

United States Senate

Committee on Homeland Security and Governmental Affairs

Subcommittee on Government Operations and Border Management

Hearing: Examining the Effects of Increased Migration on Communities Along the Southern Border

Douglas J. Nicholls
Mayor
City of Yuma, Arizona

Date: April 26, 2023

Dear Chair Kyrsten Sinema, Ranking Member James Lankford, and the members of the Subcommittee on Government Operations and Border Management of the U.S. Senate Committee on Homeland Security and Governmental Affairs:

Thank you for the opportunity to testify before you concerning impacts of increased migration along the southern border. I am Mayor of Yuma, Arizona, Douglas Nicholls. I am in my third term striving to mitigate the many impacts of increased migration on our international border in the southwestern Arizona region.

While each community along the U.S./Mexico border is unique, the impact of migration over the last two years has been significant and has potential to increase in impact with Title 42 measures terminating on May 11th. These communities need the Federal government to fully own the entirety of the impacts created by the current wave of immigration and the policies that do not discourage the illegal crossing of our border.

This will require adopting policies that have impact, providing solutions independent of local government involvement, and stating clear messaging about the closed status of the border.

INTRODUCTION TO YUMA

The Yuma region is in the southwest corner of Arizona along the Colorado River. We are adjacent to California and share a border with Mexico. Yuma has vital strong ties to Mexico, which historically have strengthened our international border economies and led to multi-billion-dollar GDPs and significant populational growth. Yuma's desert community has key military assets that support our national security. It is home to a multi-billion-dollar agricultural industry that feeds the world. It is a tourism destination in the winter for tens of thousands of visitors for our climate and outdoor recreational activities. I have seen major impacts from migration on these three economic pillars since I began my role as Mayor in 2014. The migration impacts continue to go unresolved.

Yuma County has a GDP of approximately \$9 billion. Agriculture is our leading industry, producing \$4 billion dollars of economic activity each year. The crops they produce feed the world: our Durham Wheat is exported to Italy for pasta, dates are exported to the Australia and the Middle East, and citrus to the Pacific Rim countries. During the winter, Yuma produces 90% of the leafy greens consumed by the entire United States and Canada. Our agriculture industry leads the world on innovation for efficient water utilization while simultaneously increasing yields of crops to record-breaking levels. It employs approximately 50,000 people in roles ranging from crop harvesting to research, processing and food safety.

Manufacturing and transportation of goods are abundant near the southwest border, given our proximity to Mexico and development opportunities. Yuma County has two ports of entry shared with Mexico and three more in close proximity. In 2022, more than \$2 billion in trade crossed through them and more than 17 million people utilized the ports for tourism, travel and business along the border.

Yuma is home to the U.S. Marine Corps Air Station Yuma and the U.S. Army's Yuma Proving Ground: Military installations that are pillars of our municipalities and key to our nation. YPG tests nearly every piece of military hardware given to U.S. warfighters, and MCAS-Yuma has more take offs and landings than any other Marine airfield due to its critical training mission.

Our tourism industry boasts about 100,000 winter visitors every year as well as attractions such as the Colorado River, Imperial sand dunes, Sonoran Desert recreation, Mexico tourism and history enthusiasts vacationing with our wild-west roots.

Yuma's relationship with Mexico is not just about a location on a map. The cultures, societies and economies of the border communities on both side of the border are inextricably tied together. The people of Yuma are demographically connected to Mexico. Approximately 60% of Yumans are Hispanic, most with direct ties to Mexico as their families have immigrated into the United States within the last two to three generations. Yuma is a community well connected to all aspects of immigration.

Yuma is the third largest metropolitan city in the great state of Arizona, and a global player with far-reaching impacts. Yet for the last several years, we have made national news for things like: Our hospital's impacts from migrant surges, Yuma's U.S. Border Patrol station's resilience as they keep up with impacts while being short on staff; for our non-profits that pulled together to support shelters during the pandemic that were overrun by migrant surges; and for our farmers having to work through impacts as they continue feeding the world.

My aim is that you understand how Yuma is a community connected to all aspects of immigration—and we value the relationship we have with the cultures, societies and economies with border communities south of the border. They are crucial to our region, our country, and our ability to boost our global impact. We are inextricably tied together.

Immigration has to be done correctly, and it cannot be accomplished without federal action. Positive migration has led to educational opportunities to in our schools from elementary to higher educational levels; it supports growing needs for medical support in hospitals; and it leads to homeostasis in our border communities' quality of life and labor forces.

MIGRATION SUCCESS

Migration plays a critical role in the success of the Yuma area especially in our largest industry of agriculture. During the winter harvest season, 15,000 legal workers cross through the neighboring San Luis Port of Entry every morning and return to Mexico every evening. They are added to the 3,800 H-2A visa workers that complement the domestic workforce to create the 50,000 workforce positions needed to drive the winter harvest operations. As a border community, we are able to support the workforce demands due to our proximity and the legal crossing capabilities of the workers from Mexico. Other U.S. agriculture locations that are

not located near the border struggle to find sufficient domestic labor for the operational labor-intensive roles needed for farming.

Yuma is designated as a Health Professional Shortage Area (HPSA). Staffing for trained, qualified medical personnel is already highly competitive around the United States, and Yuma has an extraordinary shortage. The Yuma Regional Medical Center is the major hospital for the Yuma area. To help fill these roles, traditionally YRMC brings in talent from other countries for medical professionals by utilizing various visa programs.

HISTORY OF ILLEGAL MIGRATION IN YUMA

Historically, border security in the Yuma area has had its peaks and valleys. In 2006, the Yuma Border Patrol Sector experienced 146,000 interdictions of undocumented individuals crossing the border. Many of these individuals were not looking to be caught, which resulted in many law enforcement chases and many got-aways. The National Guard was deployed by President Bush to the border to construct the first significant barrier, the landing mat wall. U.S. Border Patrol's Operation Streamline prosecuted and repatriated nearly all people in a very short time frame. These actions reduced the number of people crossing to below 10,000 in 2007.

In 2017, we experienced an increase of people from Haiti attempting to gain access to the US through the Yuma Sector. This was resolved by rigorous implementation of the policies at the time, including portions of Operation Streamline.

In 2019, a large migration of families from Central America were attempting to cross the U.S./Mexico border. In March, the U.S. Border Patrol's Yuma Station was faced with managing increased levels of migrants. The resources these families needed while in the Department of Homeland Security custody far exceeded DHS capabilities for the region. Migrants in detention were transported to the Immigration and Customs Enforcement Office in Phoenix for processing and eventual release, as was the procedure in place at that time. This process was overwhelmed by the levels of apprehensions being experienced in March. As Mayor of Yuma, I was notified by the USBP Sector Chief that the processing for those families that could not be accommodated in the Phoenix ICE facility would instead be processed at the USBP Yuma Station and released on to the streets of Yuma.

I acted by bringing together the local nonprofit NGOs to prepare for releases of migrant families into our community, in a program we call the Yuma Humanitarian Project. On March 26th, the first set of migrant families were released to the Yuma shelter by USBP. We helped facilitate the transportation of these migrants, proactively searching for and obtaining transportation options like buses, which soon became hard to find as other border cities competed for the same cross-country transports. This slowed the departure of the families from the Yuma area, causing a backlog in the shelter and an overwhelming toll on our non-profits and community volunteers.

On April 16th, the shelter reached its operational capacity of 200 people and I proclaimed a local emergency. The numbers at the shelter continued to climb as we attempted to accommodate as many as possible. When the census of the shelter crested 300, topping at 330, we closed the shelter to new migrant families. USBP released new migrant families in the neighboring City of San Luis, without shelter facilities in place. The families eventually relocated to Yuma due to transportation options only located in the Yuma area. Three days later, the Yuma shelter was reopened to new migrant families. The shelter had to close two more times as numbers again crested 300.

President Trump put in place numerous policies like the Remain in Mexico protocol, which discouraged the crossing of the border. The Yuma Humanitarian Project assisted more than 5,700 migrants in three months.

Our NGOs expended more than \$700,000, and 93,000 pounds of food and clothing were donated. Thousands of hours of volunteer time were spent. In performing this effort, NGOs had to seek other sources of donations, locally and nationally, to reduce impact on the regular services they routinely provide to the Yuma community. The Yuma Regional Medical Center treated nearly 1,300 migrant patients, representing a cost of \$810,430 to the hospital. Only one-third of that cost was reimbursed to YRMC by the Federal government. The \$546,000 difference is typically worked into the overall costs of the hospital and potentially distributed to other patients.

The remaining of 2019 saw more average numbers of people crossing the border. As COVID-19 became known, the numbers were still average until Title 42 healthcare provisions took effect. In 2020, the number of people who crossed and were interdicted in the Yuma Sector was less than 9,000 people.

CURRENT MIGRANT CRISIS

In January 2021, President Biden lifted the border security and immigration provisions on his first day of office; only Title 42 remained in effect. This led to an immediate increase in migrants crossing the border. The Yuma Sector Border Patrol Chief notified me in February that his facilities were becoming overwhelmed and were losing the capacity to shift migrants to other facilities for processing. Yuma was once again in the same dire situation as it was in early 2019. Migrants began to be released into the streets of Yuma, again, on February 15th. I again assembled the local NGOs for the discussion of a community response. The impact of COVID-19 was evident. The reduced funds they were able to collect were directed to people struggling from impact of COVID, and the volunteer corps had nearly evaporated. For two weeks, people were released to find their own resources and transportation. About 500 people were released in this manner during that timeframe.

In April, the Regional Center for Border Health (RCFBH), a non-profit focused on providing affordable and accessible public health services, began a process of intaking released migrants and helping them find transportation. They administered COVID tests to each person, addressed medical issues, helped them obtain transportation to their destination, and provided a chartered bus to a regional airport. Their current capacity is between 600 and 700 people per day. RCFBH receives reimbursement funding for most of their efforts through the FEMA Food and Shelter Program, however some reimbursement has been denied. They continue to provide this service today.

The total people crossing the border in the Yuma Sector reached 260,000 in FY 2021 and 340,000 in FY 2022. Currently, the Yuma Sector Border Patrol has interdicted 120,000 migrants year to date. This does not include the “got-a-ways,” which is at more than 7,000 known counts this year; a 50% increase from this time last year. In 2022, Yuma Sector ranked highest in apprehensions for any U.S. Border Patrol Sector, as well as second in violence towards Border Patrol agents. We experienced 70 deaths of migrants that year, the highest in the history of the Sector.

The processing time required for the high volume of migrants reduces patrol time by USBP Agents along the border, and at times requires all Agents to be pulled off the border to assist with processing and transporting. This also has impacted the USBP checkpoints along our major transportation networks. These checkpoints have been closed for the vast majority of the current crisis. They are critical in

interdicting drug traffickers and migrant “got-a-ways”, creating vulnerabilities in our nation by allowing the flow of drugs into the U.S. and in preventing capture of migrants who avoid law enforcement because of warrants or other potentially nefarious activities.

In December of 2021, the daily volume of people crossing the border rose from about 800 per day to over 1000 people per day. This surge included a four-day span of 1500 people per day. USBP’s Yuma Sector was overwhelmed and could not process migrants fast enough to keep up with the inflow. Operationally, they stopped picking up migrants that had crossed in order to create enough capacity in the facility. Migrants were now waiting along the border for many hours. They began to move from the border areas into the City of Yuma by foot, Uber or by dialing 911. At this point, I again proclaimed a Local State of Emergency to prevent large groups of people without resources from ending up in a humanitarian disaster. The flow receded back under 1000 migrants per day and operations were resumed for regular pick-ups along the border.

The two previous attempts to repeal Title 42 caused similar events of dramatic spikes, however, the Yuma Sector maintained operations. The most recent attempt to repeal Title 42 resulted in many other communities in Yuma County proclaiming and declaring states of emergencies. Yuma County declared on December 14th, the City of San Luis declared on December 15th and the City of Somerton on December 21st. The City of Yuma declaration remains in effect.

IMPACTS OF THE CURRENT MIGRANT CRISIS

The current and prolonged migrant crisis has caused more local impacts to Yuma and its surrounding communities. The multi-billion dollar agricultural industry makes up roughly 70% of Yuma's economy; and migrant-related events that negatively impact this industry are of grave concern. The volume of migrants crossing the border have resulted in damage and eventual destruction of acres of winter crops. When migrants or any unauthorized individuals enter a field in production, the crop around their path must be destroyed to maintain necessary food safety and security for our nation's consumers. This has an impact to the farmer of a total loss of the crop, costing between \$10,000 and \$11,000 per acre. Losses are not reimbursable through any insurance coverage, and do not account for the wages lost by all workers and their families. The impact is felt through the food supply chain. Workers are not limited to field labor, but include those in the packing houses, coolers, fleet services, truck drivers and many others along the line from the farm to the table.

In 2022, Yuma Regional Medical Center's (YRMC) demand for migrant healthcare services soared. As the only hospital for 180 miles that offers a full range of acute healthcare services, they received migrants directly from USBP as well as migrants who came directly from the border. This increase included services for adult care (240 patients), emergency care (1205 patients), intensive care (19 patients) and Maternity Care (521). The maternity ward reached 125% of capacity as discharges were complicated due to lack of prenatal care, high-risk pregnancies requiring longer stays, and the ability to ensure upon discharge the migrant and newborn had sufficient accommodations to meet Arizona law. Some families stayed in hospital rooms converted to hotel rooms until discharge was possible. Car seats were purchased to ensure childhood safety upon discharged. Overall, the time to overcome language and cultural barriers to provide care resulted two to three times the amount of effort than standard cases in the hospital. All of these efforts have resulted in \$26 million of unreimbursed care. These uncompensated costs impact directly the bottom line and potentially the residents of Yuma who seek medical care.

The economic growth and future potential for development of our region is being compromised by the lack of attention and action to stop this unprecedented level of migration. During a recent engagement our economic development organization held with an Italian company looking to directly invest in the area, they knew only that Yuma was the out-of-control migrant crossings of the border. Frequent engagements with companies include inquires like, "How safe is it?" We are not able to determine the level of loss of opportunity of economic investment caused by the record-setting volume of migrants, however these anecdotes give an indication the losses are significant.

Adding to the negative perception by potential companies and visitors are many falsehoods and assumptions of the impacts. While the number of migrant interactions by the Yuma Police Department has risen, the local crime levels have not. There are not gangs of migrants walking the streets. Our schools are not flooded with students from families who recently were released by Border Patrol. Our housing stock is not impacted by the large volumes. The single reason that these assumptions are false is due to the fact the migrants have destinations outside of Yuma and do not remain in Yuma. All migrants received by RGFBH have a destination and a receiving family or organization.

FUTURE OF MIGRANT CRISIS

On May 11th of this year, Title 42 is slated to be lifted. As this is a healthcare provision for COVID-19 and not an immigration provision, it is likely to be removed on this third attempt. The volume of migrants crossing daily is expected to increase from the current levels of approximately 400 to approximately 1,000 or more. These are the numbers that caused the local USBP to become overwhelmed, which would in turn overwhelm the capacity of the RCFBH. This then leads to releasing migrants on the streets of Yuma.

The local community is attempting to prepare for this new level of this crisis. The local governments met with the USBP Yuma Sector Chief and staff to develop possible scenarios. I have brought together my City Department leadership to investigate options and develop potential responses should they become necessary. Yuma County is the emergency managing agency for the region. Discussions on this emergency are constantly ongoing at our local level.

The challenges include funding for the various responses. The City of Yuma does not have departments to provide feeding services, housing services and transportation services. To set up these capabilities requires funding. The current FEMA Feeding and Housing grants do not provide reimbursement for establishing these services. YRMC is still awaiting reimbursements for the necessary healthcare provided to the migrants. These scenarios do not give hope to cities or organizations trying to prevent a humanitarian disaster within their own community.

The situation is a Federal issue. Immigration and border security are both clearly national issues. The Federal government needs to own the entirety of the situation and not push it off to local governments and agencies. There are two observations I have made that seem to hold true to the recent responses to this crisis. The first tenant is that any solution is not about stopping the flow into the United States, but about making the process more efficient. The second is that the decision-making process after the release the migrants are a local government concern, not a federal concern. These need to change before real solutions can be implemented.

PROPOSED ACTIONS

The humanitarian issues are real in the Yuma area, and the status of immigration is far beyond critical. The community needs effective immigration policies to facilitate trade and commerce. The drain of resources and strain on the community causes a real loss to Yuma. There are no easy and quick solutions to the full

immigration situation. There are several proposed actions that could provide relief in the short term and solutions in the long term.

The first suggestion is clear and concise messaging from our national leadership. President Biden and the Secretary of Homeland Security must state clearly and frequently to the world that this is not an acceptable means to immigrate into the United States. A Declaration of Emergency is a strong means to accomplish this message. It is evident that the words of the President are impactful when frequently migrants state they have been invited by the President.

The next suggestion is that the migrant sheltering and processing be transferred to DHS Federal Emergency Management Agency. FEMA's sheltering capability and resources in the humanitarian crisis would be effective in alleviating the burden on border communities.

Smaller communities have a difficult time providing the needed volume of NGO resources for humanitarian demands. It created an unsustainable situation. This could be quickly resolved by preventing the release of migrants into any community with less than 1 million residents, and by transporting migrants to communities with more than 1 million people which can absorb the number of releases. This could be accomplished by deploying the National Guard to provide transportation.

The lack of access to the asylum process has led to high increases in the number of community releases. Providing more access to the immigration judicial process would help protect those in danger and repatriate those not eligible for asylum status. This can be accomplished by temporary assignment of immigration judges to the border communities, or by establishing a video-conference capability to remotely hear the cases. This would allow further utilization of the John R. Roll Federal Courthouse in Yuma or permit judges to stay in their courts and allocate portions of their dockets to video proceedings.

Lastly, revisiting and implementing policies from the past like Operation Streamline will impact the flow, reducing the burdens on communities as well as the DHS structure.

The long-term solutions all center around Congressional action to reform our nation's immigration policy. The guest worker program requires rework to ensure it is addressing the needs of the various industries while maintaining protections for the American workers. The asylum process needs to be effective and fair,

providing clear guidelines without loopholes for the protection of vulnerable people when needed, yet that cannot be abused by non-threatened individuals. Adequate funding and staffing to meet the real-life demands of protecting the nation is essential to the execution of any plan to address immigration issues. Our nation has a legacy of strong immigration policies to provide for opportunity to all Americans, immigrant or otherwise, coupled with national security through fair and clear laws.

I appreciate all who took the time to visit the Yuma area to see the situation firsthand. Every section of the border and every border city or town is unique. On behalf of the people of Yuma, I implore you to move forward with strong recommendations, to follow up those recommendations with continued advocacy, and to have a positive impact on the border cities like Yuma. Thank you for your time and attention.