

Opening Statement of Chairman Ron Johnson
***“The 2014 Humanitarian Crisis at our Border:
A Review of the Government’s Response to
Unaccompanied Minors One Year Later”***
July 7, 2015

As submitted for the record:

Good morning and welcome.

Last summer, we witnessed a humanitarian crisis as more than 51,000 unaccompanied minors from Central America came across the U.S.-Mexico border. The purpose of this hearing is to assess, one year after the crisis, what happened to those children.

That, of course, is not to imply that the crisis is over. Already this year, we have seen more than 15,000 unaccompanied minors from Central America arrive at the U.S.-Mexico border. Before the administration’s announcement of Deferred Action on Childhood Arrivals (DACA), fewer than 4,000 minors from Central America were arriving at the border annually. In addition, we have learned that many more would be arriving if not for Mexico’s increased enforcement at its southern border.

When minors arrive at the U.S.-Mexico border, the first thing many do is turn themselves over to Border Patrol agents. While in the Rio Grande Valley sector earlier this year — the center of the crisis — we were told by Border Patrol agents that many children and families crossed the Rio Grande, lit fires and waited for Border Patrol agents to pick them up. Others were used by the cartels as a diversionary tactic for higher value drug, human and sex trafficking.

U.S. Customs and Border Protection (CBP) is charged with apprehending and temporarily detaining unaccompanied minors arrested at the border.

Pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), children from noncontiguous countries must be transferred to the Department of Health and Human Services’ Office of Refugee Resettlement (ORR) within 72 hours of apprehension and cannot be immediately transferred back to their home countries. U.S. Immigration and Customs Enforcement (ICE) is charged with transferring the custody of the unaccompanied minors from CBP to ORR. ORR then looks for placement for the child, either through sponsors or foster care. According to HHS, once the child is placed with the sponsor, pending limited exceptions for post-relief services, the role of HHS is concluded.

Once a child is placed with a sponsor, ICE provides the child with a notice to appear before an immigration judge. U.S. Citizenship and Immigration Services (USCIS), within DHS, is responsible for initial jurisdiction over all asylum applications filed by unaccompanied

minors. TVPRA provisions provide the unaccompanied minors who do not obtain asylum during the USCIS process with a second opportunity to make their case before an immigration judge. The Executive Office of Immigration Review (EOIR) in the Department of Justice (DOJ) then conducts immigration proceedings to determine whether an unaccompanied minor qualifies for asylum or another immigration benefit, or must be repatriated to his home country. If an unaccompanied minor does not show up for his court hearing or if no immigration benefit is granted, EOIR issues a final order of removal, which ICE is then charged with executing.

Clearly, this is a complex process. The children who arrived at our borders last summer and who are still arriving are subject to the jurisdiction of three different federal departments and five component agencies, all of which answer to multiple congressional committees. It comes as no surprise that statistics the committee has requested regarding the status of these children today are not readily available and are disjointed when presented.

What we do know is that more than 51,000 children from Central America entered the U.S. last summer, and fewer than 2,000 have been repatriated to their home countries. When asked what has happened to the minors since they were turned over to sponsors, agencies start pointing fingers at each other. The Department of Health and Human Services claims it has no responsibility to follow up with children once they are handed off to sponsors. The Department of Justice suggests it only issues orders of removal and cannot enforce those orders. The Department of Homeland Security has stated that ICE has not repatriated more children because of delays in immigration courts and the long time that asylum adjudications take. Today we have all the departments represented at this hearing to help us understand the unique role each plays and to sort out who is legally responsible for unaccompanied minors during the removal proceedings required pursuant to the TVPRA.

This is an important inquiry. What both DHS Secretary Jeh Johnson and former DHS Secretary Michael Chertoff have recognized is that those migrating from Central America are extremely market-sensitive. If you do not show the population in Central America that you are sending people back, more will likely embark on a dangerous, sometimes deadly, journey to enter the United States illegally. Congress has created a convoluted system that all but guarantees minors from noncontiguous countries will not be returned home, that a message from the U.S. will not be sent, and that more young children will be enticed to risk their lives. Isn't it time to re-evaluate our laws and to seek a more workable and straightforward system — one that eliminates, or at least drastically reduces, the incentives for illegal immigration?

I thank the witnesses for their willingness to answer these important questions and I look forward to their testimony.

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