

Hearing of House Judiciary Committee
Subcommittee on Immigration Integrity, Security and
Enforcement

The Biden Border Crisis: Part III

Testimony of Mark Hetfield

President & CEO, HIAS

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2141 Rayburn House Office Building

Chairman McClintock, Ranking Member Jayapal, and distinguished members of the Subcommittee, I thank you for the opportunity to join you here today on behalf of HIAS to discuss what is happening at the U.S.-Mexico border.

HIAS, founded over 120 years ago as the Hebrew Immigrants Aid Society, on the lower east side of New York City, is the oldest refugee organization in the world. We were founded to help refugees because they were Jewish, today HIAS helps refugees because we are Jewish. We resettle refugees in partnership with Departments of State and Health and Human Services, and with Jewish family service agencies, congregations, and other local partners across the United States. We also operate in 22 other countries, half of which are in Latin America and the Caribbean, working in local communities to help refugees find welcome and safety in their countries of asylum.

HIAS is old enough to remember when this country, and this planet, did not recognize the right to seek and enjoy asylum, including during a time when 6 million Jews were murdered, trapped inside of a genocide, with no right to flee and no places that would accept them, during a time when the United States and other countries were turning refugee ships back to their persecutors, such as the Saint Louis, the refugee ship of 937 passengers which – this month 84 years ago – was turned away and sent back to Europe.

HIAS is also old enough to remember the importance of American leadership in the drafting of Article 14 of the Universal Declaration of Human Rights of 1948, the Refugee Convention of 1951, and the Refugee Act of 1980 – which passed this chamber and was signed into law with strong bipartisan support. These landmark measures were intended to ensure that never again would people fleeing persecution be turned back to their persecutors.

Today, however, the asylum and immigration systems in this country are in dire need of investment, updating and repair. Everyone in and outside of this room can agree that the system is broken. The status quo is unacceptable.

Congress has not addressed legal immigration pathways in over three decades. The excuse for not doing so is often that we can fix legal immigration pathways until we fix the border. This is a false choice, ignoring the laws of supply and demand. We cannot fix the border without also reforming our legal immigration pathways.

As long as there are jobs to fill that American citizens cannot do or will not do, the US government will not be able to secure the border. Congress needs to establish legal pathways.

As long as the government continues to invest in immigration enforcement officers without investing in immigration judges and asylum officers and in a more fair and efficient asylum system, the USG will not be able to secure the border. Otherwise, people will continue to apply for asylum and be assigned a court date many years into the future. With these massive

backlogs, people who are not legally entitled to protection will stay in the US for years before they will be sent back, and people who are entitled to protection will anxiously sit for years, unable to enjoy peace of mind.

As long as the system continues to leave people in limbo status for decades - like TPS recipients, Dreamers, humanitarian parolees, and those who receive withholding of removal - with no pathway to permanent residence or family reunion, you will not be able to secure the border. People who are living in danger or in extreme poverty will want to come here to reunite with loved ones, to work, and to start a new life..

So long as it is difficult for asylum seekers to access legal counsel, you will not be able to secure the border, because they will not have access to advice on whether or not they qualify and should proceed with their application.

HIAS welcomes the Biden Administration's announcement that it is establishing resettlement processing centers in South and Central America. In order to secure the border, we need such safe and legal pathways for people fleeing for their lives to access resettlement, but as a safer complement to asylum, not as a substitute. Similarly, we welcomed the Biden Administration's earlier decision to reopen the Central American Minors program, so that some children (and other eligible family members) from El Salvador, Honduras and Guatemala with qualifying parents or legal guardians in the U.S. will no longer have to risk their lives to reunite with family across the border.

Separating families, pushing people back without hearing their asylum claims, and subjecting asylum seekers to inhumane conditions on both sides of the border in detention shames us, but will not deter people from coming here, as they have no better options.

I can't get my mind off of one HIAS Mexico client in particular, a 26 year old Venezuelan man with a wife and three children, who was turned away from the United States without a hearing under Title 42. He then tried to get an appointment using the CBPOne App, but was only able to get an appointment for himself, not for his family, who remained in Mexico. Concerned about their safety, he returned to Mexico, where he continued to try to get an appointment using CBPOne for his entire family, while selling flowers on the street in Juarez to help his family survive. On March 27, he was among those in the Juarez Mexican detention station, when a fire broke out with people locked in their cells. 40 people were killed in that fire, but he survived by putting his head in a toilet bowl and keeping it there throughout the ordeal, suffering severe burns all over his body. He and his family were ultimately allowed to enter the United States so that he could receive medical care for the severe burns from the fire.

My full written statement provides details on HIAS' proposed approaches to the many challenges at the border, and I am happy to answer any questions you may have. I cannot overemphasize, however, that there are no easy or cheap solutions to make up for decades of

underinvestment, neglect, and polarization around this issue. We hope we can rely on the Congress and this Subcommittee to find bipartisan solutions that provide the legal pathways and the enforcement mechanisms necessary to restore equilibrium and integrity to our immigration and asylum systems. These problems cannot be solved without joint leadership from both Congress and the Administration.

In the meantime, there need to be additional resources at the border and within our asylum system. But those resources cannot be solely focused on apprehension, removal and detention or on removal without a screening. The administration should not replace one legal fiction – barring asylum seekers on health grounds – with others – barring them because they did not go through asylum systems that are even more dysfunctional than our own. In the immediate term, the Administration, and Congress should focus on increasing resources for the fair and efficient adjudication of asylum claims, on a last in and first out basis, with legal counseling and measures to ensure that Customs and Border Protection follow the law and DHS procedures to ensure that no one is sent back into harm's way. The refugee admissions and Central American Minors programs should be resourced to be safe and orderly pathways so that people can rely on U.S. law rather than on smugglers.

As a faith based organization with operations in more than 20 countries, and as an agency which saw how critical U.S. leadership was in recognizing the international human right to seek and enjoy asylum, HIAS feels strongly that the promise made by President Biden in his inaugural address applies at our borders. We need to lead not just by the example of our power, but by the power of our example. The global refugee crisis is truly global, with more displaced persons across the globe than at any time in human history. We are not the only country facing this humanitarian challenge, and the United States can't solve it alone.

Detailed testimony

Perhaps most relevant to the discussion today, it is important to note that HIAS works in 11 countries, with more than 70 field offices, in Latin America and the Caribbean. HIAS first opened offices across Latin America in the 1930s to facilitate the immigration of Jewish refugees from Nazism in Europe, and maintained a presence in Latin America until the mid-1990s. In 2000, HIAS reopened its regional office in Buenos Aires to assist Jews fleeing the Argentine economic crisis with relocation to countries in the Americas, Europe and Australia. We then reopened operations in Ecuador in 2003 to serve refugees fleeing the conflict in Colombia. Since then, HIAS' presence in the region has expanded—reaching from Mexico and Central America to South America and the Caribbean. today,

Our work is taking place within the context of an estimated 20.6 million people who have been forced to flee from their homes in the region. For far too long, when the global community addressed displacement trends, the Latin American and Caribbean region was, for all intents and purposes, ignored. However, due to the sheer numbers of people now on the move in our hemisphere, that can no longer be the case. HIAS' response to this growing displacement trend has been, and continues to be, to provide legal protection, community mental health and psychosocial services, gender-based violence protection, economic inclusion support, and emergency response services to forcibly displaced people throughout the region.

A quick snapshot of one of HIAS' country teams demonstrates the type of work that we do with asylum seekers before they arrive in the United States. HIAS Mexico has offices in Juarez, Matamoros, Mexicali, Mexico City, Monterrey, Nuevo Laredo, Queretaro, Palenque, Puebla, Reynosa, San Cristobal de Las Casas, Tijuana, and Tuxtla Gutierrez. On an annual basis, HIAS Mexico provides thousands of individuals with legal protection services, including Know Your Rights (KYR) presentations and legal orientations about U.S. asylum law and current border policies for those seeking asylum in the U.S.

They also provide individual consultations for those seeking protection in Mexico. HIAS Mexico works in close collaboration with HIAS' U.S. headquarters-based Legal and Asylum Department to ensure that the information provided to asylum seekers is up to date and covers important, basic information. HIAS Mexico also provides referrals to our HQ Legal and Asylum

team and supports the development of programming to support legal representation of asylum seekers in the U.S. In addition, HIAS Mexico provides mental health, psychosocial services and gender based violence prevention and protection services. This is noteworthy given that these types of holistic supportive services for migrants are extremely limited, and in many Mexican cities and otherwise non-existent in many others.

All of this to say, on a daily basis, my colleagues in Mexico see with their own eyes what the regional displacement crisis really looks like. They see exactly why it is that people are forced to make the wrenching decisions to leave all that they know behind in an effort to find safety and peace for their families, and they see what the new U.S. border policies really mean in human terms.

For example, as I mentioned in my opening, HIAS Mexico staff recently shared the story of EJ, a 26 year old man from Venezuela that they served. EJ was traveling with his wife and their three children, ranging in age from two to 14 years old. They fled Venezuela due to political persecution, arriving in Ciudad Juarez in January of this year. When they first tried to enter the U.S, they were expelled under Title 42. Then, when the CBPOne app was introduced, EJ was able to obtain an appointment to present at the border, but because of confusion about how the app works (or does not work), EJ received an appointment but his family members did not. Even though he was ultimately allowed to enter the United States in order to start to pursue an asylum claim, he decided after a few days that he had to return to Mexico because he could not bear being separated from his family.

He was unsuccessful in getting a CBPOne appointment for his entire family. In order to support them while they were in limbo in Mexico, he started to sell flowers in the street because he was unable to get a more formal job, even though HIAS helped him to obtain the necessary documents to do so.

In March, he was illegally detained and taken to the immigration station in Juarez where a fire broke out, killing 40 people. EJ was able to survive because he put his head in the toilet bowl in one of the bathrooms, but he still suffered severe burns all over his body. Ultimately, he and his family were able to enter the United States in order for him to receive medical care, but his suffering and that of his family could have all been avoided if they had all been able to request asylum together when they first tried.

The HIAS Mexico team also recently started to help a new client, a Venezuelan woman named JF. JF is 38 years old and had no choice but to leave Venezuela because of the persecution she experienced just because of who she is as a transgender woman. She has been unable to ask for protection in the United States because she is experiencing difficulties using the CBPOne app because she cannot read or write. In addition, while she has been in shelters in Mexico, she has been the victim of transphobic discrimination. HIAS is now offering her support while she still waits to get an appointment through CBPOne.

My HIAS Mexico colleagues are working to explain to the people they serve, people like EJ and his family and JF, the complicated new policies that now dictate operations at the U.S Mexico border. As we all know, on 11:59 pm on May 11th, the implementation of Title 42 came to its inglorious end after three years; and, in its place came the administration's [Circumvention of Lawful Pathways rule](#), its new asylum ban. To be very clear, HIAS and our fellow humanitarian organizations have been fighting for the termination of Title 42 since March 2020. Under the previous and current administration, because of this misused public health policy that was contorted into a draconian migration management policy, there were [2.8 million expulsions](#) of people who were not able to exercise their legal right to seek asylum, a right enshrined in both our own U.S. law as well as accepted international law. The use of Title 42 was a black eye on our reputation as a country that prides itself on the rule of law; and, the new asylum ban is no different in that respect.

From the moment the administration released the details of the asylum ban, in addition to submitting our own [comment](#), HIAS rallied the American Jewish community to submit comments during the absurdly brief 30 day notice and comment period. More than [5000](#) of HIAS' constituents submitted comments, all of them decrying the plan to replace one overly restrictive asylum policy with another. More than a few of the people who submitted comments talked about their families own refugee histories, including those whose parents and grandparents found safety in the U.S. after the horrors of World War II. This outpouring of opposition to the new asylum ban was a strong indication to us that in spite of the frenzied, debates taking place in Washington DC about U.S. border policies, vast swaths of the American public are deeply troubled by the recent changes to U.S. asylum policy and feel like we as a country are going backwards on these issues rather than forward.

My community's opposition to the new package of restrictive asylum policies is not without awareness that there are undeniable challenges at the U.S. Southern border. HIAS recognizes that there are high numbers of people presenting at the border, or hoping to present at the border, and that as a result, border operations and border communities are under significant pressures. We also do not believe that every single person who claims the need for asylum should receive it.

There is no denying that not everyone who seeks asylum can meet the strict [definition](#) of requiring international protection due to their past persecution, or well-founded fear of persecution, on account of their race, religion, nationality, membership in a particular social group, or political opinion. We need an efficient and humane asylum system to make those determinations.

However, HIAS maintains that everyone who comes to the U.S.-Mexico border should, without fail, be treated with dignity and respect, and have access to a fair, efficient and humane process. We do not believe that the new package of restrictive asylum policies will be effective in identifying those who are in actual need of protection in the United States, and we further assert that the new policies will deny the most basic tenets of due process to people who are trying to navigate extremely stressful and challenging border changes.

A significant amount of attention has already rightfully been paid to the two foundational components of the asylum ban: 1) The presumed ineligibility for asylum if someone is not successful in using the aforementioned CBPOne app to schedule an appointment to present at an official Port of Entry (POE); and 2) The presumed ineligibility if someone who enters the U.S. between POEs did not first seek asylum, and been denied asylum, in one of the countries through which they transited en route to the U.S. HIAS believes that this rule not only violates [U.S. law](#) that states that you can apply for asylum no matter how you enter the country; but it also violates our immigration law's [firm resettlement](#) and safe third country provisions in multiple ways, including that there cannot be a guarantee that asylum seekers' lives would not be [threatened on one or more of the previously mentioned protected grounds, and where they would not have access to a "full and fair procedure for determining an asylum claim."](#) It is clear that to require that people have first sought and been denied asylum in a transit country, many of which are also countries from which people are fleeing themselves, is a bar that cannot realistically be cleared. Moreover, many of the transit countries are grappling with asylum systems that are unable to meet the needs of the moment, rendering them as unrealistic protection options for the vast majority of people in search of safety."

In addition to the policy changes included in the asylum ban, in April, the administration quietly announced a new policy, *Expedited Credible Fear in U.S. Border Patrol (ECF-USBP)* that has not garnered as much attention as the asylum ban, but also has a significantly detrimental impact on true access to the asylum system. This new policy, implemented in 5 USBP sectors, involves conducting credible fear interviews (CFIs) shortly after people arrive and while they are in U.S. Customs and Border Protection (CBP) custody. Even before the policy was put into practice, HIAS and our partners were concerned that the proposed plan does not adequately address how asylum seekers will be able to access legal counsel in CBP custody, even though the administration contends that legal counsel will be available.

For some additional context, these CFIs are a part of the larger [expedited removal](#) process. Expedited removal allows CBP officers to quickly remove noncitizens who do not meet the requirements for entry into the United States. However, the law requires that any non-citizen who expresses a fear of return to their country of origin be referred to an asylum officer to determine if the noncitizen has a "credible fear" of persecution or torture if returned to their home countries. If the asylum officer finds credible fear, the noncitizen is referred to an immigration judge for an asylum determination. Studies by the [US Commission on International Religious Freedom](#), [one of which I led](#) in 2005, and others have documented serious flaws in the expedited removal process. These include detaining asylum seekers in prisons or prison-like conditions, documenting that officers routinely fail to follow even the minimal due process protections required by the law and by DHS' own policy and procedures, and that records created by CBP do not accurately reflect the interview with the non-citizen

HIAS continues to support the USCIRF recommendations, and I urge Congress to do the following:

- Urge the administration to appoint a high-ranking official with sufficient authority and resources to make the necessary reforms to ensure that asylum seekers subject to expedited removal are protected. This official should also chair a regular interagency working group of all of the relevant agencies involved with the implementation of expedited removal.
- Consistently message to all relevant federal agencies implementing expedited removal that their law enforcement mandate includes the implementation of U.S. law and regulations that govern the protection of individuals seeking safety from return to persecution or torture.
- Request that the DHS Office of Inspector General audit the expedited removal process for compliance with U.S. laws and with DHS' own policies and procedures
- As Congress did in the International Religious Freedom Act, authorize and fund regular independent studies on the treatment of asylum seekers in expedited removal at all stages of the process.
- Request the Government Accountability Office to conduct a study to assess whether non-citizens removed to their home countries under Expedited Removal have faced persecution or torture after their return.

Unfortunately, our initial fears have proven to be true. Since the launch of CFI interviews in CBP detention, there have been multiple reports, including directly from pro bono attorneys attempting to counsel asylum seekers, that meaningful access to legal counsel for asylum seekers in CBP custody is largely not taking place. Moreover, since the launch of the ECF-USBP, there has been a shift from guaranteed legal counsel before a CFI from 48 to 24 hours, rendering the position that migrants have real access to legal counsel a farce.

I would like for us all to imagine for a minute how virtually impossible it would be for any of one of us to be detained in what amounts to a prison cell, after harrowing journeys to a new country, to understand how to navigate an incredibly complex legal landscape, all while the demand for legal consultations far outpaces the capacity to provide services. I suggest that only the luckiest among us would be successful in this endeavor, and I do not think that any of us, even those among us who would wish to see fewer people seeking protection in this country, would think that the best we can do is have an asylum system that is rooted in sheer luck versus adherence to basic legal standards.

In addition to the limited capacity to actually meet the legal needs of those in CBP custody, other challenges have further complicated access to counsel for asylum seekers, including but not limited to:

- The ECF-USBP is only supposed to apply to Spanish speakers, but there are reports of indigenous language speakers also subject to the program now.
- Consultations between asylum seekers and counsel are all being conducted telephonically, not even via video conference calls, exacerbating communication challenges and raising real privacy concerns.
- There are also reports that asylum seekers are not being provided with substantive KYR materials ahead of the time during which they can in fact speak to an attorney, creating the need for precious time to be dedicated to basic KYR discussions rather than focusing on the specifics of each case.
- Getting the completed G-28 form, the form required for an attorney or accredited representative to represent an asylum seeker, remains extremely challenging due to legal representatives not having access to their clients. While we are pleased that CBP now recognizes that this is a problem, their suggested remedy of having CBP officers get the required signatures from the asylum seekers, then being responsible for getting the signed form to the lawyers is a cumbersome, time consuming process that will likely be extremely difficult to implement for high numbers of people.
- Thus far, asylum seekers are not receiving written copies if they receive negative determinations following their CFIs. This further complicates their ability to quickly have further consultations with counsel before an immigration judge reviews the decision. I also understand that asylum seekers do not receive in writing the details about when their immigration judge review will take place.

This is not an exhaustive list of the due process challenges confronting asylum seekers in CBP custody; but, I wanted to highlight these because I think they are illustrative of a larger issue at

play, which is the denial of access to the most basic legal consultations to asylum seekers when there are literally life and death decisions at stake.

I certainly understand that the size and scope of the challenges at the border are daunting. However, I also think that there are real proposals that should be considered to address these challenges, proposals that respect the basic human rights of those seeking protection while also alleviating some of the pressures at the border. For example:

- The **asylum backlog** has reached new heights. There are currently more than [1.3 million pending asylum applications](#), with an estimated 750,000 in the immigration courts and over 600,000 with U.S. Citizenship and Immigration Services (USCIS). In order to make meaningful progress in reducing the massive asylum case backlog, Congress must appropriate robust funding to hire more asylum officers and immigration judges. This is of paramount importance, because the shortage of immigration judges and asylum officers contributes not only to the paralysis of the asylum system, but also to the inability of the United States to deter and remove non-citizens who are ineligible to remain in this country.

For years, Congress and democratic and republican administrations alike have invested billions of tax dollars in Border Patrol, Immigration and Customs Enforcement, detention beds, and border enforcement technology. Meanwhile, they allocated a [relative pittance of resources to the immigration courts](#) and to [U.S. Citizenship and Immigration Services \(USCIS\)](#).

Years long backlogs at USCIS and in the immigration courts due to massive underinvestment are responsible for the failure to enforce U.S. immigration laws. Justice delayed means justice denied not just for asylum seekers, but for all concerned about the integrity of our borders, because as long as Congress invests in immigration enforcement without investing in immigration judges and asylum officers, quite simply, securing the border will remain more of a buzzword than an attainable goal. People will continue to try to apply for asylum and then get lost in the years long backlog. With these massive backlogs, people who are not legally entitled to protection will stay in the U.S. for years before they will be sent back to their home countries, and people who are entitled to protection will anxiously sit for years, unable to truly start their lives over again while they are in a purgatory of sorts while they wait for their final asylum decisions.

- **Improved communications mechanisms**

Currently, the [main source of information](#) for people seeking asylum are the human smugglers and word-of-mouth. People who are considering entering the United States should have access to information that helps them to understand what the United States will expect from them if they plan on asking for asylum. In addition, they should also have easy access to up-to-date information about major asylum policy changes from the U.S. government.

Rocio Melendez Dominguez is HIAS Mexico's Managing Attorney. She lives in Ciudad Juarez, just across the border from El Paso, Texas. As she [recently told NPR](#), one of HIAS Mexico's biggest challenges is the amount of misinformation about U.S. border policy that she and her staff must combat. She notes that sometimes false information is spread by smugglers, but frequently, well meaning people also unintentionally spread inaccurate information because the shifting situation at the border is extremely hard to understand, particularly without consistent access to reliable updates.

- **Detention along the border**

Not only does subjecting people to the inhumane conditions in immigration detention shame us as a country, it does not actually deter people from trying their hand at coming to the United States, because what they are leaving behind is so much worse than immigration detention.

Immigrant detention should only be used when absolutely necessary, and reserved for those who pose a serious public safety or national security threat. CBP detention should be in the least restrictive setting possible, and U.S. Immigration and Custom Enforcement (ICE) detention facilities should only be used when absolutely necessary, for those who have been found to be a national security threat, public safety concern, or extreme flight risk due to previous immigration history.

- We support the administration's [plan](#) to infuse an additional \$15 million into its [Case Management Pilot Program](#). HIAS has seen through our own offering of wrap around services to the asylum seekers for whom we provide legal services the positive impact that programming like this offers. Case management, run by community-based organizations, results in reduced immigration detention use; alleviates pressures on local

governments; and helps to ensure compliance with mandated immigration proceedings. We would like to see this type of programming become more widespread and the new norm for the types of services available to asylum seekers while they are going through their immigration processes.

- **Increased access to legal representation -**

As discussed above, the lack of legal representation for asylum seekers in CBP custody now is of grave concern to HIAS. Yet, that is just the first of many steps in the legal process when access to legal counsel for asylum seekers is of paramount importance, but extremely difficult to actually obtain.

Yes, HIAS believes that the surest way to promote equality and fairness in the asylum process is by dramatically increasing access to legal counsel at all stages of the asylum process. However, limited access to legal counsel for asylum seekers also has a direct impact on our country's inability to secure the border. For as long as it is too difficult for asylum seekers to have legal representation on both sides of the border, asylum seekers will not have access to the reliable advice they need in order to decide whether or not they could qualify for legal protection in the U.S., leading many to attempt to cross the border operating under the pretense of erroneous information.

U.S. immigration law is notoriously complex and faces constant updates and changes. In addition, the requirements to prove you are deserving and eligible for asylum are arduous. Therefore, being represented by a qualified representative that understands U.S. immigration and asylum law is a necessary step towards ensuring a fair and equitable system.

- **Collaboration with border shelter systems**

The federal government is not alone in managing the incoming population of asylum seekers. DHS should develop and implement communication and coordination systems among border cities and communities in the interior to facilitate the organized and humane transfer of asylum seekers from the border to their destinations of choice, ensuring coordinated service delivery in their destination city.

- HIAS has also long advocated for **increased refugee resettlement from the Western Hemisphere**, so we were encouraged on April 27th to learn of the [administration's plans](#) to significantly increase resettlement out of the region. U.S. proposals to double the regional resettlement numbers, as part of the commitments made in the [Los Angeles Declaration on Migration and Protection](#) are laudable. However, while we are optimistic about the benefits that will come from this planned expanded resettlement, we are at the same time troubled that this increase has been directly linked with restrictive asylum policies. Expanding resettlement is a great approach to promote safe passage and protection, but it must not ever be treated as a rationale for restricting asylum, which seems to be the rationale at play right now.

I ask that you use your oversight authority to help to ensure that the administration meets its stated goal of doubling resettlement numbers out of the Western Hemisphere. Along with this, I urge you to encourage the administration to take every step necessary to make sure that any surge of resources to support the Regional Processing Centers (RPCs) that will eventually be found throughout Latin America will not come at the cost of resettlement from other parts of the world. As we are approaching the time when the administration must consult with Congress about its refugee admissions goals for FY24, now is the time to hold it accountable for making sure that our resettlement program truly reflects the global resettlement needs. We ask that Congress ensures that the necessary supplemental funding resources are made available to the Bureau of Population, Refugees and Migration (PRM) in the Department of State, the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services, and U.S. Citizenship and Immigration Services (USCIS) in the Department of Homeland Security.

- I would be remiss if I wrapped up my testimony this morning without expressing HIAS' opposition to [H.R.2](#), which recently passed your chamber, as well as [S.1473](#) and its House companion, [H.R.3234](#). Support of this bill would have us moving further away from actually having an orderly U.S. asylum system. Rather, if implemented, it would essentially the entire system. As currently written, the bill would allow CBP to conduct mass expulsions to Mexico for two years, just like was done under the Title 42 policy, but this time without even the most specious of public health rationales. As if that is not troubling enough for those of us who support the U.S. hosting a functional asylum system, there are no provisions in the bill that would exempt unaccompanied children from this treatment.

H.R. 3234 would also require that before DHS expels people that entered the U.S. between POEs or who arrived at POEs without prior approval, it has to detain them first,

including children (those with their families and those who are unaccompanied). Many of us are still haunted by images of young children behind bars in immigration detention, and to even suggest that we would return to a place where we are detaining babies and young children is unthinkable for HIAS.

As a refugee organization founded over a century ago by Jewish Americans driven by the imperative to welcome the stranger, HIAS remains deeply committed to the fundamental human right to seek asylum and staunchly oppose recent efforts to severely curtail access to this protection. As the asylum space in this country continues to shrink, we again call on the administration and Congress to lead by the power of example, by working together towards real, comprehensive immigration reform.