport without due process.*—The treatment of parolees is emblematic of the third aspect of the administration’s mass deportation agenda.

- Dozens of parolees who entered the United States legally were among the Venezuelans that the administration illegally transported to El Salvador in March, using the Alien Enemies Act.<sup>112</sup> Altogether, 50 legal immigrants, including 4 refugees, were sent to El Salvador without proper due process.<sup>113</sup>
- The Trump administration also expanded the use of expedited removal into the interior of the United States, allowing low-level ICE agents to order people removed from the country without a hearing.<sup>114</sup> This expansion violated the Administrative Procedure Act because the administration refused to allow any notice and public comment.<sup>115</sup> Moreover, it is illegal as applied to parolees who are specifically excluded from its use,<sup>116</sup> and it cannot legally be applied to all Venezuelans because their government does not have full diplomatic relations with the United States.<sup>117</sup> Yet the administration is subjecting parolees and Venezuelans to expedited removal anyway.

4. *Divert resources from more important law enforcement agencies.*—The Trump administration is redirecting up to Border Patrol, Homeland Security Investigations, up to 80 percent of the ATF agents, 25 percent of the DEA, thousands of FBI agents, and many other criminal law enforcement officers away from their criminal investigations to focus on low-level immigration enforcement.<sup>118</sup> These cases include human trafficking, child exploitation, cyber crime, weapons export controls, intellectual property theft, and drugs. DEA admits its agents don’t know how to handle immigration enforcement,<sup>119</sup> and last month, the FBI decided it needed some of those terrorism investigators after all, effectively admitting it had irresponsibly compromised national security.<sup>120</sup>

<sup>110</sup>David J. Bier, “ICE Is Arresting 1,100 Percent More Noncriminals on the Streets Than in 2017,” *Cato at Liberty* (blog), June 24, 2025.

<sup>111</sup>David J. Bier, “ICE Is Arresting 1,100 Percent More Noncriminals on the Streets Than in 2017,” *Cato at Liberty* (blog), June 24, 2025.

<sup>112</sup>David J. Bier, “50+ Venezuelans Imprisoned in El Salvador Came to US Legally, Never Violated Immigration Law,” *Cato at Liberty* (blog), May 19, 2025.

<sup>113</sup>David J. Bier, “50+ Venezuelans Imprisoned in El Salvador Came to US Legally, Never Violated Immigration Law,” *Cato at Liberty* (blog), May 19, 2025.

<sup>114</sup>“Designating Aliens for Expedited Removal,” *Federal Register* Volume 90 Number 15, January 24, 2025.

<sup>115</sup>“Plaintiffs’ Reply in Support of Motion for a Stay of Agency Action Under 5 U.S.C. § 705 to Preserve Status and Rights,” Case No. 1:25-cv-0872, July 1, 2025.

<sup>116</sup>8 U.S.C. 1225(b)(1)(A)(iii)(II) (2025).

<sup>117</sup>8 U.S.C. 1225(b)(1)(F) (2025).

<sup>118</sup>Brad Heath et al., “Exclusive: Thousands of agents diverted to Trump immigration crackdown,” *Reuters*, March 22, 2025.

<sup>119</sup>Shelby Bremer, “DEA special agent in charge of San Diego discusses immigration, US-Mexico border,” *NBC7 San Diego*, March 8, 2025.

<sup>120</sup>Ken Dilanian and Julia Ainsley, “FBI returning agents to counterterrorism work after diverting them to immigration,” *NBC News*, June 24, 2025.

THE COMMITTEE SHOULD INVESTIGATE PRESIDENT TRUMP'S UNCONSTITUTIONAL ACTIONS.

Although President Biden's use of parole was unquestionably lawful, President Trump has been involved in serious violations of the U.S. Constitution since the very first day of his presidency. President Trump is now attacking the First, Fourth, Fifth, Sixth, Eighth, Tenth, and Fourteenth Amendments to the Constitution, and the right of habeas corpus. The committee has a responsibility to investigate these and other abuses.

- *President Trump declares that he is above U.S. law.*—On his first day in office, President Trump signed an Executive Order that purports to allow him to suspend all U.S. immigration laws, which would deny due process to those accused of entering the country illegally.<sup>121</sup> He states that he has “inherent powers to control the borders of the United States” that supersede U.S. immigration law.
- *President Trump asserts the power to suspend the First Amendment.*—The Trump administration has repeatedly detained individuals, including lawful permanent residents, for exercising their free speech rights in the United States.<sup>122</sup> The Government has been clear that these actions were not connected to any criminal acts,<sup>123</sup> and it has also arrested students for coauthoring opinion articles criticizing a foreign country's military actions, such as Fulbright scholar Rumeysa Ozturk from Tufts University.<sup>124</sup>
- *President Trump asserts the power to deny U.S.-born Americans their citizenship.*—On his first day in office, President Trump declared that Americans born in the United States to people without legal permanent resident status were not U.S. citizens—in direct violation of the 14th Amendment of the U.S. Constitution.<sup>125</sup> Fortunately, courts have temporarily blocked this unconstitutional action.<sup>126</sup>
- *President Trump is violating the 4th Amendment by engaging in blatant illegal profiling.*—White House Deputy Chief of Staff Stephen Miller has ordered ICE agents not to “develop target lists of immigrants suspected of being in the U.S. illegally” and to “just go out there and arrest illegal aliens” by targeting people perceived to be illegal immigrants.<sup>127</sup> White House immigration czar Tom Homan has said agents will use “occupation, location, physical appearance,” and refusal to speak with agents to detain people—none of which, separately or together, imply that someone is in the country illegally.<sup>128</sup>
  - Agents are arresting 1,100 percent more people with criminal convictions on the streets than during the first Trump administration in 2017, nearly 4,000 per week—impossible without illegal profiling.<sup>129</sup>

<sup>121</sup> President Donald J. Trump, “Guaranteeing the States Protection Against Invasion,” January 20, 2025.

<sup>122</sup> Bill Hutchinson, “What we know about the foreign college students targeted for deportation,” *ABC News*, April 6, 2025.

<sup>123</sup> Gabe Kaminsky, Madeleine Rowley, and Maya Sulkin, “The ICE Detention of a Columbia Student is Just the Beginning,” *The Free Press*, March 10, 2025; Michael Martin, Destinee Adams, “DHS official defends Mahmoud Khalil arrest, but offers few details on why it happened,” *Morning Edition on NPR*, March 13, 2025.

<sup>124</sup> Molly Farrar, “Tufts student detained by ICE releases statement while lawyers argue jurisdiction,” *Boston.com*, April 3, 2025; John Hudson, “No evidence linking Tufts student to antisemitism or terrorism, State Dept. office found,” *Washington Post*, April 13, 2025.

<sup>125</sup> President Donald J. Trump, “Protecting the Meaning and Value of American Citizenship,” January 20, 2025.

<sup>126</sup> Nate Raymond, “Court hands Trump third appellate loss in birthright citizenship battle,” *Reuters*, March 11, 2025.

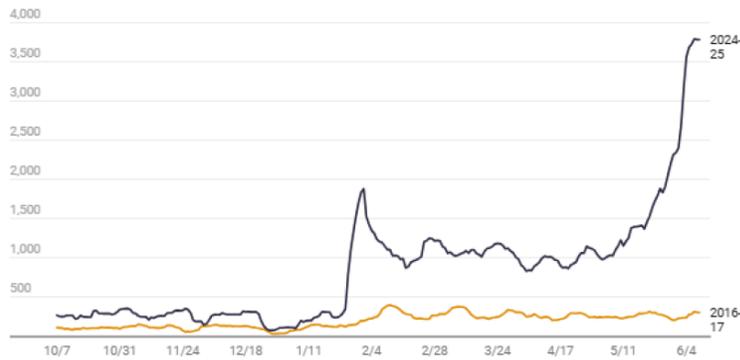
<sup>127</sup> Elizabeth Findell et al., “The White House Marching Orders That Sparked the L.A. Migrant Crackdown,” *Wall Street Journal*, June 9, 2025.

<sup>128</sup> Aaron Rupar (@atrupar), “Homan: ‘People need to understand ICE officers and Border Patrol don’t need probable cause to walk up to somebody, briefly detain them, and question them . . . based on their physical appearance,’” X post, July 11, 2025.

<sup>129</sup> David J. Bier, “ICE Is Arresting 1,100 Percent More Noncriminals on the Streets Than in 2017,” *Cato at Liberty* (blog), June 24, 2025.

### ICE is arresting 1,100% more noncriminals on the streets than in 2017

Non-custodial/at-large arrests of people without criminal convictions, rolling weekly sums, FY 2017, FY 2025



Note: The amount is the total for the 7-day period ending that day.

Source: Immigration and Customs Enforcement via DeportationData.org • Get the data • Created with Datawrapper

- Agents pepper-sprayed and tackled a father of 3 Marines because, according to Border Patrol's own account, he "refused to answer questions" after agents stopped to interrogate him as he did yardwork.<sup>130</sup>
- Agents tackled a man, and then, when he told them in English that he was a U.S. citizen, they left.<sup>131</sup>
- A U.S. citizen man working at a car wash was arrested and transferred off-site, despite providing identification and claiming U.S. citizenship.<sup>132</sup>
- Border Patrol carried out an operation that involved profiling Hispanic farm workers—something not disputed by Border Patrol—and one court found that these stops are likely violating the 4th Amendment of the Constitution.<sup>133</sup>
- Border Patrol and ICE conducted those same operations in Los Angeles, and another court has blocked them.<sup>134</sup>
- DHS claims it is not conducting any profiling operations, but it is still appealing the ruling that blocks it from doing so.<sup>135</sup>
- *DHS is detaining parolees, including children, in inhumane and unconstitutional conditions.*—It is unconstitutional to detain civil immigration detainees in conditions that violate the Eighth Amendment of the Constitution or are worse than those for criminal detainees under the Fifth Amendment to the Constitution.<sup>136</sup> At the end of June, ICE was detaining 57,861 individuals, even though Congress had only appropriated money to detain 41,500.<sup>137</sup> ICE was forcing people to sleep on floors.<sup>138</sup> At least 13 people have died in ICE facilities this year through July, already exceeding the total for fiscal year 2024.<sup>139</sup>

<sup>130</sup> Julia Ornedo, "Border Patrol Agents Brutally Detain Santa Ana Landscaper," *YahooNews.com*, June 23, 2025.

<sup>131</sup> Republicans Against Trump (@RpsAgainstTrump), "ICE agents in tactical gear chase down and tackle a U.S. citizen in L.A. . . .," X post, June 21, 2025.

<sup>132</sup> "Order Granting Plaintiffs' Ex Parte Applications For Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction," Case No. 2:25-cv-05605-MEMF-SP, July 11, 2025.

<sup>133</sup> "Order Granting Plaintiffs' Motion for Provisional Class Certification and Granting Plaintiffs' Motion for a Preliminary Injunction," Case No. 1:25-cv-00246 JKLTD CDB, April 29, 2025.

<sup>134</sup> "Order Granting Plaintiffs' Ex Parte Applications For Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction," Case No. 2:25-cv-05605-MEMF-SP, July 11, 2025.

<sup>135</sup> Rachel Scully, "Noem on blocked ICE operations ruling: Judges are 'getting too political,'" *The Hill*, July 13, 2025.

<sup>136</sup> *Wong Wing v. United States*, 163 U.S. 228 (1896); *Jones v. Blanas*, 393 F.3d 918 (9th Cir. 2004); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *E.D. v. Sharkey*, 928 F.3d 299, 306-07 (3d Cir. 2019)

<sup>137</sup> Julia Ainsley and Laura Strickler, "Trump's immigration enforcement record so far: High arrests, low deportations," NBC News, July 10, 2025.

<sup>138</sup> Douglas MacMillan, "Immigrants forced to sleep on floors at overwhelmed ICE detention centers," *Washington Post*, April 20, 2025.

<sup>139</sup> Marina Dunbar, "Two more ICE deaths put US on track for one of deadliest years in immigration detention," *The Guardian*, June 30, 2025.

- Here is one detainee’s description: “There was one toilet for 35 to 40 men, who had no privacy when using it, he said. They slept on the concrete floor in head-by-toe formation with aluminum blankets to cover them. He lost 7 pounds in 6 days, he said, because the food was poor and the portions tiny. “It was so bad,” he said, “I used water to drink it down.” Mr. Gomes said he was not able to shower or change his clothes the entire time he was there.”<sup>140</sup>
- One court summarized: One ICE facility “does not have beds, showers, or medical facilities. Individuals are being kept in small, windowless rooms with dozens or more other detainees in cramped quarters. Some rooms are so cramped that detainees cannot sit, let alone lie down, for hours at a time.”<sup>141</sup> A person with cancer was being denied access to chemotherapy there.<sup>142</sup>
- *President Trump is attempting to coerce State governments unconstitutionally.*—He has issued an Executive Order that tries to block all Federal grants to municipalities that do not allocate their resources to support ICE.<sup>143</sup> His administration has sued Illinois and Chicago for refusing to cooperate with ICE, asserting that the President can mandate that they do what he wants.<sup>144</sup> His Department of Justice (DOJ) has issued a memorandum requiring criminal investigations into State and local officials who fail to cooperate with the Federal Government.<sup>145</sup> These actions clearly violate the Tenth Amendment, which protects States from being commandeered by the Federal Government.
- *President Trump asserts the power to suspend due process.*—President Trump invoked the Alien Enemies Act to remove Venezuelans and Salvadorans without allowing them the opportunity to contest their removability in immigration court. This invocation is clearly illegal because the Alien Enemies Act only applies during a time of war, and the United States is not at war—according to his own CIA director.<sup>146</sup> The Supreme Court has already ruled that these deportations violated the Constitutional due process rights of the removed individuals.<sup>147</sup>
- *President Trump asserts the power to order imprisonment without charge or trial.*—President Trump’s purpose for invoking the Alien Enemies Act was to rendition people—including some with lawful statuses in the United States—to a mega-prison in El Salvador. For instance, the administration deported a refugee who was vetted abroad and legally entered the United States under the refugee program to an El Salvador prison without charging them with a crime.<sup>148</sup> Ordering someone imprisoned without charge, trial, and conviction is unconstitutional.<sup>149</sup> The Government admits that “many” (probably most) of the individuals sentenced to prison in El Salvador at U.S. taxpayer expense have not committed any crime anywhere.<sup>150</sup> The administration claims that they are members of a Venezuelan gang based on their tattoos, but Venezuelan gang experts and U.S. Government agencies have repeatedly debunked the idea that Venezuelan gangs have distinctive tattoos.<sup>151</sup> Even if they did, that would not

<sup>140</sup>Miriam Jordan and Jazmine Ulloa, “Concerns Grow Over Dire Conditions in Immigrant Detention,” *New York Times*, June 28, 2025.

<sup>141</sup>“Order Granting Plaintiffs’ Ex Parte Applications For Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction,” Case No. 2:25-cv-05605-MEMF-SP, July 11, 2025.

<sup>142</sup>“Order Granting Plaintiffs’ Ex Parte Applications For Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction,” Case No. 2:25-cv-05605-MEMF-SP, July 11, 2025.

<sup>143</sup>See Sec. 17: “Executive Order of January 20, 2025, Protecting the American People Against Invasion.”

<sup>144</sup>Joel Rose, “Justice Department sues Chicago and Illinois over ‘sanctuary’ laws,” *NPR.org*, February 6, 2025.

<sup>145</sup>“Sanctuary Jurisdiction Directives,” *Office of the Attorney General*, February 5, 2025; *Cities of Chelsea and Somerville v. Donald J. Trump et al*, Case No. 25-10442 (Mass. Dist. Ct 2025)

<sup>146</sup>Rebecca Beitsch, “CIA director: ‘No assessment’ US at war with Venezuela amid use of Alien Enemies Act,” *The Hill*, March 26, 2025.

<sup>147</sup>*Trump et al. v. J.G.G. et al.*, 604 U.S. \_\_\_\_ (2025).

<sup>148</sup>Verónica Egui Brito, “Despite refugee status in the U.S., young Venezuelan was deported to Salvadoran prison,” *Miami Herald*, March 21, 2025.

<sup>149</sup>Ilya Somin, “How Trump’s Alien Enemies Act Deportations Violate the Due Process Clause of the Fifth Amendment,” *Reason*, March 19, 2025.

<sup>150</sup>Verónica Egui Brito and Syra Ortiz Blanes, “Administration: ‘Many’ Venezuelans sent to El Salvador had no U.S. criminal record,” *Miami Herald*, March 19, 2025.

<sup>151</sup>Verónica Egui Brito and Syra Ortiz Blanes, “Administration: ‘Many’ Venezuelans sent to El Salvador had no U.S. criminal record,” *Miami Herald*, March 19, 2025.

remove the Constitution's requirement that no person can be subject to punishment without due process.<sup>152</sup>

- *President Trump ignores court orders.*—When President Trump was caught trying to illegally remove people under the Alien Enemies Act, the judge ordered DHS to stop the removals and return flights to the United States.<sup>153</sup> DHS chose to ignore him instead.<sup>154</sup> In a second case, the administration illegally deported a Salvadoran man to El Salvador, even though he had been granted withholding of removal by an immigration judge barring his removal to El Salvador. A court ordered DHS to bring him back, but the administration not only refused to comply—it also placed on leave the U.S. attorney who admitted the error in court.<sup>155</sup> This has become part of a pattern where the administration is ordered by courts to stop illegal actions, but it refuses to comply until it is convenient for them or after they are caught violating the orders.<sup>156</sup> Congress should investigate these violations and determine further ways to force the Executive branch to follow court orders.

Immigrants—especially legal immigrants—make the United States a wealthier, freer, and safer place to live. The U.S. Government should encourage people to immigrate to the United States legally, including through parole. Parole has been an essential component of America's legal immigration system for over 7 decades, and should remain so in the future.

Mr. BRECHEEN. Thank you, Mr. Bier.

Members will be recognized by order of seniority for their 5 minutes of questioning. Additional rounds of questioning may be called after all Members have been recognized. I now recognize myself for 5 minutes of questioning.

Dr. Camarota, you talked about the cost. I appreciate that. Dr. Camarota, what do you think is the total cost? You know, the last statement is forgetting that we are debt-loading upon American children right now. Every expense that we are incurring is taking from the next generation of U.S. citizens.

So what is that true cost that the One Big Beautiful Bill that did address some things is not addressing, specifically the Earned Income Tax Credit? Of the 3 million illegals that came through under this process, what do you think that cost is per individual, multiplied by 3 million, specific to the Earned Income Tax Credit?

Mr. CAMAROTA. Yes. So it has to run into the few billions. About 40 percent, based on the calculation the Census Bureau has done of recent arrivals from those countries, are eligible having come low enough. We would assume, since they have work authorization and have valid Social Security numbers, they can get that. So that number has to run into the billions. Maybe 2 or 3 billion in the value of the Earned Income Tax Credit, but we don't have a specific number.

Mr. BRECHEEN. Thank you.

Dr. Cuccinelli, you have explained a lot about the process. You've got a lot of years of experience. We've heard from senior officials, like the current CBP Chief, Rodney Scott, that when he was Border Patrol—at Border Patrol, he paroled only a handful of individuals during his entire career.

<sup>152</sup> Ilya Somin, "How Trump's Alien Enemies Act Deportations Violate the Due Process Clause of the Fifth Amendment," *Reason*, March 19, 2025.

<sup>153</sup> Marc Caputo, "Exclusive: How the White House ignored a judge's order to turn back deportation flights," *Axios*, March 16, 2025.

<sup>154</sup> Alison Durkee, "Judge Boasberg Thinks There's 'Fair Likelihood' Trump Administration Violated Court Order With El Salvador Flights," *Forbes*, April 3, 2025.

<sup>155</sup> Kyle Cheney, Hassan Ali Kanu, and Josh Gerstein, "Judge reaffirms order to return Maryland man erroneously deported to El Salvador," *Politico*, April 6, 2025.

<sup>156</sup> David Nakamura, "Trump administration says it could take months to resume refugee admissions," *Washington Post*, March 11, 2025.

How many people historically have been paroled into the country every year?

Mr. CUCCINELLI. Prior to the Biden administration, you would be talking in the thousands, as a general matter.

Mr. BRECHEEN. That's your pronouncement of 3,000 as a good—

Mr. CUCCINELLI. Yes. Again, it also—it makes irrelevant programmatic parole. But it also makes the leadership actually value the slots, so that you really do look for real indisputable humanitarian benefit, indisputable significant—or humanitarian reasons, indisputable public benefit.

I would note, you know, when I hear an example like Congressman Correa's example of the father of 3 Marines, that's a very sympathetic case. I would respectfully suggest that you preserve parole for those cases. When you use it willy nilly for 2, 3 million people whom you barely vet, if at all, you don't end up with that quality of story 2 and 3 million times.

So if you want to just bring in those good cases, I'll call them, then you need to restrict the availability of parole to the Secretary and to every administration so that they're forced to use it for quality cases.

Mr. BRECHEEN. Let me shift gears. Relative to what happens once parole is provided, that designation, what happens to that individual in terms of the time period?

They have been told—some are told to show up to an ICE office, ICE agent to be able to be given a notice to appear in immigration court. But many of these ICE offices are so backed up, by our understanding, they may be as long as 10 years. Again, some of these are 1 year, 2 year, in terms of the time period that should be allowable, can turn into many multiplied past that.

That notice to appear, if it goes to the nth degree—

Mr. CUCCINELLI. Right.

Mr. BRECHEEN [continuing]. How long does it take for these people to otherwise be processed, then final adjudication?

Mr. CUCCINELLI. So Congressman Correa's other comment about how this needs to fit into the bigger immigration reform question falls right into your question here. So one thing that no one has talked about is how all of these otherwise illegal entrants clog the system for people who are playing by the rules, who have played by the rules all along.

America is the most generous immigration country in the world. That's the legal portion of what we do. That is clogged up. That's where that 10-year back-up number comes from. The estimates, again, are different. Presumably, some of the money from the bill that just passed will be used to get more judges, more lawyers, et cetera, and to move those cases faster.

But in the Biden administration, hey, come see us at the ICE office, they knew very well that a large portion of those folks would never show up and, in fact, they didn't. So now we need to go find them just to end their parole and put them back in the status they were previously in and deport them where appropriate.

Mr. BRECHEEN. As it's commonly said, notice to appear turns into notice to disappear.

I now recognize Ranking Member Thanedar for 5 minutes for questions he may have.

Mr. THANEDAR. Thank you, Chair.

We have a video.

[Video shown.]

Mr. THANEDAR. Looks like ICE is out of control. The video we just watched is shocking. Armed and masked men with guns are roaming American streets, chasing down, tackling, and arresting people. We've seen Federal officers raid Home Depot parking lots, swarm the fields where our crops are being harvested, and march across MacArthur Park in Los Angeles like a hostile military through a battlefield.

Mr. Bier, based on your research and expertise, who do ICE and other Federal officers appear to be targeting, and on what basis are they targeting people?

Mr. BIER. Well, it's obvious that they're engaged in illegal profiling. We know from reports that White House Deputy Chief Stephen Miller ordered that they stop developing target lists of criminals and to go out to the streets and just start arresting people. Tom Holman, again, White House czar on immigration, says they're doing profiling, they're going out, they're saying you're a day laborer, we're going to detain you, even in absence of any reason to believe that you are in violation of any law.

Mr. THANEDAR. Mr. Bier, Donald Trump claimed that he wanted to deport the worst of the worst criminals. If that is the case, why is Trump targeting people in Home Depot parking lots and agricultural fields and public parks? Are they all criminals?

Mr. BIER. There aren't enough criminal immigrants in the United States for him to fill his deportation quotas and get his millions of deportations that he promised people. So what they are doing is they're going out into the streets and profiling people. If you look at where all of the increase and arrests has come from, it's come from noncriminals on the streets. That means outside of a prison or a jail, they're going out and they're profiling people and they're arresting them. That is resulting in all of the arrests that we're seeing and the conflict and chaos in the streets.

Mr. THANEDAR. Thank you, Mr. Bier.

It's not just that Donald Trump's agents are unconstitutionally and immorally profiling people based on the color of their skin, it's also that no one really knows whether they are encountering a Federal officer or a thug. We have seen videos over and over again showing supposed Federal officers with their faces covered by masks, scarves, and fabric.

Mr. Bier, does it concern you that masked officers are patrolling communities, refusing to identify themselves, and arresting people on the street? Does this make our country safer?

Mr. BIER. Absolutely not. It makes the situation less safe for both the officer and the person that they're interacting with in the public, because they don't know—the person in the public doesn't know whether they're a officer or not. They could be a criminal. They could be another person. That leads to more conflict.

I have a long list of cases around the country of people who posed as ICE officers to commit crimes. Just this year, just in the last year, this is happening. So there are good reasons for people to be

careful when someone shows up with a mask and says, do what I tell you to do.

Mr. THANEDAR. Thank you, Mr. Bier. Thank you for your testimony.

Mr. Chair, I yield back.

Mr. BRECHEEN. The gentleman yields.

I now recognize Representative Guest for his 5 minutes of questioning.

Mr. GUEST. Thank you, Mr. Chairman.

Mr. Cuccinelli, you mentioned in both your opening statement and your written testimony the applicable law that must be applied by DHS, by the Secretary when parole is considered. The IIRIRA passed with overwhelming bipartisan support in 1996, signed into law by then President Bill Clinton, a Democrat. Again, easily passed the House, easily passed the Senate. As I look at that law, it seems to me to set forth both the process and the standard. The process being that it must be applied on a case-by-case basis.

Is there any part of the IIRIRA that allows the law to be applied in a situation of mass parole? Can the Secretary just decide I'm not going to follow the case-by-case, I'm just going to set forth these categories of people; and if you fall into this broad category of individuals, then I am automatically going to assume that the process portion of that has been met?

Mr. CUCCINELLI. No is the answer. The statute——

Mr. GUEST. It's clearly no, correct?

Mr. CUCCINELLI. Yes.

Mr. GUEST. It's not even close.

Mr. CUCCINELLI. There's no statute——

Mr. GUEST. There's no ambiguity as to what the statute says?

Mr. CUCCINELLI. That this is the only statute that contains any aspect of the parole authority. There aren't multiple statutes to look at as we sometimes see in the immigration space. This is it.

Mr. GUEST. So the first part, so forth, is the process. Then the standard says it must be on the basis of urgent humanitarian reasons or significant public benefit.

Are there any more standards that the Secretary can choose to apply?

Mr. CUCCINELLI. No.

Mr. GUEST. So you mention there in some of the questioning by Chairman Brecheen, you mention somewhat in your witness statement too, that, historically, prior to Joe Biden and Kamala Harris and Secretary Mayorkas coming into office and abusing this parole system, that, historically, on an annual basis, the number of individuals who were granted parole were in the low thousands. Is that what I heard from you, Mr. Cuccinelli?

Mr. CUCCINELLI. You did. There have been exceptions, but they tend to reach back before 1996.

Mr. GUEST. You even mentioned a range in your written statement of 3–5,000. Can you expand on where that came from?

Mr. CUCCINELLI. That's my suggestion as to how to bring this system under control. If you are going to have administrations that sometimes will simply not abide by the plain language of the statute Congress passed, then you need to put in harder, more objective limitations in place.

If the alternative is complete, unfettered discretion, which is how the Biden administration operated, or zero, there are reasons both of those are bad. So, thus, my suggestion in the 3–5,000 range of putting a hard cap on an annual basis on the Secretary of Homeland Security on how many people they can let in using this parole authority.

Mr. GUEST. So when you say 3–5,000, that's annually, correct?

Mr. CUCCINELLI. Yes.

Mr. GUEST. That's 3–5,000 a year.

I did some rough math. I took into account, said that there were 3 million people that came in and were paroled during that 4-year period. Divided by the number of days over 4 years, and at 3 million, that's over 2,000 individuals a day—

Mr. CUCCINELLI. A day.

Mr. GUEST [continuing]. Each and every day, Monday through Friday, Saturday and Sunday, Christmas, New Year's, July 4th, that were paroled in the country.

Then giving the administration just the benefit of the doubt at 2½ million. I did that math. That's 1,700 individuals a day, each and every day, for 4 years.

So what you're telling me is that we should be shooting for a range of somewhere between 3- and 5—and let's just double that number just for argument's sake. Maybe we say 10-. Maybe we say 20,000 is a good number. But we in a given week were doing over 14,000 individuals in a given week.

So, Mr. Cuccinelli, let me ask you, as my time draws near, based on what you know about the law, the standards and the process that must be met, did Secretary Mayorkas, did the Department of Homeland Security under the prior administration, did they abide by the law or did they abuse the law that was given to them by Congress?

Mr. CUCCINELLI. They rather obviously abused the law.

Mr. GUEST. Thank you, Mr. Chairman. I yield back.

Mr. BRECHEEN. The gentleman yields.

I now recognize Representative Correa for his 5 minutes of questioning.

Mr. CORREA. Thank you, Mr. Chairman.

Mr. Cuccinelli, we're going to see if this gentleman can get parole in place, this father of these 3 American Marines.

You mentioned we are the most generous Nation. We are, but we also benefit tremendously from immigrants in any way possible. Einstein—well, all of us here are immigrants of this country. We made this country strong.

But, Mr. Bier, we hear a lot about the costs. We hear a lot about the cost benefits. I've been hearing this argument 30, 40 years. The cost. Are there any benefits to immigrants working in this country?

Mr. BIER. Of course there are huge benefits to immigration. Look, without immigrants coming into the United States right now, our labor force would be in decline, and that would have devastating—

Mr. CORREA. Will it be another Japan?

Mr. BIER. Say that again?

Mr. CORREA. Will it be another Japan?

Mr. BIER. Yes. Look, you can survive. Japan hasn't gone away, but they're poor as a consequence. So if you want to have a vibrant society, you want to have as many people contributing to it as possible, that's what the Founding Fathers understood from the beginning is that people are the ultimate resource, they are a benefit to the country, there are economies of scale that happen when you have more people that come in. Those people end up doing more specialized labor, which improves living standards for everyone in the United States.

Mr. CORREA. You know, I think about people trying to get into this country to work and to draw—I don't think it's as much welfare at it is a good job. You know what, I think—I would propose that the easy way to solve a lot of this is penalize the employers. I mean, put them in jail. Come down on them hard. Once you stop hiring folks, guess what? That job magnet goes away, right?

I mean, you know, the last 2 or 3 years, you had people from Central America walk across the border, it would take them \$8–10,000 paying somebody to get them to the border, maybe across. So my proposition is it's the jobs. This is why people come. This is why my grandfather came to build the railroads in 1900. It was a job.

Go ahead, Mr. Bier.

Mr. BIER. Well, look at the immigration system. We have a guest worker program for lesser-skilled agricultural jobs but only if they're seasonal and temporary. We have one for nonagricultural jobs that has a low cap that's also only if it's seasonal or temporary.

Look at all of the people who've come in over the last few years. Where did they go? They went into the year-round permanent jobs in agriculture, in manufacturing, in poultry processing, and other areas where there is no visa. There's no way for them to come legally.

So, yes, we need a legal way. Parole is one of those ways. We're hearing from the committee they don't like parole. I don't know why they don't like parole, but they don't like parole, so we'll call it something else. Call it a visa. Let them apply in a consulate. Let them come in legally. Let them contribute to this country. They don't need welfare, as you said, so let them contribute.

I don't get it. What's the problem? We can solve this with a legal—

Mr. CORREA. I'm happy to work with my colleagues across the aisle to look at this cost benefit. I always ask myself what's the value of being energy independent in terms of national defense. Everybody here wants to be energy independent. What's the value of being food independent on an international basis? You want to import your food, be dependent on somebody else, or you good exporting it? Those are the issues I think we have to look at strategically, where do you want to go as a country.

But let's be honest about this cost benefits. I mentioned some of the articles, you know, Wisconsin, other parts. I just saw a map, the southern States of this country, heavily reliant on ag immigrant work force, undocumented. So all I'm saying, let's just be honest and let that drive policy. Facts.

Go ahead.

Mr. BIER. Well, you're absolutely right. If you come back to this issue of parole, we keep hearing again and again how they were otherwise inadmissible or otherwise illegal. Look, everyone is otherwise illegal except for their status. So these people have status. They're already here. They're already contributing to this country. Why would we rip up their status, create all this—

Mr. CORREA. If they have a criminal record? If they have a criminal record?

Mr. BIER. No criminal record. They're vetted.

Mr. CORREA. But if they do, then you're not in. But if you're a hard-working person, then you're in.

Mr. BIER. Exactly.

Mr. CORREA. Possible.

Mr. Chairman, in the last seconds, I ask unanimous consent to insert into the record a number of articles describing contributions of immigrants to Social Security, American ag, the dairy industry, the labor force in general. These articles essentially highlight how these industries are dependent on undocumented economic labor force.

Mr. BRECHEEN. Without objection, so ordered.

[The information follows:]

ARTICLES SUBMITTED BY RANKING MEMBER J. LUIS CORREA

TRUMP'S DEPORTATION EFFORTS COULD IMPACT THESE INDUSTRIES AND STATES THAT RELY ON UNDOCUMENTED WORKERS

*June 19, 2025/11:30 AM EDT/CBS News*

The Trump administration resumed more aggressive workplace immigration enforcement earlier this week after briefly pausing arrests at farms, hotels and restaurants last week.

"The message is clear now that we're going to continue doing worksite enforcement operations, even on farms and hotels, but based on a prioritized basis," President Trump's "border czar," Tom Homan, said Thursday, adding, "Criminals come first."

The White House argues that undocumented workers drive down wages and take jobs from American-born workers. But some farming and hospitality industry leaders have warned the administration that large-scale deportations could disrupt operations, as many of these workers fill essential jobs that are difficult to replace with domestic labor.

Undocumented immigrants make up a sizable slice of the workforce in not only hospitality and farming but also construction and manufacturing.

Additionally, undocumented workers are spread across the U.S., including in blue States like California and New Jersey, and in States that supported Mr. Trump in the 2024 election, like Texas, Florida, and Nevada, which have some of the biggest shares of unauthorized workers.

Here's a closer look at the industries most dependent on undocumented workers and the States where these workers are concentrated.

*Undocumented workers in key industries*

The Center for Immigration Studies estimated in 2024 that there are about 14 million undocumented immigrants living in the U.S.

The most recent detailed breakdown by sector and State comes from the Pew Research Center's analysis of Census data from 2022. According to that study, there were an estimated 8.3 million undocumented immigrants who were part of the workforce, out of 11 million total in the country at that time.

These workers made up 4.8 percent of the overall U.S. workforce, according to Pew, but they were a much larger share of the workforce in several essential industries.

The numbers were even higher depending on the occupation. One-third of roofers and workers who install drywall and ceiling tiles were undocumented, as were a quarter of maids and housekeepers, and nearly one-fifth of brickmasons.

Because the U.S. Census does not directly ask about legal status, the number of unauthorized immigrants and their participation in the workforce is inexact. Pew Research Center analyzed the American Community Survey from 2022, and Goldman Sachs produced similar estimates based on the 2023 version of the survey.

The share of undocumented workers in a given industry may be even higher than estimates based on the Census. A survey by the Department of Agriculture from 2021 to 2022 found that 42 percent of 2,600 crop workers interviewed did not have work authorization.

Industry leaders have said the renewed deportation push is making it harder to operate. American Farm Bureau Federation president Zippy Duvall expressed disappointment on Tuesday in the administration's decision to restart immigration arrests on farms, forecasting that it could lead to inflated food prices for American consumers.

"Unfortunately, domestic workers do not apply for farm jobs, despite aggressive hiring efforts. Without farm workers, vegetables will be left in the fields, fruit will remain unpicked, and cows will go un milked. The end result is a reduced food supply and higher grocery prices for all of America's families," Duvall said in a statement.

Research also indicates that deportation can actually lead to fewer jobs for native-born workers. One study of the Obama Administration's Secure Communities program, which deported nearly half a million undocumented immigrants, estimated that for every 1 million people deported, the number of jobs held by U.S.-born people would be reduced by 88,000.

"You can think about foreign-born workers taking jobs like a construction worker or a dishwasher at a local restaurant, and then once people are in those jobs employers are also able to hire construction managers and waiters and waitresses. And those are jobs typically taken by U.S.-born workers," economist Chloe East, the study's author, told CBS News.

Researchers at the Peterson Institute for International Economics, a Washington, DC.-based think tank, estimate that if all of the unauthorized workers in the country were deported, U.S. GDP could fall as much as 7.4 percent below baseline by 2028.

#### *Share of undocumented workers by State*

President Trump said in a recent post on social media that his administration would focus on deportation efforts in Democrat-led cities like Los Angeles, Chicago and New York, which he characterized as the places where "millions upon millions of illegal aliens reside."

But research indicates the undocumented population is spread across the country in both blue- and red-leaning States.

Unauthorized immigrants make up the greatest share of both the population and workforce in Nevada and Texas—two States Mr. Trump won in 2024—where the Pew Research Center estimates over 8 percent of workers were undocumented as of 2022.

In California, where immigration enforcement raids sparked protests last week, Pew estimated that as of 2022, 7.2 percent of the workforce was undocumented. In New York, the figure was about 5 percent.

Texas Restaurant Association CEO and president Emily Williams Knight told CBS News that some restaurants in the State are experiencing staffing issues because workers are afraid to come to work amid the crackdown.

"You have to remember, if people stop going to work in restaurants, that means restaurants can't serve their community. That means the dollar that restaurants put into each community, for a dollar spent, goes away, and then those workers are also not spending," Knight said.

White House spokeswoman Abigail Jackson said, "While the President remains focused on immediately removing dangerous criminal illegal aliens from the country, including those given safe harbor in Democrat-run sanctuary cities, anyone who is here illegally is liable to be deported."

Jackson added, "Any suggestion that enforcing immigration law will hurt the workforce misses the forest for the trees—there is no shortage of American minds and hands to grow our labor force."

*Analysis by Aaron Blake, CNN*

*Published 7 o'clock AM EDT, Sun July 13, 2025*

CNN—President Donald Trump and his administration continue to bet big on the issue that, more than any other, appeared to help him win a second term in 2024: immigration.

The administration and its allies have gleefully played up standoffs between Federal immigration agents and protesters, such as the one Thursday during a raid at a legal marijuana farm in Ventura County, California.

And as Congressional Republicans were passing a very unpopular Trump agenda bill last month, Vice President JD Vance argued that its historic expansion of Immigration and Customs Enforcement and new immigration enforcement provisions were so important that “everything else” was “immaterial.”

But this appears to be an increasingly bad bet for Trump and Co.

It's looking more and more like Trump has botched an issue that, by all rights, should have been a great one for him. And ICE's actions appear to be a big part of that.

The most recent polling on this comes from Gallup, where the findings are worse than those of any poll in Trump's second term.

The nearly month-long survey conducted in June found Americans disapproved of Trump's handling of immigration by a wide margin: 62 percent to 35 percent. And more than twice as many Americans strongly disapproved (45 percent) as strongly approved (21 percent).

It also found nearly 7 in 10 independents disapproved.

These are Trump's worst numbers on immigration yet. But the trend has clearly been downward—especially in high-quality polling like Gallup's.

An NPR-PBS News-Marist College poll conducted late last month, for instance, showed 59 percent of independents disapproved of Trump on immigration. And a Quinnipiac University poll showed 66 percent of independents disapproved.

Trump has managed to become this unpopular on immigration despite historic lows in border crossings. And the data suggest that's largely tied to deportations and ICE.

To wit:

- 59 percent overall and 66 percent of independents disapproved of Trump's handling of deportations, according to the Quinnipiac poll.
- 56 percent overall and 64 percent of independents disapproved of the way ICE was doing its job, according to Quinnipiac.
- 54 percent overall and 59 percent of independents said ICE has “gone too far” in enforcing immigration law, per the Marist poll. (Even 1 in 5 Republicans agreed.)
- Americans disapproved 54–45 percent of ICE conducting more raids to find undocumented immigrants at workplaces, according to a Pew Research Center poll last month.

Americans also appear to disagree with some of the more heavy-handed aspects of the deportation program:

- They disapproved 55–43 percent of significantly increasing the number of facilities to hold immigrants being processed for deportation, per Pew—even as the Trump administration celebrates Florida's controversial new “Alligator Alcatraz.”
- They said by a nearly 2-to-1 margin that it's “unacceptable” to deport an immigrant to a country other than their own, per Pew—another key part of the administration's efforts.
- They also disapproved, 61–37 percent, of deporting undocumented immigrants to a prison in El Salvador—the place where the administration sent hundreds without due process, in some cases in error (such as with Kilmar Abrego Garcia, who has since been returned).

There's a real question in all of this whether people care that much. They might disapprove of some of the more controversial aspects of Trump's deportations, but maybe it's not that important to them—and they might even like the ultimate results.

That's the bet Trump seems to be making: that he can push forward on something his base really wants and possibly even tempt his political opponents to overreach by appearing to defend people who are in the country illegally.

But at some point, the White House has got to look at these numbers and start worrying that its tactics are backfiring.

Gallup shows the percentage of Americans who favor deporting all undocumented immigrants dropping from 47 percent last year during the 2024 campaign down to 38 percent now that it's a reality Trump is pursuing.

And all told, Trump's second term has actually led to the most sympathy for migrants on record in the 21st Century, per Gallup. Fully 79 percent of Americans now say immigration is a "good thing," compared with 64 percent last year.

The writing has been on the wall that Americans' support for mass deportation was subject to all kinds of caveats and provisos. But the administration appears to have ignored all that and run headlong into problems of its own creation.

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#### STATEMENT OF CHURCH WORLD SERVICE

JULY 2025

For nearly 80 years, Church World Service (CWS) has worked toward our vision of a world in which all people have food, voice, and a safe place to call home. As a global humanitarian organization, CWS represents 9 million people of faith across 14 faith-based organizations and denominations. Through refugee resettlement offices and affiliates, home study and post release services for children, and case management and integration support for newcomers, CWS equips people who have been uprooted from their homes and the American communities that welcome them with the resources they need to thrive. Across the country, we amplify the voices of immigrants and refugees to promote policies at all levels of government that support the shared flourishing of newcomers and welcoming communities.

#### HISTORY AND USE OF PAROLE AUTHORITY

For more than 70 years, parole has existed as a way for foreign nationals to travel to the United States for urgent humanitarian reasons or significant public benefit. Parole can facilitate an individual's travel to the United States for time-sensitive emergencies, like critical medical treatment or a relative's death. The U.S. Government also uses parole to respond to particular humanitarian crises, and it has been used repeatedly to facilitate the evacuations of allies and others at risk following the withdrawal of U.S. troops from war-torn regions. It was first used to support Hungarian refugees in 1956 under President Eisenhower and went on to support people from Vietnam, Cambodia, and the Soviet Union in the 1980's.

Parole allows people to temporarily enter or remain in the United States for specified reasons. Recent humanitarian parole programs, such as Operation Allies Welcome for Afghans, Uniting for Ukraine (U4U), the Processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV), and CBP One, allow the U.S. Government to quickly respond to emerging crises and support people fleeing danger. While in the United States, beneficiaries are able to legally live and work. Every humanitarian parole application approved through these programs was assessed on a case-by-case basis as required by law. Many parolees are required to pay for their travel to the United States and have a U.S.-based sponsor committed to financially supporting them until they gain employment. Through case management and legal services, CWS has assisted Afghans fleeing the Taliban regime, CHNV nationals reuniting with relatives, Central American children joining their parents in the United States, and people seeking safety at the U.S.-Mexico border through CBP One.

In recent years, these programs were the primary reason for the decline in irregular crossings at the U.S.-Mexico border and in some cases redirected people from traveling through the Southern Border altogether. For example, irregular crossings of CHNV nationals fell by 90 percent, and the number of Ukrainians arriving at the Southern Border fell by 99.9 percent after their respective programs were created. A Southern District of Texas judge allowed the CHNV program to continue, finding that Texas and the other States challenging the program benefited from it and were spending less money, not more.

#### ECONOMIC AND SOCIAL CONTRIBUTIONS OF PAROLEES

Parolees have helped meet key labor needs in several industries, from construction and hospitality to manufacturing and health services. There are an estimated 740,000 individuals who entered the United States via parole between 2021 and 2024 who are now working in the U.S. labor force. Labor unions representing workers across a wide array of industries—the AFL-CIO, SEIU, UFCW, UAW, UNITE HERE, IUPAT, IUE-CWA, and BAG—filed a brief in support of parole and described the Trump administration's blanket revocation of CHNV parole status as an

“unprecedented disruption” to the U.S. workforce. The revocation of this parole program is expected to exacerbate labor shortages, forcing U.S. workers to perform more work for longer hours posing health and safety risks and resulting in disruptions to production. In another brief submitted by 15 States and the District of Columbia, States argue that immigrants are key contributors to their communities and that ending parole programs will result in family separations and harm State and local workforces.

Despite the humanitarian parole programs’ social and economic successes for beneficiaries and American communities alike, the Trump administration is attempting to mass terminate many of them. People who entered the United States via these programs did so by submitting an application, undergoing vetting, and receiving approval by the U.S. Government to temporarily live and work here. Now, parolees are losing work authorization and being targeted for arrest and deportation—even when they have on-going immigration proceedings or applications pending. Sponsors—the majority of whom are family members—are seeing their loved ones unexpectedly torn away from them and forced to return to unstable situations.

Parole programs are even more necessary today to facilitate orderly and humane migration as more people than ever experience forced displacement as a result of conflict, climate disaster, and persecution around the world. As a faith-based organization providing relief from hunger, poverty, displacement, and disaster, CWS recognizes that our collective flourishing depends on the safety and security of everyone. We urge Members of Congress to honor the humanity and dignity of all people and recognize the contributions that our new neighbors have brought to our communities. Congress has a moral imperative to support measures rooted in collective concern for newcomers and the communities that welcome them.

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STATEMENT OF REFUGEES INTERNATIONAL

JULY 15, 2025 AT 2 O’CLOCK PM ET

Refugees International is an independent, non-profit organization that advocates for lifesaving assistance, human rights, and protection for forcibly displaced people around the world. Refugees International Director for the Americas and Europe, Dr. Yael Schacher has written extensively on the history of parole authority and of parole programs.<sup>1</sup>

This history shows that parole has been used extensively by Democratic and Republican administrations. Both before and after Congress passed the Illegal Immigration and Immigrant Responsibility Act of 1996, immigration agencies vetted each individual who came through parole programs—including Cubans paroled in the 1960’s and people from Vietnam in the 1980’s and 1990’s. Programs allow certain populations to access assessment for parole, but individuals are still assessed case-by-case. The Trump administration acknowledges this reality—pointing to the great amount of work done by CBP officers to vet each person who arrived at U.S. airports through the CHNV program. But, at the same time, it has terminated CHNV parole en-masse and begun to expeditiously remove people who came here legally through ports of entry and have ongoing immigration proceedings and applications pending.

Indeed, the Trump administration is turning parole policy on its head. Parole is intended to facilitate the entrance of foreign nationals for urgent humanitarian reasons or significant public benefit—while the Trump administration’s mass termination of parole is inhumane and detrimental to U.S. interests, sowing chaos across U.S. communities and disruption to critical industries that power the American economy.

Like past parole programs, the CHNV program required a sponsor to initiate an application and financially support the parolee. Current parolees have also applied for work authorization, are supporting themselves, and contributing to the strength of the U.S. economy. A Summer 2024 Refugees International survey of over 420 adults paroled into the United States through the CHNV program found that over 95 percent of them were working, most prominently in the service and caregiving

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<sup>1</sup> Yael Schacher, “Supplementary Protection Pathways to the United States: Lessons from the Past for Today’s Humanitarian Parole Policies,” Refugees International, November 2022 <https://www.refugeesinternational.org/reports-briefs/supplementary-protection-pathways-to-the-united-states-lessons-from-the-past-for-todays-humanitarian-parole-policies/>. Yael Schacher, expert declaration on the history of parole, June 2023, <https://www.courtlistener.com/docket/66754800/175/76/state-of-texas-v-us-department-of-homeland-security/>. Yael Schacher, amicus brief on the history of parole, October 2023, <https://d3jwam0i5codb7.cloudfront.net/wp-content/uploads/2024/01/177116362608.pdf>.

sectors but also significantly in construction and manufacturing. Terminating the parole of everyone in the CHNV program means termination of their associated work authorization as well, leaving employers empty-handed. The survey also found that a large majority of sponsors of parolees were U.S. citizens or permanent residents, with a majority being relatives. Revoking parole will rip U.S. families apart.<sup>2</sup> It is also inhumane to ask Haitian CHNV parolees—a majority of whom have outstanding applications for TPS and asylum that USCIS stopped processing under this administration—to return to a country much more insecure than when they left.<sup>3</sup>

The published testimony by the witnesses at today's hearing are full of unfounded attacks against people who have come into the United States on parole. The testimony about the fiscal impact of parolees is speculative because data on their educational attainment is unavailable. The testimony also concedes that recent arrivals from Haiti, the nationality group that most benefited from the CHNV program, do not use welfare in larger numbers than those born in the United States. What we do know definitively, as several labor unions described in a brief about CHNV to the Supreme Court, is that abrupt termination of parolees' work authorization will disrupt production across several industries and harm American workers with "punishing work conditions including excessive mandatory overtime . . . [or] layoffs [by] employers no longer able to meet consumer demand as a result of a sudden reduction in staffing."<sup>4</sup> Another witness today is a former security official who claims—without any evidence, indeed even citing inspector general findings that do not exist—that people who arrive through parole programs are a threat to United States national security. Former security officials Refugees International interviewed assert the opposite.<sup>5</sup> The testimony also casts aspersions on Afghan allies, the vetting of whom was recently found by the Justice Department inspector general to have been thoroughly sound.<sup>6</sup>

In a memo on January 20, 2025, acting DHS Secretary Benjamine Huffman wrote that parole should never be used to facilitate the entrance of people with prima facie asylum claims. But that is exactly how it has, historically, been used to evacuate allies—this was true in 1996 when the United States evacuated Iraqi Kurds and paroled them to Guam to seek asylum, and it was true when the United States evacuated Afghans from Kabul in 2021 and paroled them in at Dulles airport so that they could seek asylum in the United States. Since 1980, parole has also been frequently used as a pathway to safety alongside refugee resettlement, whether it be for Cambodians in 1985, for people from the former Soviet Union in 2001, or for Central American minors in 2016.

At a time of unprecedented forced displacement because of both sudden and protracted conflicts and environmental disasters, it is all the more important for Congress to maintain—rather than limit—a flexible parole authority to help manage migration and facilitate the entry of people for humanitarian reasons.

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TRUMP IS CREATING NEW UNIVERSES OF PEOPLE TO DEPORT

*Analysis by Zachary B. Wolf*

*Published 4 o'clock AM EDT, Thu June 26, 2025*

*CNN.*—The full scope of the Trump administration's mass deportation plan—which has been evident in theory—is only just starting to come together in practice, and its scale has come as a surprise to many Americans.

This week, the Supreme Court blessed, for now, the administration's effort to deport people from countries such as Cuba and Venezuela to places other than their homeland, including nations halfway around the world in Africa.

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<sup>2</sup>Yael Schacher, "Setting the Record Straight on CHNV," Refugees International, March 28, 2025, <https://www.refugeesinternational.org/perspectives-and-commentaries/setting-the-record-straight-on-chnv>.

<sup>3</sup>Parolee Immigrant Benefit Tracking, Exhibit 3 in Plaintiffs Motion for Partial Summary Judgement, June 16, 2025, *Doe et al. v. Noem et al.*, 1:25-cv-10495-IT (D. Mass.) <https://drive.google.com/file/d/1zzHUWVOGa7Z04orBqee3yLYHliep7nR/view>.

<sup>4</sup>Amicus Brief of the AFL-CIO and affiliated unions SEIU, UFCW, UAW, UNITE HERE, IUPAT, IUE-CWA, and BAC, May 16, 2025, *Noem v. Doe*, <https://www.supremecourt.gov/DocketPPF/24/24A1079/358963/20250516121003835CHNY%20Brief%20FINAL.pdf>.

<sup>5</sup>"Guerven's Story," Refugees International, July 7, 2025 <https://www.refugeesinternational.org/perspectives-and-commentaries/let-them-stay-guervens-story/>.

<sup>6</sup>"Audit of the Federal Bureau of Investigation's Participation in the Handling of Afghan Evacuees During Operation Allies Refuge and Operation Allies Welcome," June 10, 2025, <https://oig.justice.gov/news/doi-oig-releases-report-federal-bureau-investigations-participation-handling-afghan-evacuees>.

In Florida, construction began on a migrant detention center intended to be a sort of Alcatraz in the Everglades.

And CNN reported exclusively that the administration will soon make a large universe of people who had been working legally after seeking asylum eligible for deportation.

I went to the author of that report, CNN's Priscilla Alvarez, and asked her to explain what we know and what we're learning about how the different stories are coming together.

One thing that stuck out to me is how the totality of the administration's actions is turning people who had been working legally in the US into undocumented immigrants now facing deportation.

Our conversation, edited for length, is below:

*A new universe of deportable people*

WOLF: You have this exclusive report about a large universe of new people the Trump administration might be trying to deport. What did you find out?

ALVAREZ: The plans that the administration has been working on are targeting people who came into the US unlawfully and then applied for asylum while in the country.

The plan here is to dismiss those asylum claims, which could affect potentially hundreds of thousands of people and then make them immediately deportable.

It also puts the US Citizenship and Immigration Services, the Federal agency responsible for managing Federal immigration benefits, at the center of the president's deportation campaign, because not only are they the ones that manage these benefits, but they have also been delegated the authority by the Department of Homeland Security to place these individuals in fast-track deportation proceedings and to take actions to enforce immigration laws.

This is a shift that is prompting a lot of concern. As one advocate with the ACLU put it—and I'll just quote her—"They're turning the agency that we think of as providing immigration benefits as an enforcement arm for ICE."

*Widening the aperture to deport more and more people*

WOLF: This is certainly not the criminal population that President Donald Trump and border czar Tom Homan said during the campaign that they would target first for deportation, right?

ALVAREZ: You're right to say that coming into this administration, Trump officials repeatedly said their plans were to target people with criminal records.

That is a hard thing to do. It requires a lot of legwork, and their numbers in terms of arrests were relatively low compared to where they wanted to be.

The White House wants to meet at least 3,000 arrests a day, and you just cannot do that if you are only going after people with criminal records.

Now we've seen that aperture widen to include anyone who's in the United States illegally.

The administration's perspective on this is that these are individuals who crossed the border unlawfully, therefore they are eligible for deportation.

But there has been consternation even among the president's allies about who exactly they're going after.

In fact, there was recently a letter from Republican lawmakers to the administration asking for a breakdown of who they were arresting.

*What types of people is the administration targeting?*

WOLF: It's hard to keep track of the different buckets of people the Trump administration has targeted, like those with temporary protected status (TPS) versus asylum-seekers. How should we distinguish between them?

ALVAREZ: Temporary protected status only applies to people who are currently residing in the US. It's a form of humanitarian relief. The United States acknowledges that the conditions in your country are not ones that they could send you back to.

The Trump administration has started to peel that back and said that the conditions are sufficient, therefore we can send you back.

There's certainly a debate for many of these countries as to whether or not that is true, but that has been a long criticism of temporary protected status. What is supposed to be temporary for some countries has been extended so many times that it is no longer temporary.

Parole is another existing legal authority. The United States has frosty relations, for example, with Cuba and Venezuela, and it's very hard to deport people to those countries because they might not accept repatriation flights.

The Biden administration argued that creating a parole program would give people the opportunity to legally migrate to the United States without coming to the

US-Mexico border. Hundreds of thousands of people took advantage of that opportunity, and it was very specific to certain nationalities, particularly Cubans, Haitians, Nicaraguans and Venezuelans.

There are two more buckets I'll mention: Refugees are people who seek protection in the United States from abroad. Asylum-seekers are those who do it from the United States.

All those buckets have been targeted under the Trump administration, and there have been moves to strip those protections from the people who have them.

A lot of this is still working its way through litigation. But the effect is that people who perhaps had protection in the United States—could work here legally, could live here, even if temporarily—don't have them anymore and are now eligible for deportation.

*People who were working legally are now undocumented*

WOLF: So the Trump administration essentially created a large new population of undocumented people who were previously here with some sort of blessing from the government?

ALVAREZ: Yes. I've been talking to experts in industries that depend on migrant workers and there have been situations where someone had hired a migrant worker who had a work permit to legally work here while their applications are being adjudicated, while they went through their immigration proceedings, and they don't have that anymore. Those protections and benefits have been stripped.

That person who was hired legally is now suddenly undocumented. That can create an issue for industries that depend on the migrant workforce.

Someone mentioned that to me as an example earlier this week, as we were talking through how it can affect agriculture, construction and manufacturing.

We don't have a good sense of the numbers yet, but all indications are that by stripping protections consistently through various ways, the number of people who are undocumented in the United States is growing.

*An assist from the Supreme Court*

WOLF: The other thing that happened this week is the Supreme Court allowed, for now, the Trump administration to carry on with deporting people from countries that we've just discussed—Cubans or Venezuelans—to third-party countries such as South Sudan. What do we know about those people?

ALVAREZ: The people you're talking about are a group of migrants who were being sent to South Sudan. They're in Djibouti because of litigation, and they are now being interviewed to see if they have grounds for what we call "reasonable fear."

But just to broaden out from that group, this decision from the Supreme Court was a very big deal.

Being able to send people to a country that is not their own, but that is willing to take others—that's a huge deal for the administration to ramp up how many people that they are deporting at any one time.

There is the question of due process, which has sort of been a theme in this administration.

How much time do you have to provide notice to an individual that they are not going to be deported to their home country—they're going to be deported elsewhere?

How much time, if any, do you give for them to contest their removal to that specific country?

The overarching point here is that this decision gives the administration so much more runway to execute on their deportation plan.

*Where does 'Alligator Alcatraz' fit in?*

WOLF: The thing that was interesting this week is the so-called Alligator Alcatraz and these efforts to create new detention facilities. How would those be used?

ALVAREZ: Let me actually tie these two points together, from your previous question to now. What we are seeing currently is the Trump administration trying to solve for existing hurdles in the immigration system for arresting and deporting people in large numbers.

ICE only has a limited number of detention beds. They're only funded for an average of 41,500 beds, but they work with local jails. They have community partners to detain people. Currently, there are more than 58,000 people in ICE custody. They are completely over capacity.

That means that they have to look for new ways to detain people, and "Alligator Alcatraz" is an example of that, which is essentially building a facility very quickly to hold up to 5,000 people and using some FEMA funds so that the State can erect this facility.

It's called "Alligator Alcatraz" because it is located in the Everglades, Florida. The idea is that it would be low-cost because they don't have to worry much about security, given that the surroundings are marshes and swamps full of alligators and pythons. So essentially, if one were to escape, they wouldn't make it very far.

It is perhaps a clue or the beginning of how we might see the administration strike more agreements with consenting States or with private companies or military bases to house detainees.

The White House imposed a goal of arresting 3,000 people a day. Well, there comes the next question of where do you put them, especially if you've maxed out ICE detention beds.

Now we're holding more than 58,000 people and deportations can't keep up. And so there comes the Supreme Court decision of allowing the administration to deport people to other countries.

You can start to see how the puzzle pieces are slowly coming together for the administration as they try to execute on this lofty campaign promise.

*The picture comes into focus*

WOLF: You used two interesting words there—clues and puzzle pieces. Do you feel like we have a grasp of everything that the Trump administration is doing right now on the immigration and deportation front?

ALVAREZ: They've had 4 years to think about this. Stephen Miller (who is White House deputy chief of staff) knows the immigration system, there's no question about that, and is the architect when it comes to many of these policies.

I would say that over the last 6 months the administration has been quietly doing a lot behind the scenes that the average person was probably not paying attention to. It may have come in the form of regulations, or it may have come in the form of policy guidance, or diplomatic talks that are happening with countries to eventually take other nationalities.

What's been interesting about this particular moment is that everything that they were quietly working on is starting to come to light.

The X factor is: Do they get the billions and billions of dollars from the massive package that's working its way through Congress? Because if they do that, it will be a game-changer for them, and it will eliminate so many resource issues, and we could really see this plan take off.

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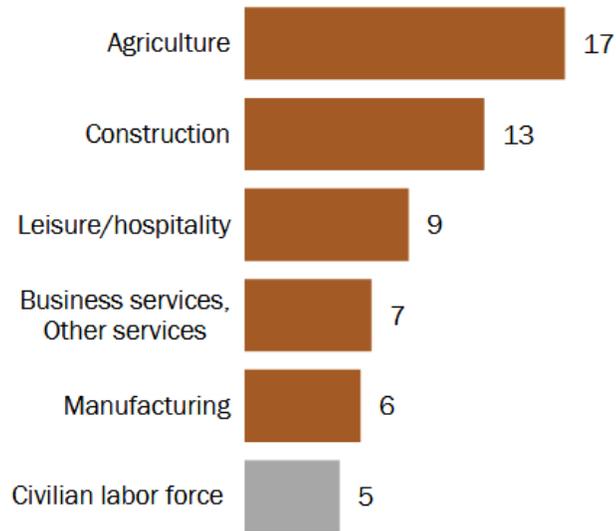
EXCERPT FROM REPORT FROM THE PEW RESEARCH CENTER

1. INDUSTRIES OF UNAUTHORIZED IMMIGRANT WORKERS

Unauthorized immigrants are unevenly distributed across some industrial sectors and occupations in the U.S. economy. Compared with their 5 percent share of the overall civilian workforce, they are a higher share in some types of employment and a lower share in others. They tend to cluster in sectors and occupations that offer low-skilled work, due in part to their low educational attainment and the limitations placed on employment by their legal status. However, in all sectors, there are more U.S.-born workers than unauthorized immigrant workers. (See the table on page 27 for data on workers' status by major industry.)

## Some industries have high shares of unauthorized immigrant workers

*% of workers in \_\_\_\_ industry who are unauthorized immigrants, 2014*



Note: Percentages calculated from unrounded numbers. Rankings based on unrounded percentages. The industry groups shown correspond to the Census Bureau classifications for major industry groups. The names have been shortened for display purposes. See Methodology for full Census Bureau classifications.

Source: Pew Research Center estimates from augmented 2014 American Community Survey (IPUMS).

"Size of U.S. Unauthorized Immigrant Workforce Stable After the Great Recession"

### PEW RESEARCH CENTER

In 2014, unauthorized immigrants accounted for 17 percent of the workforce in the U.S. agriculture industry and 13 percent of the construction industry workforce, notably higher than their representation in the labor force overall. Even so, the number and share of U.S.-born workers in both sectors were notably higher, accounting for 69 percent of agricultural industry employment and 76 percent of construction industry employment. In these two sectors the number (and share) of unauthorized immigrant workers was slightly higher than that of lawful immigrant workers; in all other sectors, the number of lawful immigrant workers was substantially larger than for unauthorized immigrants.

Unauthorized immigrants are somewhat overrepresented in the leisure and hospitality sector, where they made up 9 percent of the workforce in 2014. In this sector,

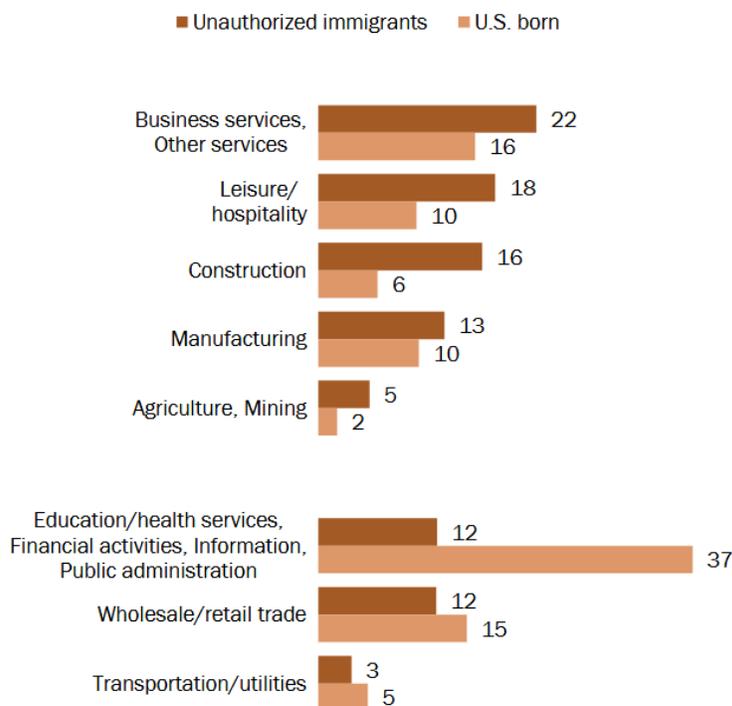
though, they were a lower share of the workforce than both U.S.-born employees (79 percent) and lawful immigrant employees (12 percent).

Some subsets of each major industry have particularly high concentrations of unauthorized immigrants among their workers. About a fifth or more of the workforce in the crop production industry (22 percent), private household employment (22 percent) and the landscaping industry (21 percent) consisted of unauthorized immigrants in 2014. Disproportionately high shares of unauthorized immigrants also worked in the apparel manufacturing industry (19 percent), the building maintenance sector (19 percent) and the dry cleaning and laundry industry (18 percent). (See the table on page 31 for data on specific industries.)

How is the unauthorized immigrant workforce distributed across industrial sectors? A disproportionate share of unauthorized immigrants are employed in the business and other services sectors. These sectors cover a wide range of establishments such as legal services, advertising, landscaping and waste management, as well as personal services such as dry cleaning, nail salons and car washes. Fully 22 percent of unauthorized immigrants worked in these sectors in 2014, compared with 16 percent of U.S.-born workers.

## Unauthorized immigrants and U.S.-born workers have different industry profiles

*% of each status group's workers who are in each major industry, 2014*



Note: Percentages calculated from unrounded numbers. Rankings based on unrounded percentages. The industry groups shown correspond to the Census Bureau classifications for major industry groups. The names have been shortened for display purposes. See Methodology for full Census Bureau classifications.

Source: Pew Research Center estimates based on augmented 2014 American Community (IPUMS).

"Size of U.S. Unauthorized Immigrant Workforce Stable After the Great Recession"

### PEW RESEARCH CENTER

A notably higher share of unauthorized immigrants (16 percent in 2014) work in the construction industry compared with U.S.-born workers and lawful immigrants (6 percent) each. Unauthorized immigrants also are more likely to work in the leisure and hospitality sector (18 percent did in 2014) compared with U.S.-born and lawful immigrant workers (each 10 percent).

In 2014, the agriculture and mining industries employed only 5 percent of all unauthorized immigrant workers, but that is higher than the share of U.S.-born workers (2 percent) who held jobs in that industry.

In some industries, the disparity is in the other direction. For example, 23 percent of U.S.-born workers were employed in the educational and health services sector in 2014, compared with only 7 percent of unauthorized immigrants who were so employed. An additional 7 percent of U.S.-born workers were employed in the financial sector, compared with 3 percent of unauthorized immigrant workers. The transport

and utilities sector employed 5 percent of U.S.-born workers in 2014, but 3 percent of unauthorized immigrant workers.

*State industry patterns*

Echoing the national pattern, agriculture and construction are the industries where unauthorized immigrants make up the highest share of the overall civilian workforce in the largest number of States. Agriculture ranked first in 19 States in 2014 and second in nine more. Nationally, unauthorized immigrants accounted for 17 percent of workers in the agriculture industry in 2014, but were 5 percent of the total U.S. workforce. Construction ranked first in 16 States in 2014 and second in 16 more.\*

Looked at from another perspective—how unauthorized immigrant workers are distributed across industry sectors—the picture changes somewhat. Construction ranked first in 2014 as the industry that employs the largest share of unauthorized immigrant workers in 14 States, more States than any other industry. Nationwide, 16 percent of unauthorized immigrant workers were employed in the construction industry. The leisure and hospitality sector ranks second, employing the largest share of the unauthorized immigrant workforce in 10 States in 2014. (See tables on page 36 for the top industries for unauthorized immigrants by State in 2014).

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DAIRY FARMS ARE VULNERABLE TO TRUMP'S MASS DEPORTATION THREATS. THE INDUSTRY HOPES TO GET A PASS

*By Bridgit Bowden & Hope Kirwan, Harvest Public Media*

*May 19, 2025, 6 a.m.*

Once a week on a dairy farm in western Wisconsin, there's a class to help workers from Mexico learn English. Gathered in a small kitchenette next to the milking parlor, the students work on a lesson about things they are proud of.

"I am proud of myself because I am saving money for building a house in Mexico," said Kevin, who came to Wisconsin about 5 years ago, arriving from Mexico in the January cold. WPR is only using workers' first names because of their immigration statuses.

Kevin says he never feared being deported before the 2024 election. But now, he said, things have changed.

On the campaign trail, President Donald Trump promised "mass deportations." It's been a big concern for industries like dairy that rely on the labor of workers without legal immigration status.

Now, a few months into the new administration, the immigration rhetoric is still intense. There have been many high-profile deportations.

Still, many dairy workers in States like Wisconsin are carrying on with their work, as those enforcement efforts have mostly been focused elsewhere.

*'We think it's rhetoric'*

Kevin isn't scared, he said, just worried, mostly about the possibility of being treated badly by immigration authorities. But he hasn't changed his day-to-day behavior at all.

For the dairy industry, that's good. The National Milk Producers Federation estimates immigrants make up 51 percent of the industry's workforce, and the farms that rely on them produce 79 percent of U.S. milk.

Farm owner John Rosenow said Kevin reflects how many dairy workers feel about the new Trump administration.

"They're basing everything off of last time," he said. "[Trump] said the same thing last time, and then nothing happened. And so people aren't going home. They're staying and they're working and going about their daily lives."

The majority of the workers who keep Rosenow's farm running are from Mexico. He's hopeful the more than \$50 billion the dairy industry contributes to Wisconsin's economy each year will protect dairy workers from being deported.

"It just doesn't make sense that the Federal Government would ruin an industry by being overzealous on immigration. And we think it's rhetoric," he said.

But other producers are more worried about how the industry's workforce will react to the growing number of deportations.

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\*This report includes estimates of the number of unauthorized immigrants by industry in 43 States and the District of Columbia where there are enough unauthorized immigrants in the workforce to provide reliable data.

Doug Chapin is a dairy farmer in central Michigan and chair of the Michigan Milk Producers Association board. He recently had an employee leave his farm in order to return to his home country.

“He said he thought now was a good time,” Chapin said. “His family was there and so he chose to go back. And I think some of it dealt with the current immigration pressures.”

Chapin said there is some optimism that the focus on immigration by the Trump administration could lead to reforms. He said the dairy industry has been asking lawmakers for two decades to update the process for farm workers. The current system primarily uses seasonal visas, which doesn’t work for milking cows year-round.

The farm community has largely supported Trump, which Chapin said may mean the president is more willing to endorse a new immigration pathway.

“My hope is that we can avoid the loss of employees, ICE on farms, and that we have an opportunity to put a resolution in before we get there,” he said.

*Future of immigration reform, enforcement uncertain*

Earlier this month, President Donald Trump suggested his administration would work with farmers to provide legal status for their employees.

According to reporting by Reuters, the president said during an April 10 Cabinet meeting that producers would be able to vouch for their workers who are undocumented, potentially slowing down the deportation process and “ultimately bring them back” with legal status. Reuters reported the White House and the Department of Agriculture did not respond to requests to clarify the policy.

Julia Gelatt, associate director of the U.S. program at the Migration Policy Institute, said the process that Trump alluded to would take an act of Congress to achieve. Current law requires anyone who spends more than a year in the U.S. without legal status to wait 10 years before re-entering the country legally.

“It sounds a bit to me like a stretch to expect Congress to create this pathway over the next couple of years, although if President Trump really continued to endorse it, that could really create a new political opening that we hadn’t seen for visa reform,” she said.

ICE has already made arrests on dairy farms under the Trump administration, including in northern New York in March and in Vermont in April. Yet many of the highest-profile immigration actions have been more politically motivated, like student visa holders who have been arrested and detained after participating in protests.

Gelatt said there are several outstanding legal questions surrounding the tactics the Trump administration is using. That includes the use of old, little-used laws as justification for deportations.

“How those court cases proceed could determine the course of some of those activities,” she said.

It could also shape whether the administration pursues more sweeping deportations. There have been more deportations so far than during the first Trump administration, Gelatt said, but fewer than the first years under President Obama, pointing out that most arrests happen when local jails turn people over to Immigration and Customs Enforcement.

Still, Gelatt suspects the Trump administration is planning more workplace raids at some point. Other industries, like meat packing, have been more frequent targets of these actions in the past.

“Those take some time to prepare,” she said. “Often there’s a lot of investigation that happens before the actual arrests happen. So those may be in the works.”

*Work on the farm continues*

While all that plays out, the cows on Rosenow’s farm still have to be milked and cared for—day in, and day out.

Ramón has been working on the farm for about 2 years. Like many dairy workers in the area, his wife and kids are back in Mexico. So unlike some people in the country without legal status, he’s not worried about the prospect of being separated from his family.

In fact, his main concern about being deported isn’t for himself at all—it’s for the farm. If all the workers were sent back to Mexico, he said, the consequences would be devastating.

“No más dinero, no más leche,” he said. “No more money, no more milk.”

*This story first appeared on Wisconsin Public Radio. This version was produced in partnership with Harvest Public Media, a collaboration of public media newsrooms in the Midwest. It reports on food systems, agriculture and rural issues.*

IRISH TOURIST JAILED BY ICE FOR MONTHS AFTER OVERSTAYING US VISIT BY 3 DAYS:  
'NOBODY IS SAFE'

EXCLUSIVE: FOR ROUGHLY 100 DAYS, THOMAS SAYS HE FACED HARSH DETENTION  
CONDITIONS, DESPITE AGREEING TO DEPORTATION

*Sam Levin, The Guardian*

*Tue 15 Jul 2025 06.00 EDT*

Thomas, a 35-year-old tech worker and father of three from Ireland, came to West Virginia to visit his girlfriend last fall. It was one of many trips he had taken to the US, and he was authorized to travel under a visa waiver program that allows tourists to stay in the country for 90 days.

He had planned to return to Ireland in December, but was briefly unable to fly due to a health issue, his medical records show. He was only 3 days overdue to leave the US when an encounter with police landed him in Immigration and Customs Enforcement (ICE) custody.

From there, what should have been a minor incident became a nightmarish ordeal: he was detained by ICE in three different facilities, ultimately spending roughly 100 days behind bars with little understanding of why he was being held—or when he'd get out.

"Nobody is safe from the system if they get pulled into it," said Thomas, in a recent interview from his home in Ireland, a few months after his release. Thomas asked to be identified by a nickname out of fear of facing further consequences with US immigration authorities.

Despite immediately agreeing to deportation when he was first arrested, Thomas remained in ICE detention after Donald Trump took office and dramatically ramped up immigration arrests. Amid increased overcrowding in detention, Thomas was forced to spend part of his time in custody in a Federal prison for criminal defendants, even though he was being held on an immigration violation.

Thomas was sent back to Ireland in March and was told he was banned from entering the US for 10 years.

Thomas's ordeal follows a rise in reports of tourists and visitors with valid visas being detained by ICE, including from Australia, Germany, Canada and the UK. In April, an Irish woman who is a US green card holder was also detained by ICE for 17 days due to a nearly two-decade-old criminal record.

The arrests appear to be part of a broader crackdown by the Trump administration, which has pushed to deport students with alleged ties to pro-Palestinian protests; sent detainees to Guantánamo Bay and an El Salvador prison without presenting evidence of criminality; deported people to South Sudan, a war-torn country where the deportees had no ties; and escalated large-scale, militarized raids across the US.

*I thought I was going home'*

In an exclusive interview with the Guardian, Thomas detailed his ordeal and the brutal conditions he witnessed in detention that advocates say have long plagued undocumented people and become worse under Trump.

Thomas, an engineer at a tech firm, had never had any problems visiting the US under the visa waiver program. He had initially planned to return home in October, but badly tore his calf, suffered severe swelling and was having trouble walking, he said. A doctor ordered him not to travel for eight to 12 weeks due to the risk of blood clots, which, he said, meant he had to stay slightly past 8 December, when his authorization expired.

He obtained paperwork from his physician and contacted the Irish and US embassies and Department of Homeland Security (DHS) to seek an extension, but it was short notice and he did not hear back, he said.

"I did everything I could with the online tools available to notify the authorities that this was happening," he said, explaining that by the time his deadline to leave the US had approached, he was nearly healed and planning to soon return. "I thought they would understand because I had the correct paperwork. It was just a couple of days for medical reasons."

He might have avoided immigration consequences, if it weren't for an ill-timed law enforcement encounter.

Thomas and his girlfriend, Malone, were visiting her family in Savannah, Georgia, when Thomas suffered a mental health episode, he and Malone recalled. The two had a conflict in their hotel room and someone overheard it and called the police, they said.

Malone, who requested to use her middle name to protect her boyfriend's identity, said she was hoping officers would get him treatment and did not want to see him

face criminal charges. But police took him to jail, accusing him of “falsely imprisoning” his girlfriend in the hotel room, a charge Malone said she did not support. He was soon released on bond, but instead of walking free, was picked up by US immigration authorities, who transported him 100 miles away to an ICE processing center in Folkston, Georgia. The facility is operated by the private prison company Geo Group on behalf of ICE, with capacity to hold more than 1,000 people.

Thomas was given a two-page removal order, which said he had remained in the US 3 days past his authorization and contained no further allegations. On 17 December, he signed a form agreeing to be removed.

But despite signing the form he remained at Folkston, unable to get answers about why ICE wasn’t deporting him or how long he would remain in custody. David Cheng, an attorney who represented Thomas, said he requested that ICE release him with an agreement that he’d return to Ireland as planned, but ICE refused.

At one point at Folkston, after a fight broke out, officers placed detainees on lockdown for about 5 days, cutting them off from contacting their families, he said. Thomas said he and others only got approximately 1 hour of outdoor time each week.

“I did everything I could . . . to notify the authorities that this was happening.”—Thomas

In mid-February, after about 2 months in detention, officers placed him and nearly 50 other detainees in a holding cell, preparing to move them, he said: “I thought I was finally going home.” He called his family to tell them the news.

Instead, he and the others were shackled around their wrists, waists and legs and transported 4 hours to a Federal correctional institution in Atlanta, a prison run by the US Bureau of Prisons (BoP), he said.

BoP houses criminal defendants on Federal charges, but the Trump administration, as part of its efforts to expand ICE detention, has been increasingly placing immigrants into BoP facilities—a move that advocates say has led to chaos, overcrowding and violations of detainees’ rights.

*‘We were treated less than human’*

Thomas said the conditions and treatment by BoP were worse than ICE detention: “They were not prepared for us whatsoever.”

He and other detainees were placed in an area with dirty mattresses, cockroaches and mice, where some bunkbeds lacked ladders, forcing people to climb to the top bed, he said.

BoP didn’t seem to have enough clothes, said Thomas, who got a jumpsuit but no shirt. The facility also gave him a pair of used, ripped underwear with brown stains. Some jumpsuits appeared to have bloodstains and holes, he added.

Each detainee was given one toilet paper roll a week. He shared a cell with another detainee, and he said they were only able to flush the toilet three times an hour. He was often freezing and was given only a thin blanket. The food was “disgusting slop”, including some kind of mysterious meat that at times appeared to have chunks of bones and other inedible items mixed in, he said. He was frequently hungry.

“The staff didn’t know why we were there and they were treating us exactly as they would treat BoP prisoners, and they told us that,” Thomas said. “We were treated less than human.”

He and others requested medical visits, but were never seen by physicians, he said: “I heard people crying for doctors, saying they couldn’t breathe, and staff would just say, ‘Well, I’m not a doctor,’ and walk away.” He did eventually receive the psychiatric medication he requested, but staff would throw his pill under his cell door, and he’d sometimes have to search the floor to find it.

Detainees, he said, were given recreation time in an enclosure that was partially open to fresh air, but resembled an indoor cage: “You couldn’t see the outside whatsoever. I didn’t see the sky for weeks.” He had sciatica from an earlier hip injury and said he began experiencing “unbearable” nerve pain as a result of the lack of movement.

Thomas said it seemed ICE’s placements in the BoP facility were arbitrary and poorly planned. Of the nearly 50 people taken from ICE to BoP facility, about 30 of them were transferred back to Folkston a week later, and the following week, two from that group were once again returned to the BoP facility, he said.

In the BoP facility, he said, ICE representatives would show up once a week to talk to detainees. Detainees would crowd around ICE officials and beg for case updates or help. ICE officers spoke Spanish and English, but Middle Eastern and North African detainees who spoke neither were stuck in a state of confusion. “It was pandemonium,” Thomas said.

“It seems like a completely incomprehensible, punitive detention.”—Sirine Shebaya

Thomas said he saw a BoP guard tear up “watching the desperation of the people trying to talk to ICE and find out what was happening”, and that this officer tried to assist people as best as she could. Thomas and Malone tried to help asylum seekers and others he met at the BoP facility by connecting them to advocates.

Thomas was also unable to speak to his children, because there was no way to make international calls. “I don’t know how I made it through,” he said.

In mid-March, Thomas was briefly transferred again to a different ICE facility. The authorities did not explain what had changed, but two armed Federal officers then escorted him on a flight back to Ireland.

The DHS and ICE did not respond to inquiries, and a spokesperson for the Geo Group declined to comment.

Donald Murphy, a BoP spokesperson, confirmed that Thomas had been in the bureau’s custody, but did not comment about his case or conditions at the Atlanta facility. The BoP is now housing ICE detainees in eight of its prisons and would “continue to support our law enforcement partners to fulfill the administration’s policy objectives”, Murphy added.

*‘This will be a lifelong burden’*

It’s unclear why Thomas was jailed for so long for a minor immigration violation. “It seems completely outlandish that they would detain someone for 3 months because he overstayed a visa for a medical reason,” said Sirine Shebaya, executive director of the National Immigration Project, who is not involved in his case and was provided a summary by the Guardian. “It is such a waste of time and money at a time when we’re hearing constantly about how the government wants to cut expenses. It seems like a completely incomprehensible, punitive detention.”

ICE, she added, was “creating its own crisis of overcrowding”. Jennifer Ibañez Whitlock, senior policy counsel with the National Immigration Law Center, also not involved in the case, said, in general, it was not uncommon for someone to remain in immigration custody even after they’ve accepted a removal order and that she has had European clients shocked to learn they can face serious consequences for briefly overstaying a visa.

ICE, however, had discretion to release Thomas with an agreement that he’d return home instead of keeping him indefinitely detained, she said. The Trump administration, she added, has defaulted to keeping people detained without weighing individual factors of their cases: “Now it’s just, do we have a bed?”

Republican lawmakers in Georgia last year also passed State legislation requiring police to alert immigration authorities when an undocumented person is arrested, which could have played a role in Thomas being flagged to ICE, said Samantha Hamilton, staff attorney with Asian Americans Advancing Justice—Atlanta, a non-profit group that advocates for immigrants’ rights. She met Thomas on a legal visit at the BoP Atlanta facility.

Hamilton said she was particularly concerned about immigrants of color who are racially profiled and pulled over by police, but Thomas’s ordeal was a reminder that so many people are vulnerable. “The mass detentions are terrifying and it makes me afraid for everyone,” she said.

Thomas had previously traveled to the US frequently for work, but now questions if he’ll ever be allowed to return. “This will be a lifelong burden,” he said.

Malone, his girlfriend, said she plans to move to Ireland to live with him. “It’s not an option for him to come here and I don’t want to be in America anymore,” she said.

Since his return, Thomas said he has had a hard time sleeping and processing what happened: “I’ll never forget it, and it’ll be a long time before I’ll be able to even start to unpack everything I went through. It still doesn’t feel real. When I think about it, it’s like a movie I’m watching.” He said he has also struggled with long-term health problems that he attributes to malnutrition and inappropriate medications he was given while detained.

He was shaken by reports of people sent away without due process. “I wouldn’t have been surprised if I ended up at Guantánamo Bay or El Salvador, because it was so disorganized,” he said. “I was just at the mercy of the Federal Government.”

DESPITE THREAT OF MASS DEPORTATION, IMMIGRANT WORKERS AND WISCONSIN DAIRY FARMERS CARRY ON

By: Ruth Conniff, *Wisconsin Examiner*—January 10, 2025 5:45 am

President-elect Donald Trump's pledge to deport millions of undocumented immigrants shortly after he takes office on Jan. 20 has triggered a flood of calls to advocates and local officials in Wisconsin.

"There is palpable fear and anxiety with our clients," said Carmel Capati, managing immigration attorney for the Catholic Multicultural Center in Madison. Capati and another immigration attorney, Aissa Olivares of Dane County's Community Immigration Law Center, gave a presentation during a Dec. 27 community forum on immigrant rights organized by former State Rep. Samba Baldeh (D-Madison).

"As we anticipate a change of national leadership, immigrant communities across our State are fearful of what may be coming," Baldeh said. "It is essential that we as elected officials address that fear, stand up for the rule of law, and advocate for human rights-based policies that acknowledge the contributions of immigrants—who are our neighbors, co-workers, and friends."

"There is still a lot of uncertainty," Dane County Sheriff Calvin Barrett said during the forum, which was held on Zoom. "No one knows what's going to happen." But, Barrett assured participants, "We will not be proactively involved in any sort of round-ups, any sort of immigration enforcement."

During their presentation, the immigration attorneys addressed the concerns of university students, Deferred Action for Childhood Arrivals (DACA) recipients, refugees and people from countries eligible for Temporary Protected Status during the administration of President Joe Biden—a status they said they expect Trump to revoke. Wisconsin's immigrant residents should apply for benefits still available to them under the Biden administration, the lawyers said, to get their identity documents in order, and to make an emergency plan in case they are detained, including designating someone to pick up their children from school.

"It's very important that we do avoid situations where we might be subject to arrest," said Olivares. "And if unknown people are knocking on your door, don't open the door."

*How in the hell will we continue to be the Dairy State?*

Nowhere would mass deportation have a bigger impact than on Wisconsin's dairy farms, where an estimated 70 percent of the workforce is made up of immigrants, mostly from Mexico and Central America. Because Congress has never created a year-round visa for low-skilled farm workers, almost all of Wisconsin's immigrant dairy workers are undocumented. Without them, experts say, the whole industry would collapse.

At a Jan. 3 press conference in the Capitol, Wisconsin Gov. Tony Evers called the threat of mass deportation "illogical," and said "we will do everything in our power to prevent it."

"The bottom line is, in Wisconsin, 70 percent of our farms . . . 70 percent of the people may be part of the Federal Government's idea to move them elsewhere, out of our country," Evers said. "Think about that. How in the hell will we continue to be the Dairy State with no one to milk the cows and do the other important work?"

Yet, despite the existential threat posed to dairy workers and Wisconsin's marquee industry by Trump's proposed roundups, during a recent reporting trip to rural Buffalo County—a heavy dairy producing area in Western Wisconsin—workers, farmers and local law enforcement officials told the Examiner they were not scrambling to prepare for raids.

"What are we going to do? We can't do anything," said a dairy worker from Mexico who goes by the nickname Junior and who works for Buffalo County dairy farmer John Rosenow. "We can't hide. All we do is work, go home, go back to work, back home, back to work."

"We all came here not for fun but out of necessity," he added, speaking about the estimated 10,000 immigrant dairy workers in Wisconsin.

Junior, 19, has been working on Rosenow's farm for the last year and a half, sending home money to help support his 3-year-old daughter. Like many of his co-workers, he came north to milk cows because the average wage for dairy workers, at \$11 per hour, is far more than he could earn in Mexico, where a factory job pays the U.S. equivalent of just \$20 per week. For decades, Mexican workers on Rosenow's farm and other farms in the area have saved enough money to build houses, start businesses, and put their children through school back in Mexico.

The risks these workers have taken to come here include walking across the desert at night, evading kidnappers, and nearly suffocating while being smuggled

in the trunk of a car. It can take a full year of work, rising at 4 a.m. to milk cows and shovel out barns, just to pay off a typical \$12,000 debt to smugglers for a border crossing. Compared to all of that, workers say anti-immigrant political rhetoric does not seem like the biggest threat many of them face—especially those from Mexico who came to Wisconsin to build a better life, not, like many asylum-seekers, to flee violent persecution in their home country.

“I haven’t heard any workers ask about what might happen in the new administration,” said translator Mercedes Falk, who travels among about 20 farms in the Buffalo County area, interpreting for farmers and workers. “Farmers and workers are continuing to work side by side because they know that they are the ones that will make sure the cows are taken care of and the farms run smoothly. I think they both have been doing the work for so long that they understand that no one else is going to step in to do the work if it’s not them.”

“In our area, which is typical of most any dairy farm area in the country, most all farms with over 100 cows have immigrants working for them,” Rosenow said.

Rosenow, an outspoken advocate for his workers, helped found the nonprofit Puentes/Bridges, which takes dairy farmers from Wisconsin and Minnesota on an annual trip to rural Mexico, to see the homes and businesses their workers are building with the money they earn in the U.S. Falk, the translator, leads these trips.

“Trump says Mexico is not sending us their best,” Rosenow said during one such trip in 2019. “These Mexican towns are sending us their best when they send their young men up north.” His former workers, he said, have returned home to become leaders in their communities, local employers, and important supporters of two economies—in Wisconsin and in Mexico.

Mexican workers sent home \$51.6 billion from U.S. jobs to help the Mexican economy in 2021, accounting for 4 percent of Mexico’s GDP (oil and gas only accounts for 3.3 percent of GDP for this petroleum producing country).

But while former President Andrés Manuel López Obrador called those workers “living heroes,” Trump has called them criminals and rapists and promised to send them all home.

In rural Wisconsin, which voted heavily for Trump, some farmers who support Trump have told the Examiner they don’t believe he intends to deport their hard-working employees—that his real targets are criminals. But Trump made all undocumented immigrants a priority for deportation in his first term, unlike Biden, whose immigration policy has focused on deporting those who committed crimes or posed a threat to national security.

Republican U.S. Rep. Derrick Van Orden, whose district encompasses a large swath of Western Wisconsin, including Buffalo County, sits on the House Agriculture Committee. Van Orden made cracking down on “criminal illegal aliens” a centerpiece of his 2024 reelection campaign. At a press conference in September, he highlighted a violent attack on a woman by a Venezuelan immigrant to denounce U.S. immigration policy. Van Orden acknowledged at that event that dairy farmers in his district rely on immigrant labor, but then went on to praise the H2A seasonal farmwork visa, which is not applicable to dairy farm work.

“I’m 100 percent behind making sure that we get as many people into the country lawfully to help support our industries,” Van Orden said. “I’m absolutely, adamantly opposed to letting a single known criminal enter this country, because this is what happens.”

Campaign rhetoric about crimes committed by immigrants runs counter to studies that show lower crime rates among immigrants in the U.S. than among U.S.-born residents.

During Evers’ press conference earlier this month, a reporter pressed the Governor on whether he believed undocumented immigrants who commit crimes should be deported.

“What crime, speeding?” Evers asked. “Violent crimes,” the reporter clarified.

“It shouldn’t be treated any differently,” Evers said. Both immigrants and U.S. citizens should be prosecuted and put in prison if they were guilty of crimes, he added. “Serving that time is equally important for someone that is documented and someone that is not.”

#### *The view from Buffalo County*

In Buffalo County, local law enforcement officers told the Examiner they have not seen more crime among the immigrant population than among U.S. born residents of the area. Instead, police say, they can often be the victims.

Recently, Buffalo County Deputy Sheriff Aarik Lackershire got a call from Rosenow’s dairy farm. A worker there had asked Rosenow to lend him \$1,500 to pay

off a U.S. official who was demanding money and telling the worker he had to pay or be prosecuted for a crime.

Rosenow suspected his employee, Junior, was being scammed. Instead of loaning him the money, he called the sheriff. Lackershire arrived on the farm, Rosenow recalled, “with coke-bottle glasses, wearing full riot gear—leather, with a gun on his belt. I swear he was 18 at the most.”

Relations between local law enforcement and the immigrant workers on Wisconsin dairy farms have become strained in recent years because of workers’ fear of deportation. During the first Trump administration, high-profile raids and a hostile political climate caused some workers to return to their home countries while others simply stopped going out. Many live on the farms where they work and avoid contact with the police. Rosenow has fewer than a dozen employees and most of them, young men and a few women, came up from Mexico without their families and live in a barracks on the farm to save money and send more home.

Lackershire did not come to Rosenow’s farm to arrest Junior. Instead, the deputy spent a long time talking to him in Rosenow’s office, next to the milking parlor, listening carefully and explaining to Junior that he had been the victim of a scam.

“He obviously wanted to help,” said Rosenow. “The next day I was in Alma, so I stopped at the sheriff’s office to thank them for doing such a great job.”

*Immigrants are required by law to attest that they are authorized to work in the United States, and employers must review their documents “to determine whether they reasonably appear to be genuine and relate to the employee”—a standard which does not put a heavy onus on employers to carefully scrutinize the documents. Employers of must keep an employment eligibility verification form—Form I-9—on file for each employee for 3 years.*

In addition, the IRS allows immigrants who don’t have a Social Security number to file taxes using an Individual Taxpayer Number (ITN)—a resource advocates have encouraged undocumented workers to use to claim tax credits and other benefits for their families, and to establish their work history for possible future use in obtaining legal immigration status.

For years, dairy farmers have lobbied Congress to create a visa for year-round agricultural workers, expanding on the H-2A agricultural visa program which can only be used by seasonal workers. In 2021, the House passed the Farm Workforce Modernization Act with broad bipartisan support. Among other provisions, it created a visa for immigrant workers who stay in the U.S. year-round. (All of Wisconsin’s Republican House members voted against the bill and all Wisconsin Democrats voted for it.) Sponsors of the Senate version of the bill—Sen. Michael Bennet (D-Colorado) and Sen. Mike Crapo (R-Idaho) struggled to get agreement on controversial provisions. Among the sticking points was an expansion of labor protections opposed by the American Farm Bureau Federation that would have allowed farmworkers to sue their employers.

Farmers and workers in rural Wisconsin say they hope the national anti-immigrant climate will blow over, and that they can’t afford to abandon an economic relationship both groups depend on for their livelihoods. Throughout rural Wisconsin, immigrant workers and the State’s U.S.-born residents continue to coexist and, in many cases, try to help each other, as Lackershire did for Junior.

*‘They don’t know who they can trust’*

At first, when Lackershire showed up at Rosenow’s farm, Junior was reluctant to talk. “It’s a person you don’t know, and you’re telling him things—you feel nervous,” he said in an interview later, in Spanish, recalling the scene. But Lackershire spent a lot of time listening patiently to Junior’s story, with the assistance of Falk, the interpreter, whom Rosenow called and put on speaker phone. Lackershire explained to Junior that the person who called him demanding payment could not have been a U.S. official, since the call came from outside the United States.

“After that he warmed up a little bit,” Lackershire recalled in an interview, sitting at the dining room table at his home in Durand. It was a convoluted extortion scam involving three different callers, one posing as a woman with a sick child who needed help, one as a law enforcement officer, and one as a friend of Junior’s from Mexico. Lackershire said he’s encountered many similar scams, but this was “probably the most layered one I’ve dealt with.”

“He’s telling me about three different people, three different stories, and none of it’s making sense,” Lackershire recalled. “Wow. So that was an obstacle. And obviously, doing all this through translators, some stuff gets lost in translation.”

Falk said she was impressed with Lackershire’s patience. “I never got a sense of any ounce of frustration from him even though it was a long interaction at 9 p.m.,” she said. The whole experience, she added, “gave me a newfound appreciation for

humanity and how empowering it is to connect on a human level in spite of speaking different languages and being from different cultures.”

Scammers target people of all backgrounds, Lackershire said. But immigrants are particularly vulnerable and, in his experience, are more frequently shaken down for large sums of money.

“It seems like they take more advantage of immigrants because they don’t know the legal system of the U.S.,” Lackershire said.

“This group of people obviously has a fear of being sent back to where they came from,” he added. “They don’t know who they can trust.”

That lack of trust makes it harder for law enforcement to do its job.

“We have to go to every 911 call, and we’ve had hang-ups at worker barracks at 4 in the morning,” Lackershire said. “And obviously going around knocking on doors as a police officer at 4 in the morning on a primarily illegal population stirs everybody up and they get nervous. The intention is to see if somebody needs help, and a lot of people aren’t even willing to talk.”

Over time, Lackershire feels he has gained the confidence of people who used to avoid him. Some will now translate for him on occasion. Lackershire himself grew up in the area and went to school with the children of immigrant farm workers. “They are just trying to support their families, which I respect,” he said.

*‘We treat the immigrant workers and nonimmigrant workers the same’*

When, in October 2023, Minnesota stopped requiring proof of legal residency to get a driver’s license, Lackershire began carrying around handouts from a Minnesota immigrant rights group to give to the unlicensed immigrant drivers he pulls over, encouraging them to get a Minnesota license. (The Wisconsin Legislature changed State law in 2007 to bar undocumented immigrants from obtaining driver’s licenses.)

Lackershire said he sees a lot of immigrant drivers in Wisconsin who have registered and insured their vehicles in Minnesota, “trying to do the best they can.” But he still hands out a lot of tickets in Wisconsin for driving without a license. “That’s not something we typically make an arrest for; that’s usually a traffic ticket,” he said. But after they get too many tickets, unlicensed drivers in Wisconsin are treated as though their licenses have been revoked, Lackershire explained, “and then it’s a driving after revocation. And that’s actually a criminal charge.” Criminal charges can trigger an immigration hold and deportation proceedings.

Currently 19 States and the District of Columbia allow unauthorized immigrants to obtain driver’s licenses. In Minnesota, applicants must pass a driving test, have insurance and a Minnesota address where they can receive their license in the mail, but they do not have to provide proof of residency, according to the Minnesota Department of Public Safety.

Having a lot of unlicensed drivers on the road creates a public safety hazard.

Lackershire’s boss, Buffalo County Sheriff Mike Osmond, said in a phone interview that he and his deputies often come upon abandoned cars that are registered to people with no driver’s license and left in a ditch after a crash. “If they are immigrant workers, they tend to not stick around,” he said.

“We treat the immigrant workers and nonimmigrant workers the same,” Osmond added. “If you’re the victim of a crime, I want our deputies to spend time and educate you. We’re not out there looking for immigrant workers.”

As for the possibility that his department might be asked to help with mass deportations, Osmond said he’s not worried. “I guess I’ll figure it out when it happens, if it happens,” he said. He’s not prepared to say what his department policy will be on cooperating with Federal immigration agents.

“In my entire career I don’t know I’ve ever had a request from a Federal agency to help with immigration, except once when there was an ICE hold on someone in the jail,” he said. That was during the first Trump administration.

“If President-elect Donald Trump was sitting in the passenger seat of my truck right now, I’d tell him to deport the people out of the jails and prisons—these are folks who’ve come here and committed a crime.”

*‘I have a lot of goals, a lot of dreams’*

Falk teaches a regular Monday night English class on Rosenow’s farm.

On a recent December evening, she greeted Junior as he came out of Rosenow’s milking parlor, as three people in their early twenties—two young men and one young woman—arrived for class. The three students laughed and teased each other as they took turns translating the sentences Falk wrote on a white board.

Junior, standing off to the side, said he had taken Lackershire’s advice and blocked the people who scammed him. He was glad he’d only given them \$600.

Junior's father also clocked out of the milking parlor while the English class was going on. He had been on the farm for the last 4 years, he said, and was planning to go home to Mexico next year.

"It's always next year," one of Falk's students said, laughing. His father, who also works on the farm and sends home money to the rest of the family, says the same thing every year, he added.

As for Junior, "I just have a couple of years left. That's enough for me, then I'll go back," he said.

In that time, he hopes he'll have enough money to build a house. "I have a lot of goals," he said, "a lot of dreams."

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BLOG POST FROM THE CENTER ON BUDGET AND POLICY PRIORITIES

IMMIGRANTS CONTRIBUTE GREATLY TO THE SOCIAL SECURITY TRUST FUND'S SOLVENCY

*April 23, 2025, 8:34 am*

Immigrants are a critical part of the U.S. workforce and play a key role in strengthening Social Security's finances. Like all other workers, immigrants contribute to the trust fund through payroll taxes. Even if they themselves will not become eligible to receive benefits in their lifetimes, immigrants improve the solvency of a program that provides almost all workers with a foundation of income for their retirement.

Since Social Security is a "pay-as-you-go" program, Social Security benefits paid out today are funded from payroll taxes collected from today's workers, so more workers paying into the system benefits the program's finances. In the United States, immigrants are more likely to be of working age and have higher rates of labor force participation, compared to U.S.-born individuals.

Without immigrants and their U.S.-born children, the prime working-age population (ages 25-54) would have shrunk by more than 8 million people between 2000 and 2023. Immigrants are also younger, on average, than U.S.-born individuals, meaning that they have more working years ahead of them before they are eligible to receive Social Security benefits.

*Immigration Benefits the Social Security Trust Fund*

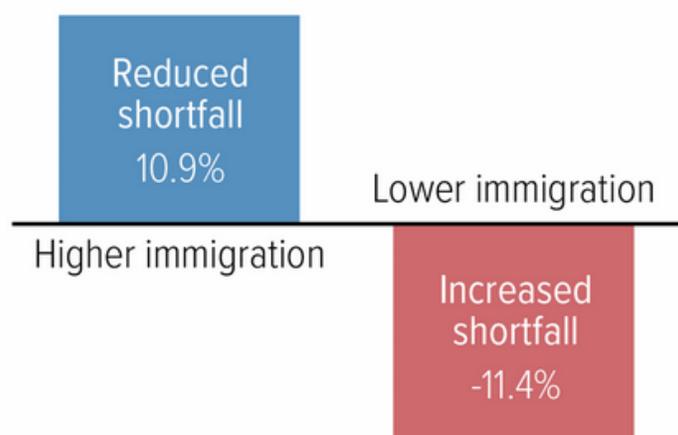
The Social Security trustees' report highlights how immigration improves the trust fund's solvency. Social Security's actuaries estimate the impact of immigration over 25, 50, and 75 years, showing in all time periods that as immigration increases, the trust fund deficit decreases. The Social Security Administration (SSA) assumes average net immigration of about 1.2 million people per year in its projections. Immigration higher than that level will help the trust fund balances as compared to the most recent estimates done in 2024, while lower-than-expected immigration will increase the funding shortfall.

For example, SSA estimates that if net immigration per year were roughly 400,000 more people than they assume, it would reduce the shortfall by about 11 percent, while lower immigration of a similar amount would have the opposite effect, worsening the trust fund balance (see chart). This suggests the Trump Administration's plans to drastically cut immigration and increase deportations would significantly worsen Social Security's financial outlook.

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## Immigration Benefits the Social Security Trust Fund

Impact as a percentage change in Social Security's current financial shortfall



Source: Social Security Administration

Note: "Lower immigration" means 415,000 fewer immigrants per year compared to baseline average, while "Higher immigration" means 439,000 more immigrants per year compared to baseline average.

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It is important to note that immigrants without a documented immigration status still pay payroll and income taxes, even though they rarely become eligible for Social Security benefits. In 2022, people without a documented status paid an estimated \$25.7 billion in Social Security taxes. And a 2013 report by the Social Security actuaries concluded that earnings from immigrants without a documented status have a net positive effect on the Social Security trust fund, finding that they contributed a net \$12 billion into the Social Security trust fund in 2010.

Despite the contributions that immigrants make to their local communities and economies, the Trump Administration has launched a mass deportation campaign and efforts to curtail lawful immigration. Administration officials have falsely blamed immigrants for worsening Social Security's funding outlook, even though the opposite is the case.

Rather, the Administration's policies of mass deportation (including of people who have been living and working in the U.S. lawfully and whose status is being revoked) will not only have huge personal consequences for people who are immigrants and their families, but will worsen Social Security's finances, affecting all workers and beneficiaries. Furthermore, the misinformation about Social Security

and immigrants' contributions to the system weakens trust in a bedrock U.S. institution.

Social Security is already facing a funding shortfall in the next decade, with the program projected to have funds to pay about 83 percent of benefits in 2035 if nothing is done to shore up its financing structure. If Administration officials are serious about addressing Social Security's funding challenges, they would offer real solutions, like a financing package that includes raising revenues to preserve Social Security's crucial benefits, instead of scapegoating immigrants whose contributions are helping to preserve the program.

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#### 6 MYTHS ABOUT UNDOCUMENTED IMMIGRANTS IN THE U.S.

*Author: Rayna Wachs, Boundless, Updated March 26, 2025*

*Learn the common myths about undocumented immigrants in the U.S. and the data-driven facts that debunk them.*

Immigration is a hot-button issue in the U.S., with undocumented immigrants at the center of political debates and public discourse. However, there are many misconceptions about undocumented immigrants that often shape public opinion and policy decisions. This article aims to debunk the most common myths about undocumented immigrants using data and research, shedding light on their true contributions and challenges.

##### *What Does It Mean to Be an Undocumented Immigrant?*

Undocumented or unauthorized immigrants—sometimes referred to as “illegal immigrants” or “illegal aliens” (terms widely considered outdated and dehumanizing)—are individuals living in the U.S. without valid visas or immigration documents, therefore lacking legal immigration status. This could be because they entered the country without proper authorization, overstayed their visa, or violated the terms of their admission to the U.S.

Undocumented immigrants can belong to any race, religion, nationality, or other identity group.

##### *Common Myths About Undocumented Immigrants*

*Myth #1: “Undocumented Immigrants Choose Not to Pursue Legal Immigration Pathways Because They Don’t Want to Wait Their Turn”*

*The Reality.*—There are countless reasons why an individual may choose not to pursue legal immigration pathways. Legal immigration is widely inaccessible, as options are extremely limited, prohibitively expensive, and often lengthy—taking years or even decades to complete—especially for those who don’t have family or employment connections in the U.S. For those fleeing violence, persecution, or severe poverty, applying for and obtaining legal status before arriving in the U.S. is sometimes impossible. For many, the chance to secure safety, higher wages, and a better quality of life in the U.S. outweighs the risks of living without documentation.

*Myth #2: “All Undocumented Immigrants Are Criminals”*

*The Reality.*—This statement is misleading. Simply being present in the U.S. as an undocumented immigrant is not inherently a crime. For instance, recipients of Deferred Action for Childhood Arrivals (DACA) have protections that allow them to remain lawfully present in the U.S., even though they are technically undocumented. Similarly, overstaying a visa is a civil violation, not a criminal offense; while it is punishable by deportation, it does not carry criminal penalties based solely on this infraction.

However, entering or reentering the U.S. without being inspected and admitted by U.S. authorities is generally considered a Federal criminal offense and may lead to criminal charges, depending on the circumstances. Importantly, asylum seekers can legally apply for asylum in the U.S., regardless of whether they entered the country through legal pathways.

Research consistently shows that immigrants, including undocumented immigrants, are less likely to commit crimes than U.S.-born individuals. In fact, communities with higher immigrant populations often experience lower crime rates. From 1980 to 2022, as the immigrant share of the U.S. population more than doubled, the total crime rate dropped by over 60 percent. State-level analyses also reveal no significant correlation between immigrant population sizes and crime rates, debunking the misconception that immigration fuels criminal activity.

*Myth #3: “Undocumented Immigrants Don’t Pay Taxes”*

*The Reality.*—Undocumented immigrants contribute significantly to the U.S. economy through various forms of taxation, including sales taxes on purchases, property taxes (paid directly if they own property or indirectly through rent), and income taxes via automatic paycheck withholdings or by filing income tax returns using Individual Taxpayer Identification Numbers (ITINs). In fact, a recent study found that undocumented immigrants paid \$96.7 billion in Federal, State, and local taxes in 2022.

*Myth #4: “Undocumented Immigrants Are a Major Drain on Social Services”*

*The Reality.*—The claim that undocumented immigrants are a significant burden on social services is largely unfounded. Studies show that, over their lifetimes, immigrants—regardless of legal status—pay more in taxes than they use in public services, helping to support programs and services for all Americans.

Federal law restricts most undocumented immigrants from accessing major public assistance programs like Medicaid, Social Security, Supplemental Nutrition Assistance Program (SNAP, or “food stamps”), and other means-tested benefits. Instead, their access to public services is generally limited to emergency medical care, primary care at federally Qualified Health Centers (FQHCs), public education for children, short-term use of shelters and soup kitchens during emergencies, and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), which provides nutrition support for pregnant and postpartum women as well as young children.

While undocumented immigrants may receive limited services, their contributions to the economy and tax systems often outweigh any costs associated with the public services they use.

*Myth #5: “Undocumented Immigrants Take Jobs Away from U.S. Citizens and Are a Drain on the U.S. Economy”*

*The Reality.*—The idea that undocumented immigrants take jobs away from U.S. citizens is a misconception rooted in the false assumption that the labor market has a fixed number of jobs, leading many to believe that immigrants reduce opportunities for U.S.-born workers. In reality, there are currently more job vacancies than there are workers available to take them.

Immigrants, including undocumented individuals, often fill critical labor gaps by taking on roles in industries like agriculture, construction, and food processing that many Americans are unwilling to do. These contributions not only meet essential labor demands but also drive economic growth by supporting industries that depend on a steady workforce.

*Myth #6: “Undocumented Immigrants Don’t Want to Learn English or Assimilate”*

*The Reality.*—Many undocumented immigrants strive to learn English and integrate into American society, and they’re increasingly doing just that. However, barriers such as limited access to English classes and fear of deportation can hinder these efforts for many others. Immigrant integration programs that offer resources like English as a Second Language (ESL) classes play a vital role in addressing these challenges. That said, the degree to which one wishes to learn English and assimilate into U.S. culture is a choice that every person—regardless of background and immigration status—is free to make for themselves.

*Why Debunking These Myths Matters*

The myths surrounding undocumented immigrants perpetuate harmful stereotypes and misinform both public opinion and policy decisions. However, the data reveals a different story: undocumented immigrants play an essential role in American life, contributing significantly to society, the economy, and culture, all while navigating immense barriers to success.

As the dialog around immigration continues, it’s important to move beyond misconceptions and instead focus on understanding the immigrant experience. By shifting the narrative, we can inspire meaningful immigration reform that promotes a more inclusive, informed, and equitable society for all.

Mr. BRECHEEN. The gentleman yields.

I now recognize Representative Strong for his 5 minutes of questioning.

Mr. STRONG. Thank you, Mr. Chairman.

I want to first thank our witnesses for being here today, for their contributions to this critical discussion.

Mr. Cuccinelli, according to the Department of Homeland Security, nonprofit organizations occasionally serve as sponsors on parole applications.

How frequently do nonprofit organizations serve in this role and what are the implications of their involvement?

Mr. CUCCINELLI. I don't have exact numbers, but it is very common. They also do it—it isn't a one-off. So you have organizations that are being sponsors for large numbers of people.

I would just point out, you know, this concept of sponsorship is as old as the American immigration system, but the fact of the matter is, in our adult lifetimes, sponsors have not—repeat—not been held accountable to what are the supposed requirements of sponsors. That has just never happened under any administration. So it's easy for the nonprofits or any individual to do this.

We have individuals sponsoring, you know, scores of people as well, dozens I should say, that'd be the high end, which they could never financially fulfill the obligations if they were called on to do so for everyone they're sponsoring. So this whole system is broken and, thus, it's very easy for a nonprofit to step in there as one part of its agenda to bring larger numbers of folks into the United States.

Mr. STRONG. Thank you.

I'm glad to see that this administration is placing national security first and is taking the necessary actions to restore integrity and accountability to our immigration system.

Mr. Cuccinelli, can you discuss the role that State and local law enforcement play in supporting ICE with parole removal orders as well as any challenges that they see?

Mr. CUCCINELLI. So, first of all, this is all more work for all of them to do, if they're willing to do it. You know, making the news all the time are the States and localities that refuse to cooperate with ICE, and under the Tenth Amendment, the Federal Government can't simply demand local or State cooperation.

Now, as your budget—annual budget comes up September 30, you can write it into the law. This was litigated in the first Trump administration, and without specific budget requirements tying cooperation to the cutting off of funding, then the Federal Government doesn't have a tool to compel this cooperation.

For those that do cooperate, we—you know, famously we're seeing it in Florida and we can go all around the country at the localities and many of your States that are cooperating. Yes, it's easier, believe it or not, to target the criminals because they pop on to your radar. They pop on to your radar. They may be 2.5, 3, 4, 5 percent of the total population, and I've heard complaints that they're only 30 percent of those being deported. I would point out that they're 10 times their proportion in the population of illegal aliens being focused on. So that security and safety element is a priority numerically and proportionally.

Mr. STRONG. Thank you.

Switching gears a little bit, Mr. Camarota, you and I both know that America deserves an immigration system that prioritizes their interest in public safety above all else. Can you further expand on the fiscal burdens placed on American taxpayers when parolees

begin receiving welfare benefits, and are there types of financial benefits that parolees qualify for that other illegal aliens do not?

Mr. CAMAROTA. Yes. So especially with that qualified alien provision that now, apparently, as I read the Big Beautiful Bill, is not going to apply. But the thing you have to keep in mind is that probably played some role, but what's driving the high use of public services is the low educational attainment of parolees and their low income; the presence of U.S.-born children, which isn't changing with the law; the fact that some States give them benefits; some programs are allowed to be used, like WIC and free school lunch and emergency Medicaid, and Medicaid for pregnant women. So there are these other factors.

In other words, if you had to—the bottom line is, people who come to America, even those who work—and as I point out, they have relatively high rates of work—if they have very modest levels of education, they make extensive use of the social safety net. It's not because they're lazy, it's not because they all came to get welfare, it's just the reality of modern America. You have to be very selective or you're going to get kicked in the teeth in fiscal costs. That's just how it is when it comes to immigration.

Mr. STRONG. Thank you.

Mr. Chairman, I yield back.

Mr. BRECHEEN. The gentleman yields.

I now recognize Mr. Carter for his 5 minutes of questioning.

Mr. CARTER. Thank you, Mr. Chairman, and thank you to our witnesses for being here today.

Like many Americans, I'm deeply troubled by the cruel and profoundly un-American mass deportation agenda being undertaken by the Donald Trump administration and his allies. These harsh policies are not about public safety or border security. We've seen children torn from their parents, flagrant disregard of basic due process protections, and individuals targeted for exercising their First Amendment rights.

Congress must do what we can to uphold the values of our Founding Fathers and the rights of all people in the United States. We need immigration policies rooted in dignity, fairness and, most importantly, due process, not cruelty and authoritarianism.

Despite campaign promises, the vast majority of those detained or deported under the administration—under this administration have had no criminal record. Many of these individuals have lived here for years, raised families here, and contributed to our communities.

In New Orleans, my home town and district, just weeks ago, Madonna Kashanian, an Iranian woman who lives in—who's lived in the United States for almost 5 decades, with no criminal record, was gardening outside her home when ICE agents detained her. I'd like to commend my friend and colleague, Majority Leader Congressman Steve Scalise, who worked with me to get her released. Yes, I said Majority Leader Steve Scalise who worked to have her released.

Congressman Scalise said, and I quote, She's been a great member of this community. She's done a lot for the people, and her life work is what you should be—she should be judged on. This was said by a Republican, by your leader.

I agree with this sentiment, and I hope that my Republican colleagues that see this and know that they should too treat every human being seeking a better life in this country the same way.

Steve Scalise, Majority leader, Republican, said that we have to have a better process, that we shouldn't be snatching people who are—people that are here that haven't broke any laws, that have been here for many years. Let's keep this going. It sounds like we're on the right track. I would ask my colleagues on this committee and in the Republican Conference to, likewise, follow the lead of their leader who said this, and acted, more importantly. She's been released as a part of that. She now has due process.

That's all we're asking that people have is due process. Have an opportunity to defend yourself. If you are, in fact, someone that's been breaking laws and are habitual, that's another story, but if you've been here and you tried to go through the process, you should not be singled out.

Mr. Bier, how has the Trump administration immigration enforcement practice such as denying access to legal counsel and expedited deportations without hearings undermined basic due process and Constitutional protections?

Mr. BIER. Look, this administration went to the Supreme Court with the proposition that they could grab anyone off the streets, put them on a plane with no hearing, no warning, and fly them to a foreign prison, and put them there indefinitely, and pay for it with U.S. tax dollars. They went to the Supreme Court. The Supreme Court said no, you can't do that, you've got to go back and give people due process. That's a good win. Unfortunately, they have tried to evade that ruling in every conceivable possible way using other authorities to fly people to other countries. These—

Mr. CARTER. We have a Constitution for a reason. We have rule of law for a reason.

Mr. BIER. We have a Constitution—

Mr. CARTER. The Founders of our Constitution were keenly aware that this day might come.

Mr. BIER. Yes, they were, absolutely they were. The problem we're facing is there's a lack of consequences when an administration or agents of the administration violate the Constitution. They can violate it with impunity, and as long as they can, they will—

Mr. CARTER. I've got about 36 seconds and I want to get a few more questions in. What does it mean for civil liberties in a democratic society when the Trump administration targets individuals for immigration enforcement based on political speech and activism, not because of anything else, just because they don't like what you said? This is America, right?

Mr. BIER. This is America, and in America you don't need a passport to speak freely. That is what it's coming to. If you can get a phone call from ICE to prove that you are a citizen, then, therefore, you have the right to say certain things critical of the Government. We have degraded free speech for every single person.

Mr. CARTER. Last—and I'm already over my time, so thank you, Mr. Chairman—ICE agents wearing masks, without identifying badges or identification. We've seen people abuse this already. What risk do we have?

I'd ask each of the members to kind of chime in very briefly. When we have armed guards that don't wear any identification, that don't show a badge, that hide their faces—I understand the argument that we have to protect the agents, but should there not be some duty to identify yourself as a duly-appointed ICE agent to make sure that nefarious actors are not misusing this role to do things that are further illegal than we've already seen happen? Real quickly.

Mr. BIER. Yes. We've already seen, as I said before, a huge number of cases around the country where people have impersonated ICE agents using masks, and it's a real problem in this country.

Mr. CARTER. Mr. Camarota.

Mr. CAMAROTA. I assume they're doing it because they have a fear, you know, that they could be targeted. Certainly, there are violent groups that have targeted ICE, and that's—

Mr. CARTER. So why don't all police officers do that?

Mr. CAMAROTA. I don't know that they're being targeted.

Mr. CUCCINELLI. Because they're not being targeted.

Mr. CARTER. You don't think police officers are being targeted? I beg to differ.

Mr. CUCCINELLI. When is the last time a Congressman—

Mr. CARTER. We see police officers—may I? We see police officers being targeted on the street of America every single day. They don't cover their faces—

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

Mr. CARTER [continuing]. Because they understand they have to protect and serve.

My time is—

Mr. CUCCINELLI. When they—

Mr. CARTER. Thank you, sir. Your time is up too.

Mr. CUCCINELLI. When they are personally—

Mr. CARTER. Your time is up too, sir. Sir, your time is up. Reclaiming my time. Reclaiming my time. Your time is up. Reclaiming my time. You have no time, sir. Sir, you have no time. You are not going to overspeak me, sir.

Mr. CUCCINELLI. Well, you're doing it to me, so—

Mr. CARTER. Well, you're not a Member of Congress.

Mr. CUCCINELLI. God bless America.

Mr. BRECHEEN. Gentlemen, if you both suspend.

The Chair now recognizes Representative Crane for his 5 minutes of questioning.

Mr. CRANE. Mr. Cuccinelli, would you like to finish your thoughts?

Mr. CUCCINELLI. Your first responsibility leading a law enforcement agency is the protection of your agents. That's first. Because if you can't—it's like the first rule of first aid. You have to take care of yourself before you can take care of the person next to you. We all get that instruction on the plane flight every day, right? That applies at an agency level as well.

We—I cannot remember a time in my adult lifetime where one specific law enforcement agency was so personally targeted as ICE agents are being targeted today, including by Members of this body, by Members of this body who are willing to put at risk law

enforcement officers that work for the Federal Government they are part of.

So, you know, they have body cams. The people who go out on each, I'll call it a mission, are identified, meaning you can go back and figure out what agents were on that when they misbehave.

I am not going to sit here and say police officers in any department never misbehave. They do. They're human beings and they make mistakes and they do things wrong intentionally sometimes. I'm not going to say ICE agents do that. That didn't happen while I was a deputy secretary. If you're not willing to protect your own agents, whether it's the Capitol Police or whether it's ICE, then you have no business sending them out on the street. That's immoral.

Mr. CRANE. Thank you.

I'm going to move on to Dr. Camarota. On January 16, 2025, the Center for Immigration Studies posted the Beyond the Border podcast episode 187, titled, Why Legal Immigration Numbers Matter. You and my colleague Representative Chip Roy provided a detailed assessment of how U.S. Census Bureau data shows that President Trump handed Joe Biden a border that was under control. In fact, the data shows that international migrant crossings were at a 20-year low in Trump's final year in office. Joe Biden changed course in 2022 and increased the number of international immigrants to an all-time high.

My question is this: Would you agree the Biden admin failed to utilize their authority to detect, repel, detain, and deport illegal immigrants and without the use of illegal parole the U.S. Census data wouldn't have detected an increase?

Mr. CAMAROTA. Right. So in that data, just during the Biden administration, the foreign-born, that's all immigrants, grew by over 8 million, and more than 5 million or about two-thirds of that increase in the data, and it misses people, is new illegal immigrants. Yes, the decision not to detain people, not to use expedited removal, to end the Remain in Mexico policy, to end the cooperation agreements we had with the central American countries, and so on, caused a surge in illegal immigration.

Most experts think illegal immigration—at least there's people coming and going in big numbers all the time, but it was roughly stable in the previous decade. But under President Biden it grew 5 or 6 million. Now, remember, some people went home, some got legalized, and that's a pretty conservative estimate.

Mr. CRANE. Would you agree Democrats benefited from paroling illegal immigrants through increased population counted in the Census and added seats for Congressional representation?

Mr. CAMAROTA. Well, in a very detailed study of that, obviously it didn't matter for 2020. It is true that, as a general proposition, that the arrival of immigrants in Democratic-leaning States tend to help Democrats. Also, the other big thing it does, it creates districts with relatively few citizens, because the district lines are drawn based on total population. Those districts with relatively few American citizens do vote overwhelmingly Democratic, but that doesn't mean the illegals are voting or that the noncitizens are voting. It's just the people who live around them are very much Democratic, but it does increase Democratic representation, while the districts

that are overwhelmingly comprised of American citizens tend to vote overwhelmingly Republican. So yes, there is a political dimension here. I'm not going to comment on the Democrats' motives, but that does happen.

Mr. CRANE. Thank you.

Mr. Cuccinelli, according to the Department of Homeland Security, until Joe Biden, parole was rarely used between 2014 and 2020. Parole was used sparingly to admit between 11,000 and 54,000 immigrants each year. DHS data shows the Biden admin unlawfully expanded 2 parole programs that brought over a million illegals into the country under the auspice of legal process.

The Cuban, Haiti, Nicaragua, and Venezuela, or CHNV, parole system ballooned illegal parole numbers in conjunction with the use of the CBP One app. Between the 2 programs, an estimated 531,936 illegals were paroled into the United States just by registering for an asylum hearing. Additionally, DOJ data states that between 2021 and 2024, the number of absentee removal orders increased from under 50,000 prior to Biden to well over 200,000 under the Biden mass parole program, meaning that the parolees weren't returning to their hearings, just vanishing into the United States.

My question: Do you believe former DHS Secretary Mayorkas was derelict in the oversight of DHS for agencies' unlawful use of the parole process?

Mr. CUCCINELLI. Well, I would use the word "derelict" if this was unintentional, and then the answer would be yes.

Mr. CRANE. Thank you. I yield back.

Mr. BRECHEEN. The gentleman yields.

Mr. CARTER. Mr. Chairman, I'd like to enter into the record—I'd like to ask unanimous consent to enter into the record—

Mr. BRECHEEN. Representative Carter, if we may, just to get in—I'm trying to make sure I'm balancing everyone's time. I gave you an extra minute. I'm trying to be careful—

Mr. CARTER. I just want to introduce this into the record. I have no comment.

Mr. BRECHEEN. Ms. Johnson, would you yield? I'm about to recognize you. Would you yield to give him the opportunity to do so?

Ms. JOHNSON. I don't think I have to yield my time.

Mr. CARTER. Just to enter into the record? I shouldn't take away from her minutes. I'll be a moment.

Mr. BRECHEEN. I'll allow it.

Mr. CARTER. Thank you, Mr. Chairman.

I'd like to ask unanimous consent to enter a legal opinion from GAO that found Mr. Cuccinelli did not lawfully serve in his position as deputy secretary of Homeland Security as he stated. Thank you.

Mr. BRECHEEN. Without objection, so ordered.

[The information follows:]

DECISION SUBMITTED FOR THE RECORD BY HONORABLE TROY S. CARTER

DECISION

**Matter of:** Department of Homeland Security—Legality of Service of Acting Secretary of Homeland Security and Service of Senior Official Performing the Duties of Deputy Secretary of Homeland Security

**File:** B-331650  
**Date:** August 14, 2020

## DIGEST

The Federal Vacancies Reform Act of 1998 (Vacancies Reform Act) provides for temporarily filling vacant executive agency positions that require Presidential appointment with Senate confirmation. 5 U.S.C. § 3345. GAO's role under the Vacancies Reform Act is to collect information agencies are required to report to GAO, and GAO uses this information to report to Congress any violations of the time limitations on acting service imposed by the Vacancies Reform Act. 5 U.S.C. § 3349. As part of this role, we issue decisions on agency compliance with the Vacancies Reform Act when requested by Congress. The Vacancies Reform Act is generally the exclusive means for filling a vacancy in a Presidentially-appointed, Senate-confirmed position unless another statute provides an exception. 5 U.S.C. § 3347. The Homeland Security Act of 2002 provides an order of succession outside of the Vacancies Reform Act when a vacancy arises in the position of Secretary of the Department of Homeland Security (DHS). 6 U.S.C. § 113(g).

Upon Secretary Kirstjen Nielsen's resignation on April 10, 2019, the official who assumed the title of Acting Secretary had not been designated in the order of succession to serve upon the Secretary's resignation. Because the incorrect official assumed the title of Acting Secretary at that time, subsequent amendments to the order of succession made by that official were invalid and officials who assumed their positions under such amendments, including Chad Wolf and Kenneth Cuccinelli, were named by reference to an invalid order of succession. We have not reviewed the legality of other actions taken by these officials; we are referring the matter to the Inspector General of DHS for review.

## DECISION

This responds to a request from the Chairman of the Committee on Homeland Security and the Acting Chairwoman of the Committee of Oversight and Reform regarding the legality of the appointment of Chad Wolf as Acting Secretary of the Department of Homeland Security (DHS) and Ken Cuccinelli as Senior Official Performing the Duties of Deputy Secretary. Letter from Chairman, Committee on Homeland Security, U.S. House of Representatives and Acting Chairwoman, Committee on Oversight and Reform, U.S. House of Representatives to Comptroller General (Nov. 15, 2019). Specifically, we consider whether the appointments were authorized pursuant to the Secretary's designation of an order of succession under the Homeland Security Act of 2002 (HSA). Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (Nov. 25, 2002), as amended by National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, § 1903, 130 Stat. 2000, 2672 (Dec. 23, 2016), codified at 6 U.S.C. § 113(g)(2).

As explained below, we conclude that in the case of vacancies in the positions of Secretary, Deputy Secretary, and Undersecretary for Management, HSA provides a means for an official to assume the title of Acting Secretary pursuant to a designation of further order of succession by the Secretary. However, upon the resignation of Secretary Kirstjen Nielsen, the express terms of the then existing designation required the Director of the Cybersecurity and Infrastructure Security Agency (CISA) to assume that title instead of the Commissioner of Customs and Border Protection (CBP), Kevin McAleenan. As such, the subsequent appointments of Under Secretary for Strategy, Policy, and Plans, Chad Wolf and Principal Deputy Director of U.S. Citizenship and Immigration Services (USCIS) Ken Cuccinelli were also improper because they relied on an amended designation made by Mr. McAleenan.<sup>1</sup>

Under the Federal Vacancies Reform Act of 1998 (Vacancies Reform Act), GAO collects information agencies are required to report to GAO, and GAO uses this information to report to Congress any violations of the time limitations on acting service imposed by the Vacancies Reform Act. 5 U.S.C. § 3349. As part of this role, we issue decisions on agency compliance with the Vacancies Reform Act when re-

<sup>1</sup> We have only been asked to address the designation of Messrs. Wolf and Cuccinelli, so we do not otherwise address the consequences of any official's improper service. We are referring that question to the DHS Inspector General for his review. In that regard, we are aware that certain actions taken by Acting Secretary Wolf and his authority to take them are currently the subject of litigation. See, e.g. *A.B-B v. Morgan*, Docket No. 1:20-cv-0846 (D.D.C. 2020); *Casa De Maryland v. Wolf*, Docket No. 8:20-cv-02118 (D. Md. 2020); *Don't Shoot Portland v. Wolf*, Docket No. 1:20-cv-02040 (D.D.C. 2020). We are also aware that in March, 2020, the U.S. District Court for the District of Columbia ruled that Mr. Cuccinelli's separate appointment as acting director of USCIS was illegal. See *L.M.-M v. Cuccinelli*, 442 F. Supp. 3d 1, 29 (D.D.C. 2020). That question was not before us.

requested by Congress. Our practice when rendering decisions is to contact the relevant agencies and obtain their legal views on the subject of the request. GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, DC: Sept. 5, 2006), available at [www.gao.gov/products/GAO-06-1064SP](http://www.gao.gov/products/GAO-06-1064SP). We contacted DHS to obtain the agency's views. Letter from Managing Associate General Counsel, GAO, to General Counsel, DHS (Dec. 6, 2019). We received DHS's response on December 20, 2019. Letter from Associate General Counsel for General Law, DHS, to Managing Associate General Counsel, GAO (Dec. 20, 2019) (Response Letter).

#### BACKGROUND

The Vacancies Reform Act permits certain individuals to serve as acting officials in vacant Presidentially-appointed, Senate-confirmed positions (PAS) for limited periods of time. 5 U.S.C. §§ 3345, 3346. The Vacancies Reform Act is generally the exclusive means for filling a vacancy in a PAS position unless another statute provides an exception.<sup>2</sup> Pursuant to the Vacancies Reform Act, the first assistant to a PAS position automatically becomes the acting official in case of a vacancy unless the President designates another individual who meets the Vacancies Reform Act's eligibility requirements. 5 U.S.C. § 3345.

HSA created DHS to prevent terrorist attacks within the United States and reduce the Nation's vulnerabilities to such attacks, among other critical missions.

Pub. L. No. 107-297, title I, § 101. At the head of the department, HSA created the position of Secretary of Homeland Security who is vested with all the functions of all officers, employees, and organizational units of DHS. HSA, Pub. L. No. 107-296, title I, § 102. HSA also created the position of Deputy Secretary and made the Deputy Secretary the first assistant for purposes of the Vacancies Reform Act. Pub. L. No. 107-297, title I, § 103.

On December 23, 2016, HSA was amended to establish an order of succession outside the Vacancies Reform Act for the position of Secretary. National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, div. A, title XIX, § 1903, 130 Stat. 2000, 2672 (2016). Under the amendment, the Under Secretary for Management is next in line to be Acting Secretary in the case of absence, disability, or vacancy in the positions of Secretary and Deputy Secretary. 6 U.S.C. § 113(g)(1). Beyond this mandated order, "the Secretary may designate such other officers of the Department in further order of succession to serve as Acting Secretary."<sup>3</sup> 6 U.S.C. § 113(g)(2). These succession provisions take effect "[n]otwithstanding" the provisions of the Vacancies Reform Act.<sup>4</sup> 6 U.S.C. § 113(g).

On December 5, 2017, Kirstjen Nielsen was confirmed as Secretary of DHS. On April 10, 2019, Secretary Nielsen resigned from her position. At this time, the Deputy Secretary position had been vacant since April 14, 2018, and the Under Secretary for Management resigned on April 10, 2019, as well, leaving that position vacant. GAO, Federal Executive Vacancy System Database, available at <https://www.gao.gov/legal/other-legal-work/federal-vacancies-reform-act>.<sup>5</sup> Upon the Secretary's resignation, the Commissioner of Customs and Border Protection, Kevin McAleenan, assumed the title of Acting Secretary.

On November 13, 2019, Acting Secretary McAleenan resigned, and the Under Secretary for Strategy, Policy, and Plans, Chad Wolf assumed the title of Acting Secretary. The same day, Mr. Wolf designated the Principal Deputy Director of USCIS, Kenneth Cuccinelli, as the Senior Official Performing the Duties of Deputy Secretary of Homeland Security (Deputy Secretary).<sup>6</sup>

<sup>2</sup>A statute only qualifies as an exception if the statutory provision expressly authorizes the President or the head of an executive department to designate an official to perform the functions and duties of a specified office temporarily in an acting capacity or it designates an acting official. 5 U.S.C. § 3347(a)(1).

<sup>3</sup>The amendment did not impose time limitations on an individual serving as Acting Secretary under HSA.

<sup>4</sup>HSA does not establish an order of succession outside the Vacancies Reform Act for the position of Deputy Secretary. However, HSA establishes the Under Secretary for Management as the first assistant to the Deputy Secretary for purposes of the Vacancies Reform Act. 6 U.S.C. § 113(a)(1)(F).

<sup>5</sup>Under the Vacancies Reform Act, agencies are required to report to GAO certain information regarding vacancies in PAS positions. 5 U.S.C. § 3349(a). GAO compiles the information from these reports and makes them available to the public through its Executive Vacancy System.

<sup>6</sup>Regarding Mr. Cuccinelli, this decision only addresses his service as the Senior Official Performing the Duties of Deputy Secretary and does not address any other positions which he may also hold.

## DISCUSSION

Article II of the U.S. Constitution provides that “[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.” U.S. Const. art. II, § 2. As noted previously, when there is a vacancy in these Presidentially-appointed, Senate-confirmed (PAS) positions, the Vacancies Reform Act is generally the exclusive means for filling them temporarily with an acting official, unless another statute provides an exception.

Here, HSA provides such an exception. HSA requires the Under Secretary for Management to serve as Acting Secretary if there is a vacancy in the offices of Secretary and Deputy Secretary. 6 U.S.C. § 113. By providing an initial order of succession for the Secretary and allowing the Secretary to make further designations, HSA qualifies as an exception to the Vacancies Reform Act’s exclusivity provision.

At the time the Secretary resigned, the positions specified in HSA were vacant as well, permitting DHS to turn to the Secretary’s designation of further officials to serve as Acting Secretary when Secretary Nielsen resigned and the position of Secretary became vacant. 6 U.S.C. § 113(g)(1), (2). Hence, to determine whether Chad Wolf and Ken Cuccinelli are properly serving, we must examine whether DHS adhered to the order of succession in the Secretary’s delegation in force at the time Mr. McAleenan and Mr. Wolf each assumed the title of Acting Secretary. As explained further below, we conclude DHS did not.

*HSA Delegation 00106*

In its response to us, DHS stated that Secretary Nielsen had exercised the HSA power to designate an order of succession through Delegation 00106. See Response Letter. Secretary Nielsen issued this delegation on February 15, 2019 (February Delegation).<sup>7</sup> In this February Delegation, there were two grounds for assuming the position of Acting Secretary. The first ground was in the case of the Secretary’s death, resignation, or inability to perform the functions of the office. February Delegation § II.A. The second ground was if the Secretary was unavailable to act during a disaster or catastrophic emergency. Id. § II.B.

Each ground had its own order of succession. In cases of the Secretary’s death, resignation, or inability to perform the functions of the office, the February Delegation stated the order of succession was governed by Executive Order 13753 (E.O. 13753). Id. § II.A. E.O. 13753 included an order of succession for officers who would act and perform the duties of the Secretary during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the Office of Secretary. In cases where the Secretary is unavailable to act during a disaster or catastrophic emergency, Annex A to the February Delegation governed the order of succession. Id. § II.B. At that time, the orders of succession found in E.O. 13753 and Annex A were the same. The figure in appendix 1 attached to this decision illustrates the legal framework that could be used to designate an Acting Secretary at the time of the February Delegation.

Under E.O. 13753 and Annex A, the first 4 positions in the order of succession were as follows: (1) Deputy Secretary, (2) Under Secretary for Management, (3) Administrator of the Federal Emergency Management Agency (FEMA), and (4) Director of CISA.<sup>8</sup>

The February Delegation also listed positions in an order of succession for Deputy Secretary in Annex B. The first four positions were as follows: (1) Under Secretary for Management, (2) Administrator of FEMA, (3) Director of CISA, and (4) Under Secretary of Science and Technology.<sup>9</sup>

The February Delegation further stated acting officials in the listed positions are ineligible to serve and, therefore, the order of succession would fall to the next designated official in the approved order of succession. Id. § II.G.

<sup>7</sup>DHS, *DHS Orders of Succession and Delegations of Authorities for Named Positions*, DHS Delegation No. 00106, Revision No. 08.4 (Feb. 15, 2019).

<sup>8</sup>Both E.O. 13753 and Annex A list more positions than those indicated here. However, they are not relevant for purposes of this decision. Public Law 115–278 renamed the position of Under Secretary for National Protection and Programs to be Director of the Cybersecurity and Infrastructure Security Agency. Cybersecurity and Infrastructure Security Agency Act of 2018, Pub. L. No. 115–278, § 2(a), 132 Stat. 4168, 4169 (Nov. 16, 2018), codified at 6 U.S.C. § 652(a), (b).

<sup>9</sup>The Secretary may provide for an order of succession for the Deputy position under general management authorities granted the Secretary in HSA. 6 U.S.C. § 112. However, any order of succession for the Deputy position must reflect that the Under Secretary for Management is the first assistant for purposes of the Vacancies Act, in accordance with HSA. 6 U.S.C. § 113(a)(1)(F).

*Nielsen's Resignation*

According to DHS, on April 9, 2019, the day before her resignation, Secretary Nielsen established a new order of succession. Delegation 00106 was updated the following day, reflecting the changes (April Delegation).<sup>10</sup> The April Delegation on its face maintained the two separate grounds for designation. Vacancies due to the Secretary's death, resignation, or inability to perform the functions of the office were still governed by the order of succession under E.O. 13753, and vacancies due to the Secretary's unavailability to act during a disaster or catastrophic emergency were still governed by Annex A to the Delegation. April Delegation §§ II.A, II.B. Secretary Nielsen did however amend the orders of succession for the Secretary and Deputy Secretary in Annexes A and B, respectively. The figure in appendix 1 attached to this decision illustrates the legal framework that could be used to designate an Acting Secretary at the time of the April Delegation.

The first four positions in the order of succession for Acting Secretary in revised Annex A (disaster or catastrophic emergency) were as follows: (1) Deputy Secretary, (2) Under Secretary for Management, (3) Commissioner of CBP, and (4) Administrator of FEMA. April Delegation Annex A. The April Delegation removed the CISA director from for the order of succession. The April Delegation added the Commissioner to be third in the order, making the Administrator fourth in the order.

In amending Annex A, the Secretary effectively established two different orders of succession. Annex A only applies to the Secretary's unavailability as a result of a disaster or catastrophic emergency. Because the Secretary did not amend the order of succession established in E.O. 13753 otherwise, the Delegation maintained the order set out therein whenever the position became vacant as a result of the Secretary's death, resignation, or inability to perform the functions of the office: (1) Deputy Secretary, (2) Under Secretary for Management, (3) Administrator of FEMA, and (4) Director of CISA.

Secretary Nielsen also changed the order of succession for Deputy Secretary in Annex B. The first four positions in the order of succession were changed to be: (1) Under Secretary for Management, (2) Administrator of the Transportation Security Administration (TSA), (3) Administrator of FEMA, and (4) the Director of CISA. Id. Annex B.

On April 10, Secretary Nielsen and the Under Secretary for Management resigned. The Deputy Secretary had resigned a year earlier. In its response to us, DHS stated that it referred to the April Delegation to fill the Acting Secretary position. See Response Letter. Apparently, DHS mistakenly referred to Annex A, rather than E.O. 13753. Mr. McAleenan served as the previously confirmed Commissioner of U.S. Customs and Border Protection at the time. Mr. McAleenan would have been the appropriate official had Secretary Nielsen been unavailable to act during a disaster or catastrophic emergency. That was not the case here. Secretary Nielsen resigned. A Secretary's resignation is addressed in E.O. 13753, not Annex A.

Applying the plain language of the April Delegation, the governing order of succession therefore, should have been that provided under E.O. 13753 and not Annex A. The April Delegation explicitly stated, "In case of the Secretary's death, resignation, or inability to perform the functions of the Office, the orderly succession of officials is governed by Executive Order 13753, amended on December 9, 2016." April Delegation § II.A (emphasis added). Annex A only applied to when the Secretary was unavailable to act during a disaster or catastrophic emergency. Id. § II.B.

The first previously-confirmed official in the order of succession in E.O. 13753 was the Director of CISA.<sup>11</sup> However, instead of following the order of succession in E.O. 13753, DHS applied the one in Annex A. If DHS had invoked the April Delegation due to the Secretary's unavailability to act during a disaster or catastrophic emergency, then Mr. McAleenan would have been the designated official. However, here the vacancy was due to Secretary Nielsen's resignation. Accordingly, under the express terms of Delegation 00106, the incorrect individual assumed the position of Acting Secretary.

In its response to us, DHS stated that Secretary Nielsen used the authority provided by HSA to establish an order of succession with Mr. McAleenan's position—the Commissioner of Customs and Border Protection—as next in the order of succession, after the positions of Deputy Secretary and Under Secretary for Management.

<sup>10</sup>DHS, *Orders of Succession and Delegations of Authorities for Named Positions*, Delegation No. 00106, Revision No. 08.5 (Apr. 10, 2019).

<sup>11</sup>The confirmed Director of CISA at the time of Secretary Nielsen's resignation was Christopher Krebs. GAO, *Federal Executive Vacancy System Database*, available at <https://www.gao.gov/legal/other-legal-work/federal-vacancies-reform-act>. The Administrator of FEMA was listed third in the order of succession, but the Administrator resigned on March 3, 2019, before Secretary Nielsen resigned. Id.

Response Letter. DHS further stated that the order of succession was not governed by E.O. 13753 because the Executive Order was superseded when the Secretary established an order of succession pursuant to HSA. *Id.*

DHS asserted that the direction from the Secretary to change the order of succession applied to any vacancy in the position of the Secretary. In support, DHS provided a memorandum from the DHS General Counsel to Secretary Nielsen. Memorandum from General Counsel, DHS, to Secretary of Homeland Security (Apr. 9, 2019) (Memorandum).

The Memorandum included the revised order of succession for Annex A which provides:

“By the authority vested in me as Secretary of Homeland Security, including [HSA], 6 U.S.C. § 113(g)(2), I hereby designate the order of succession for the Secretary of Homeland Security as follows: Annex A of . . . Delegation No. 00106, is hereby amended by striking the text of such Annex in its entirety and inserting the following in lieu thereof.”

*Id.* This Memorandum includes additional text from the then-General Counsel summarizing Secretary Nielsen’s desire to “designate certain officers of [DHS] in order of succession to serve as Acting Secretary,” and that “[b]y approving the attached document, you will designate your desired order of succession for the Secretary . . . in accordance with your authority pursuant to [HSA].” *Id.* A discussion section in this memorandum was redacted before DHS provided it to us.

Notwithstanding the General Counsel’s statement in the Memorandum asserting the Secretary’s intentions in amending the April Delegation, the plain language of the delegation controls, and it speaks for itself. When Secretary Nielsen issued the April Delegation, she only amended Annex A, placing the Commissioner of U.S. Customs and Border Protection as the next position in the order of succession in cases of the Secretary’s unavailability to act during a disaster or catastrophic emergency. April Delegation Annex A. She did not change the ground for which Annex A would apply. DHS did not provide evidence of Secretary Nielsen’s designation under HSA in the case of her death, resignation, or inability to perform the functions of the office.

We are mindful that the timing of Secretary Nielsen’s resignation the next day and the subsequent actions and statements of officials—such as Secretary Nielsen’s farewell message to DHS<sup>12</sup>—may suggest that she intended for Mr. McAleenan to become the Acting Secretary upon her resignation. However, it would be inappropriate, in light of the clear express directive of the April Delegation, to interpret the order of succession based on post-hoc actions. See *N.L.R.B. v. SW General, Inc.*, 137 S. Ct. 929, 941–42 (2017) (providing that when the text is clear, the court need not consider post-enactment practice); *Bruesewitz v. Wyeth LLC*, 562 U.S. 223, 242 (2011) (“Post-enactment legislative history (a contradiction in terms) is not a legitimate tool of statutory interpretation.”) (internal citations omitted); *Weinberger v. Rossi*, 456 U.S. 25, 35 (1982) (“Such post hoc statements of a Congressional committee are not entitled to much weight.”) (internal citations omitted). The April Delegation was the only existing exercise of the Secretary’s authority to designate a successor pursuant to HSA. As such, Mr. McAleenan was not the designated Acting Secretary because, at the time, the Director of CISA was designated the Acting Secretary under the April Delegation.

#### *McAleenan’s Resignation*

On November 8, 2019, shortly before he resigned, Mr. McAleenan revised the Delegation (November Delegation).<sup>13</sup> The November Delegation maintained the two grounds for serving, but substituted Annex A for E.O. 13753 as governing the order of succession in cases of the Secretary’s death, resignation, or inability to perform the functions of the office. November Delegation §§II.A, II.B. This change meant Annex A governed both grounds for assuming the title of Acting Secretary, including the Secretary’s inability to act during a disaster or catastrophic emergency. The figure in the appendix illustrates the legal framework that could be used to designate an Acting Secretary at the time of the November Delegation.

Mr. McAleenan also changed the officials listed in the order of succession found in Annex A as follows: (1) Deputy Secretary, (2) Under Secretary for Management, (3) Commissioner of CBP; and (4) Under Secretary for Strategy, Policy, and Plans.

<sup>12</sup> Press Release, DHS, *Farewell Message from Secretary Kirstjen M. Nielsen* (Apr. 10, 2019), available at <https://www.dhs.gov/news/2019/04/10/farewell-message-secretary-kirstjen-nielsen>.

<sup>13</sup> DHS, *Orders of Succession and Delegations of Authorities for Named Positions*, Delegation No. 00106, Revision No. 08.6 (Nov. 8, 2019).

Id. Annex A. As a consequence, the revision removed the FEMA Administrator and CISA Director from the order of succession, replacing them with the CBP Commissioner and the Under Secretary for Strategy, Policy, and Plans respectively.

On November 13, Mr. McAleenan resigned as both Acting Secretary and Commissioner of U.S. Customs and Border Protection. In its response to us, DHS stated Mr. Wolf became the Acting Secretary pursuant to the November Delegation. Response Letter. At this time, the positions of Secretary, Deputy Secretary, Under Secretary for Management, and Commissioner of CBP were all vacant. Mr. Wolf was serving as the previously-confirmed Under Secretary for Strategy, Policy, and Plans at the time he assumed the title of Acting Secretary. DHS told us this was the first position that was filled with a previously-confirmed official in the order of succession. Id. Mr. Wolf currently serves as the Acting Secretary.

On November 13, 2019, Mr. Wolf amended the order of succession for Deputy Secretary in Annex B, as follows: (1) Under Secretary for Management, (2) Principal Deputy Director of USCIS, (3) Administrator of TSA, and (4) Administrator of FEMA. Id.; November Delegation Annex B. The revision removed the CISA Director from the order of succession, installed the Principal Deputy Director of USCIS next in the order, and shifted TSA and FEMA to third and fourth. Subsequently, Mr. Cuccinelli assumed the title of the Senior Official Performing the Duties of Deputy Secretary, as he was the Principal Deputy Director of USCIS. Mr. Cuccinelli currently serves as the Senior Official Performing the Duties of Deputy Secretary.

Under HSA, the Secretary, or properly serving Acting Secretary, has the authority to designate the order of succession for Acting Secretary. 6 U.S.C. § 113(g)(2). Based on the analysis above, Mr. McAleenan was not the proper Acting Secretary which means he did not have the authority to amend the April Delegation. When Mr. McAleenan issued the November Delegation, he did so without the proper authority. See generally *Utility Air Regulatory Group v. EPA*, 573 U.S. 302 (2014) (holding agency actions exceeding statutory authority are invalid). Because Mr. Wolf draws his authority to serve as Acting Secretary from the November Delegation, Mr. Wolf cannot, therefore, rely upon it to serve as the Acting Secretary.

Mr. Wolf altered the order of succession for Deputy Secretary in the November Delegation to permit Mr. Cuccinelli to serve as the Senior Official Performing the Duties of Deputy Secretary.<sup>14</sup> According to DHS, Mr. Wolf did this under his authority as Acting Secretary. Response Letter. As discussed previously, Mr. McAleenan did not have the authority to alter the order of succession; therefore, Mr. Wolf also does not have the authority to alter it as well. The last valid order of succession to serve in that capacity was Annex B to the April Delegation, which did not include Mr. Cuccinelli's position.

#### CONCLUSION

In the case of vacancy in the positions of Secretary, Deputy Secretary, and Under Secretary for Management, the HSA provides a means for an official to assume the title of Acting Secretary pursuant to a designation of further order of succession by the Secretary. Mr. McAleenan assumed the title of Acting Secretary upon the resignation of Secretary Nielsen, but the express terms of the existing designation required another official to assume that title. As such, Mr. McAleenan did not have the authority to amend the Secretary's existing designation. Accordingly, Messrs. Wolf and Cuccinelli were named to their respective positions of Acting Secretary and Senior Official Performing the Duties of Deputy Secretary by reference to an invalid order of succession.

In this decision we do not review the consequences of Mr. McAleenan's service as Acting Secretary, other than the consequences of the November delegation, nor do we review the consequences of Messrs. Wolf and Cuccinelli service as Acting Secretary and Senior Official Performing the Duties of Deputy Secretary respectively. We are referring the question as to who should be serving as the Acting Secretary and the Senior Official Performing the Duties of Deputy Secretary to the DHS Office of Inspector General for its review. We also refer to the Inspector General the question of consequences of actions taken by these officials, including consideration of whether actions taken by these officials may be ratified by the Acting Secretary and

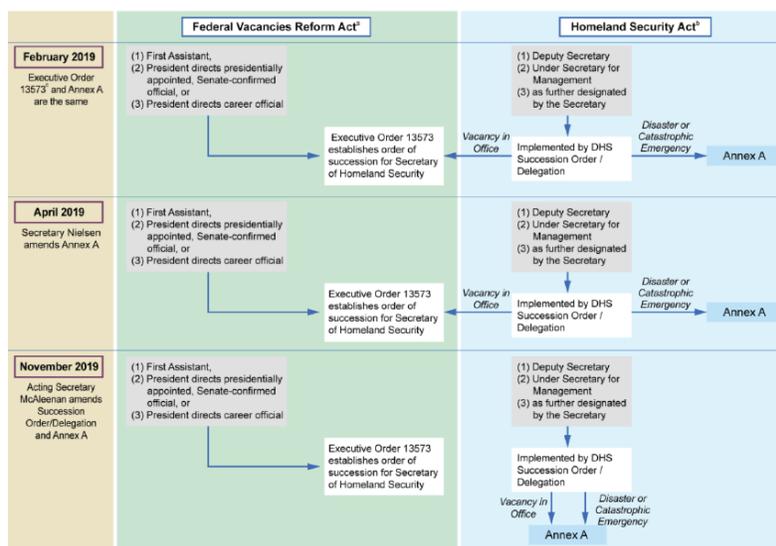
<sup>14</sup> Because the Vacancies Reform Act governs the Deputy Secretary, the 210-day limitation on acting service had already passed. This means the position had to remain vacant and no one could serve as Acting Deputy Secretary. However, under the Vacancies Reform Act, the department could designate an official to perform the duties of the Deputy Secretary so long as the official does not perform any non-delegable duties of the position. DHS indicated to us that, to the department's knowledge, no one performed any of the position's non-delegable duties. Response Letter.

Senior Official Performing the Duties of Deputy Secretary as designated in the April Delegation.

THOMAS H. ARMSTRONG,  
*General Counsel.*

APPENDIX 1: FIGURE ILLUSTRATING THE LEGAL FRAMEWORK FOR DESIGNATING AN ACTING SECRETARY OF HOMELAND SECURITY, CALENDAR YEAR 2019

Appendix 1: Figure Illustrating the Legal Framework for Designating an Acting Secretary of Homeland Security, Calendar Year 2019



Source: GAO analysis of DHS documents. I-19-331650.

\* The Federal Vacancies Reform Act of 1998 (Vacancies Reform Act) is the default framework to designate acting officials for presidentially appointed, Senate confirmed positions. 5 U.S.C. §§ 3345–3349d.

\* The Homeland Security Act of 2002, as amended, (HSA) provides an order of succession outside of the Vacancies Reform Act when a vacancy arises in the position of Secretary of Homeland Security (Secretary). 6 U.S.C. § 113(g). This includes authority for the Secretary to designate officers to serve as Acting Secretary, which the Secretary implemented through DHS Delegation 00106 and its various revisions.

\* The President issued Executive Order 13753 providing an order of succession to serve as Acting Secretary under the Vacancies Reform Act. Exec. Order 13753, *Amending the Order of Succession in the Department of Homeland Security*, 81 Fed. Reg. 90,667 (Dec. 9, 2016).

Mr. BRECHEEN. Ms. Johnson, you're now recognized for your 5 minutes.

Ms. JOHNSON. Thank you, Mr. Chairman.

I want to respond to a couple of the comments. The gentleman that was implying that illegal immigration benefited Democratic States is the most ridiculous thing I've ever heard of. I live in Texas. We have—I don't think anyone can state that there's a State out there that has more immigrants in it than the State of Texas, and it's very Republican, it's very red.

I also resent the hell out of the comment—I'm a duly elected Member of Congress by citizens of my district, and to imply that Democrats are not elected by citizens of this country is outrageous and offensive, and you should be ashamed of yourselves.

Next, you know—Mr. Chairman, you know, recipients of humanitarian parole programs, they don't want to leave their countries. They're here because they are fleeing harm and persecution. We

are the United States of America. We're supposed to be a beacon of refuge, a place that says give me your poor, your tired, your huddled masses. We're here. But we're neglecting these very words by virtue of this committee hearing and by what's happening in this Congress.

In May, the administration announced the termination of temporary protected status for our Afghan allies, the brave Afghans who put their lives on the line to support our U.S. troops. You give all this sanctimony about protecting our lines of enforcers of ICE, but what about the troops? What about the people who put their lives on the line in foreign countries and we had to solicit assistance from brave people in this country who risked their lives to make sure that our troops were safe and that our mission could be handled? Now we said to them, if you help us, we will be there for you. But not anymore. So now, the United States is home to over 200,000 Afghan allies.

President of the nonprofit AfghanEvac and military vet, Shawn VanDiver, said, We made a promise to our Afghan allies, and fulfilling that promise is not just a policy—it's about integrity.

It's about honor and honoring the commitment. Thousands of troops are rallying behind our Afghan allies because they know that countless American lives there were saved because of them and their bravery. They bled and died for our country, and how are we repaying them? By sending them back with a death sentence. I find that to be morally outrageous. It is wrong.

What is happening? What is happening? All you who serve bravely in our military, who love to parade pomp and circumstance about the role and honor of our U.S. military, and here we have citizens of another country who will be killed and executed because they helped our men and women who bravely serve. That is not the America that we all know we should be.

I think to the other point, you're complaining about ICE in masks. I think it's wrong that ICE agents are masking themselves, hiding themselves, not properly identifying themselves. The question is not do you not support the men who serve in law enforcement in this country, because we all do, but maybe you should be questioning the mission. Why is there so much pushback? Why is there so much outrage of how they're handling their mission? Why are we not questioning that? I think we are.

That the way they're doing it by running up on people, by coming and attacking people who are in this country legally. This country said yes, you have temporary protected status. Yes, you can come here. You've come the right way, and now we're saying, within very short notice, get the hell out. That is not fair. That is not right. That's putting these people who come here to fulfill their American dream, the tired, the poor, the huddled masses, come here and you can be free. It's just so wrong.

I think what we're seeing here is an outrage by the American people, and it's the leadership of this administration that is sending these agents into dangerous, harmful activities that is causing such a public outcry.

Mr. Bier, I have a question. Can you please explain the consequences for the lives of these Afghans and what's going to happen to them when America breaks its promise to them and sends

them back to be executed in Afghanistan for helping the United States of America?

Mr. BIER. Yes. So about 70,000 Afghans were paroled into the United States. They came legally during the evacuation. I guess the opposition to that would be that we should have left them all there to be killed. I prefer that we did what we did. Some bad actors were part of that group. We identified those people, and that's appropriate. That's what vetting should do. But the vast majority of the people that we evacuated were people that we should be protecting, and we should allow them to stay here permanently with a permanent status. We shouldn't have a temporary protected status. We should allow them to stay permanently, and there's legislation to do that.

Ms. JOHNSON. Right, because—

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

I now recognize Representative Knott for his 5 minutes of questioning.

Mr. KNOTT. Thank you Mr. Chairman.

You know, one of the great frustrations here is the conflation of legal immigration and illegal immigration, and the Democratic Party has made a habit of painting it with one swoop.

Republicans are against all immigrants, and that could not be further from the truth. As someone who worked over the last decade prosecuting illegal immigrant criminals, I can tell you I have zero problems with them wearing masks. We have organized crime. We have violent crime. We have international criminal operations that are here in this country, the likes of which few citizens can conceive of, and they perform countersurveillance, they are sophisticated, they are ruthless, and the level of violence that they operate in is a level that most Americans cannot conceive of. So I find it offensive that we are calling out our officers for protecting themselves.

Mr. CARTER. Mr. Knott, will you yield?

Mr. KNOTT. No, I will not. No, I will not.

This idea that we can bring as many people into this country from anywhere in the world, no matter where they come from, no matter what they believe, no matter what culture they hail from, without consequence and, truly, that it will only benefit this country is just laughable. It's just laughable.

We have 40 million illegal immigrants in this country, and we just have to ask ourselves—to Ms. Johnson—how many of the world's poor can we bring in here, in addition to the legal immigrants—in addition to the legal immigrants before the American economy, before Americans are harmed? We can't even take care of our own poor. The thought that we could bring in millions and millions of illegals and then not have a detrimental effect on our country, I find it offensive.

How many millions of low-skilled illiterate individuals should we bring into the United States while our own children fall behind, while our own children are lagging in schools? Dozens of countries from around the world sanction extreme persecution for religious or political differences. Should we bring millions of those people into the United States?

In many countries you can be executed because you are a Christian, because you are a homosexual, because you disagree on a political matter. Should we bring 10-, 20-, 30-, 50 million of those people into the country? This whole premise is absolutely outrageous, and the American people know that unchecked immigration on an illegal basis will bring this country to its knees.

So conflating the two, illegal immigration, open borders, unchecked migration, mass migration, into this country is only harmful. We could not be more robust in our favor for legal immigration. It is illegal immigration that we should be fighting against. The Democrats have not shifted 1 centimeter since November. They only advocate for open borders and unchecked illegal immigration, and I find it astounding.

Now, Mr. Cuccinelli, there was a lengthy discussion earlier that said that the ICE officers who are bravely trying to eradicate some of these criminals and get them out of the country are only operating on the basis of race. Again, I've worked with them. I think that is a grotesque overstatement, but I'll let you respond to it.

Mr. CUCCINELLI. So when I was the deputy secretary and overseeing ICE, any operation—they didn't just wake up 1 day and say, who are we going to get today? Investigation, research, and preparation goes into every field operation that you see and don't see.

Mr. KNOTT. Right.

Mr. CUCCINELLI. People are not winging it. They're prepared. They're professionals. They do this for a variety of reasons. No. 1, to preserve the safety of everyone going out, including the people they're going to encounter, by the way. You bring enough force to maintain the peace so that no one is tempted to be violent. That's part of the preparation, as you well know. They execute on that plan.

All of the allegations here about, oh, they're just after this or that on that one sole thing, they're just hitting people at Home Depot, that is just the biggest pile of horse manure I've heard in a long time.

Mr. CORREA. Gentleman yield?

Mr. KNOTT. Nope.

Mr. CUCCINELLI. So, you know, the comment was made, maybe it's the mission. I think she's right. That's not a reason—that's not a reason that law enforcement officers shouldn't be enforcing the law. You're Congress. If you don't like their mission, change the law. They are executing the law properly.

The whole question of masks, the fact—

Mr. BRECHEEN. Ten seconds.

Mr. CUCCINELLI [continuing]. The people in the Federal Government don't approve of ICE agents protecting themselves under situations—and let's be really clear here, they're not threatening ICE agents. They're threatening their families.

Mr. CORREA. American citizens being arrested—

Mr. BRECHEEN. Nope. Fifteen seconds.

Mr. CUCCINELLI. Families are being threatened.

Mr. KNOTT. I will say just in closing, Mr. Chairman, that there were roughly almost 3 million people granted temporary protected status. If each one of those people were given an hour, that's 330 years of Government time to vet those people. I think it's laughable

to assume that those people were properly vetted before they were brought into this country.

I yield back.

Mr. BRECHEEN. The gentleman's time is expired and he yields.

Mr. THANEDAR. Mr. Chair.

Mr. BRECHEEN. Representative Thanedar, you are recognized.

Mr. THANEDAR. Mr. Chair, I would like to ask for unanimous consent to enter a statement for the record from the AFL-CIO that speaks to immigrants being vital members of the work force.

Mr. BRECHEEN. Without objection, so ordered.

[The information follows:]

STATEMENT OF THE AFL-CIO

TUESDAY, JULY 15, 2025

The AFL-CIO is a federation of 65 affiliated unions representing more than 15 million workers across all sectors of our economy. Our members work in every State in the Nation and they come from every region of the world. Like the workforce as a whole, our membership consists of people with all types of immigration status. Together, we strive to ensure that every person who works in this country receives decent pay, good benefits, safe working conditions, and fair treatment on the job.

The mass deportation agenda currently being pursued by the administration and Congress is a direct threat to workers, jobs, and unions that will have a devastating economic impact for our Nation. One in 5 workers in our country wasn't born here. Needlessly stripping millions of people of work authorization through the termination of Temporary Protected Status and various forms of humanitarian parole will cause severe workforce disruption that risks crippling key industries that rely heavily on immigrant labor, such as construction, hospitality, manufacturing, and food processing. Rather than benefiting the remaining workforce, mass deportations amidst an already tight labor market will shutter businesses, disrupt supply chains, drive up costs for consumers, and put jobs at risk.

Immigrants are vital members of our workforce and our unions, yet last week alone more than 500,000 work-authorized people with CHNV parole received notice that their status was being revoked and they needed to leave the country by April 24. Let's call this what it is—a massive layoff forced onto the private sector by the Federal Government. Moreover, it is a betrayal of commitments made to working people from Cuba, Haiti, Nicaragua, and Venezuela who were invited to our country, with sponsors, and are now needlessly and cruelly having the rug pulled out from under them and being ordered to return to life-threatening situations.

For a small window into the harmful impact parole terminations will have on local unions and the economy, we share this quote from Dino Driskell, president of IUE-CWA Local 83761 in Louisville, Kentucky:

“We were outraged to learn that nearly 200 of our union members at GE/Haier Appliance Park are being targeted for deportation by the Trump administration. These workers came to this country legally and are hard-working, tax-paying members of our community, raising their families and living their lives peacefully. They come to work every day at GE/Haier to build appliances for the American people. They deserve to be treated with dignity and respect, not ripped from their families to be shipped away. We have over 20 languages spoken at Appliance Park, and we believe diversity is a strength, not a weakness. We call on the administration to restore their status immediately.”

And if revoking commitments made to working people with CHNV parole was not bad enough, DHS also sent alarming notices to an additional 200,000+ people invited to the United States under the Uniting for Ukraine (U4U) program. These shocking messages, which opened with the statement, “It is time for you to leave the United States,” advised recipients that their parole would terminate in a mere 7 days and asserted that they would be subject to criminal prosecution if they did not depart the country immediately. Nowhere did the notice thank them for their varied contributions to the United States or acknowledge that Ukraine is an active war zone. Although the U4U messages were recalled the next day, the insult, confusion, and fear remains.

Humanitarian parole is an important tool to respond to urgent situations, such as Putin's invasion of Ukraine, and to provide significant public benefit. Indeed, the

arrival of newcomers through various parole pathways over the past several years has protected more than a million working families and provided vital stimulus that helped to stave off a recession. In addition to expanding the workforce, immigrants promote economic growth through their consumer spending, support our social safety net, and pay taxes on which Federal, State, and local budgets rely.

Needlessly stripping people of parole will harm workers, unions, jobs and our economy, and we urge Members of Congress to insist that their rights and work permits be restored. Recent estimates by the Economic Policy Institute suggest that the mass deportation agenda will destroy 6 million jobs in our country. Immigrant workers will bear the brunt of this impact, but their co-workers will also suffer, with nearly half of the job losses hitting American citizens.

The real threat workers face is corporate greed, not immigrants. President Trump wants working people to focus on the border and immigration so we'll be too distracted to notice as they roll out massive corporate tax cuts, slash our benefits, starve our public schools, and trample on our labor and voting rights. It is a classic political maneuver meant to keep us divided and poor, and we see right through it.

For these reasons and many more, the mass deportation agenda is not just bad for immigrants, but for every worker in this country. We call on lawmakers to reject this destructive approach, and instead return focus to comprehensive reform of our unjust immigration system in ways that center a pathway to citizenship and ensure all workers are able to live and work safely and with dignity.

Mr. BRECHEEN. I want to thank the witnesses for your time, your testimony; the Members for the questions and the dialog. The Members of the subcommittee may have some additional questions for the witnesses. We ask the witnesses to respond to these in writing.

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

Without objection, the subcommittee now stands adjourned.  
[Whereupon, at 4:34 p.m., the subcommittees adjourned.]

## APPENDIX

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### PREPARED STATEMENT OF CHARLES MARINO

Chairman Brecheen, Chairman Guest, Ranking Member Thanedar, Ranking Member Correa, & Members of the committees. Thank you for the opportunity to speak on a topic of growing national significance—the screening and vetting of large numbers of parolees into the United States.

Let me begin by acknowledging a simple truth: the United States has always been a beacon of hope and opportunity for people around the world. Our immigration system, when it functions effectively, strengthens our country economically, culturally, and diplomatically. But when processes are rushed, overwhelmed, or politically manipulated, serious risks arise—both to national security and public trust.

Today, I want to highlight 3 key concerns tied to the mass parole of individuals into the United States under programs that often lack full transparency, accountability, or adequate infrastructure.

#### FIRST: SECURITY GAPS DUE TO VOLUME AND SPEED

When tens of thousands of individuals are paroled into the country over a short period, the system becomes strained. Resources, personnel, and technology—especially those used for background checks—are limited. Vetting takes time. When that time is compressed, corners may be cut, or critical data may simply be unavailable from the country of origin.

In some regions—particularly conflict zones or failed states—there are no reliable records to confirm identity, criminal history, or associations with extremist networks. If we are admitting individuals faster than we can verify them, we are increasing the risk of admitting bad actors alongside genuine refugees. This has proven true as fact in very real ways.

#### SECOND: INCONSISTENT STANDARDS AND OVERSIGHT

Parole is designed to be a case-by-case humanitarian tool—not a large-scale immigration pipeline. However, when used at scale, it becomes susceptible to inconsistent decision making. Agents and officers under pressure may lack clear, standardized criteria for approval, or may be forced to rely on incomplete information and judgment calls. This opens the door not just to security risks, but also to claims of unfairness, abuse, or politicization. Trust in the integrity of our system—by citizens and immigrants alike—depends on consistency and fairness.

#### THIRD: DOWNSTREAM CONSEQUENCES FOR COMMUNITIES

Finally, we must acknowledge the practical impacts on State and local communities. Rapid influxes of parolees can strain schools, health care systems, housing markets, and social services—especially when local authorities are not given adequate support or warning. Moreover, if individuals are admitted without full vetting and later commit crimes or are found to have ties to dangerous organizations, public confidence in both the parole process and immigration policy at large is eroded. This fuels political division and undermines legitimate asylum and refugee programs.

To be clear: this is not an argument against compassion or humanitarian aid. It is an argument for responsible governance. We must ensure that parole programs are transparent, limited in scope, and supported by the appropriate infrastructure—including intelligence sharing, biometric screening, and long-term monitoring.

Security and compassion are not mutually exclusive. But one must never come at the complete expense of the other. If persons are unable to be thoroughly vetted, they **MUST NOT** be allowed into the country! We must never put politics over the national security of our country or the safety and security of the American public.  
Thank you.

