

**IMPACT ON LOCAL COMMUNITIES  
OF THE RELEASE OF UNACCOMPANIED  
ALIEN MINORS AND THE NEED  
FOR CONSULTATION AND NOTIFICATION**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
IMMIGRATION AND BORDER SECURITY  
OF THE  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRTEENTH CONGRESS  
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**WEDNESDAY, DECEMBER 10, 2014**

HOUSE OF REPRESENTATIVES  
SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY  
COMMITTEE ON THE JUDICIARY  
*Washington, DC.*

The Subcommittee met, pursuant to call, at 2:55 p.m., in room 2141, Rayburn House Office Building, the Honorable Raúl R. Labrador presiding.

Present: Representatives Gowdy, Goodlatte, Smith, Jordan, Labrador, Lofgren, Conyers, Jackson Lee, Gutierrez, and Garcia.

Staff Present: (Majority) Dimple Shah, Counsel; Graham Owens, Clerk; and (Minority) Tom Jawetz, Counsel.

Mr. LABRADOR. The Committee will come to order.

Without objection, the Chair is authorized to declare recesses of the Committee at any time.

We welcome everybody to today's hearing on the impact of unaccompanied minors and the need for consultation and notification with local communities. And I begin by recognizing myself for an opening statement.

The President's November 20 actions to grant deferred action on work permits to up to 5 million illegal aliens continued a long pattern of Executive overreach. The President has sought to rewrite immigration laws passed by Congress by taking administrative action via policy memoranda.

In our constitutional system, however, it is Congress that has plenary constitutional authority to establish U.S. immigration policy. Fundamental reform, which I support, requires democratic deliberation, public oversight, and, most of all, legislative action by Congress.

The President's policies to grant deferred action and not remove newly arriving undocumented aliens led to a surge of illegal immigration that reached its height earlier this year. In massive numbers, these aliens are being moved by the Administration into local communities throughout the United States.

This hearing will focus on the consequences of the President's actions in these communities and the need for the Federal Govern-

ment to show them basic respect by notifying them of any immigrants being placed in their jurisdictions.

President Obama's 2012 directive granting deferred action to almost a million people here illegally who arrived as children spurred a surge of illegal immigration by young people from Central America. In 2012, the number of apprehended unaccompanied alien minors, referred to as UAMs, increased by over 100 percent from 2011.

In 2013, the Senate passed a bill that gave children of illegal aliens legal status as long as they arrived before the passage of the bill. That year, the number increased by another 80 percent. In 2014, the President promised to issue another grant of Executive legalization, and the number increased by almost 180 percent.

At the same time, the number of family units arriving illegally shot up nearly 360 percent. Many point to violence in Central America as the reason for the surge. Unfortunately, as we all know, there has always been violence in Central America. The only factor that has changed, and correlates directly with the surge on our southern borders, is the Obama administration's policies.

In May 2014 interviews, approximately 95 percent of over 200, "other-than-Mexican" family units and UAMs told Border Patrol agents at Texas stations that they chose to immigrate to take advantage of a new law that grants a "permiso" to UAMs and to mothers with children.

Despite this sudden surge and its clear explanation, the Obama administration actually deported 80 percent fewer minors than under the Bush administration in 2008. The reality is that almost 90 percent of UAMs are placed with family members in the U.S.

This information is apparently common knowledge in Central America. According to those immigrants interviewed by Border Patrol, the "permisos" were apparently the notices to appear in removal proceedings issued to unlawful aliens under which they are released pending a hearing before an Immigration Judge.

All of these children and families are ultimately placed into communities. Numerous jurisdictions are receiving a massive influx of UAMs as they are transferred to Department of Health and Human Services facilities and are reunited with families who are guardians. The impact has been felt across the country, imposing a variety of costs, such as for education, health care, policing, and criminal justice.

Their municipal and State services need to be prepared for the impact of sometimes hundreds of new residents. Texas alone received nearly 5,300 children in just a 7-month period at the beginning of this year. Miami-Dade District in Florida reported that it had 300 more students in a single quarter of last year, which costs about \$2,000 more per additional student. The school board has requested additional Federal funding. Many of these children don't know English. In New Orleans, it costs \$2,400 to enroll an additional English language learner, but the Federal Government pitches in just \$200.

Local community leaders are displeased with the lack of communication from the Federal Government concerning the relocation of UAMs. Further, local officials are concerned about the health and welfare of communities in their jurisdictions, along with the impact

of the expense associated with dealing with this new population of taxpayers.

In short, Governors and mayors have the right to know when the Federal Government is transporting a large group of individuals—in this case undocumented immigrants—into their jurisdiction. So far, HHS has refused to provide them with that information. In fact, a May 2013 report by The Pew Charitable Trusts stated that, “Once the children are placed with sponsors, the Federal Government often loses track of them.”

In numerous instances, the unaccompanied alien minors are being sent to localities until deportation proceedings conclude, despite disapproval by the local jurisdiction. Department of Justice officials have indicated that a large number of unaccompanied alien minors scheduled for deportation hearings never appear for their hearings.

Due to the massive backlog of deportation hearings, those immigrants that do appear are likely to remain in their localities for years. The Obama administration has released these individuals without notifying State and local officials. The Administration has refused to respond to lawmakers’ requests for information about plans to relocate UAMs in their communities. One Governor said that his State learned from media reports that hundreds of children were placed in his State.

In order to address this problem, a number of Members of Congress have introduced legislation requiring the Federal Government to notify State officials if UAMs are placed in their States. These various pieces of legislation address the need for States to be informed about the actions that the Federal Government is taking that impact their communities.

With that, I thank our witnesses for their willingness to testify today.

It is now my pleasure to recognize the Ranking Member of the Subcommittee on Immigration and Border Security, Ms. Lofgren of California, for her opening statement.

Ms. LOFGREN. Thank you, Mr. Chairman.

Before I turn to the topic of today’s hearing, I have to note that we are now just a matter of days away from returning to our districts and declaring an end to the 113th Congress.

This Congress began with incredible promise. Just days after the 2012 election, Speaker Boehner declared, “This issue of immigration reform has been around far too long.” And he said, “A comprehensive approach is long overdue.”

Unfortunately, immigration reform will have to wait a little longer because, for the second time in 8 years, Republican leaders in the House have refused to bring to the floor an immigration bill passed by the U.S. Senate with strong bipartisan support.

Of course, that isn’t all that we are leaving undone. This summer, when the President requested emergency spending to respond to the increased number of unaccompanied children apprehended along our southwest border, Republican leaders in the House chose not to pass a clean bill providing necessary funding and instead paired a spending bill with dangerous language rolling back long-standing protections for unaccompanied children fleeing the violence and persecution.

And in the next few days, the House is expected to pass the so-called Cromnibus, a bill that provides annual appropriations for every aspect of the Federal Government except for the department in charge of Homeland Security, emergency management, Presidential security, and the like.

We are told that the irresponsible politics of brinkmanship is a thing of the past, but withholding long-term funding for the Department of Homeland Security seems motivated by the desire to revisit the issue of immigration when Republicans have a larger majority in the House and control of the Senate. It looks like the politics of brinkmanship may just be on temporary hold. We will see in a few short months.

On today's hearing, I think it is worth noting that although the hearing title refers to the impact on local communities of the release of unaccompanied children, only one of the bills that we will be hearing about on the first panel addresses that point.

The bills introduced by Representative Barletta, Representative Olson, and Representative Sensenbrenner, our longtime colleagues on the Judiciary Committee, deal exclusively with the process by which the Federal Government contracts with providers to house unaccompanied children in the custody of the Office of Refugee Resettlement within the Department of Health and Human Services.

Children housed in such facilities are under staff supervision at all times and are not integrated into the local community. They do not attend public schools. They receive all of their food, shelter, clothing, education, and medical services in accordance with the terms of a contract or grant managed by HHS.

Now, over the summer, when the country became focused on the spike of unaccompanied children arriving in Texas, many communities generously offered to locate HHS facilities to house these children. In my own district, Representative Mike Honda, Anna Eshoo, and myself joined together with the mayor of San Jose, the Santa Clara County Board of Supervisors, and others to issue a statement expressing our willingness to help.

However, some communities reacted very negatively when HHS was trying to locate temporary shelters so that the agency could comply with its legal requirements and we could avoid the terrible situation of having little children in cold, crowded, concrete Border Patrol cells for weeks, literally weeks, on end.

Now, I think much of the objection was motivated by fear, but I think a good bit may also have been motivated by a misunderstanding about precisely what was being done. Now, I believe some communities may not have understood that placement in an ORR facility pending release to a sponsor and, again, in compliance with longstanding legal requirements would not result in a flood of children enrolling in schools and receiving medical services at the local emergency room. If anything, locating an HHS shelter in a community may provide job opportunities and demands for goods and services. So I hope we can clear that confusion up today.

One final point on these bills. I certainly do not object to the idea that the Federal Government should consult with State and local governments and increase the engagement of local communities. Like many Members, I was frustrated at times this summer by HHS's failure to provide clear information to the public and to

Members of Congress regarding the need for additional housing. For communities like mine that wanted to be part of the solution, that wanted to bring children to Santa Clara County and help take care of them, the lack of information was counterproductive.

But I do have concerns about the ways several of these bills would impose the notification and consultation requirement. Erecting substantial bureaucratic hurdles before HHS can award a grant could prove very troublesome and mean that children will be backed up in Border Patrol holding cells, which is really not suitable.

Having visited these Border Patrol stations over the summer and to see these small children, 8-, 9-, and 10-year-old kids jammed in, sleeping on the floor, it is really a national disgrace. And so many of these children have fled record violence in Central America. Their treatment and holding in these cells is really not something that we want.

Now, of course, when a child is released to an appropriate sponsor in accordance with current law, it will have some impact on the local community. The Supreme Court has long held that all children, regardless of status, are eligible to attend public school. And as the Chairman has said, often these children may require additional ESL services, for example.

Every single State, including the District of Columbia, received at least one child who was placed in the custody of a suitable sponsor. But over half the children were placed with sponsors in just a few areas: California, Florida, New York, Texas, and the D.C. metro area. These are the areas with large Central American immigrant communities. And, importantly, many of these communities most heavily impacted have responded to the situation in a responsible and compassionate manner.

I would note also that the Cromnibus that is before us provides \$14 million in new funding for schools that have experienced a significant increase in the number of immigrant children enrolled in the current school year—a recognition that we should share in the additional burdens that schools will face in taking care of these children.

With that, I would yield back the balance of my time.

Mr. LABRADOR. Thank you, Ms. Lofgren.

It is now my pleasure to recognize the Chairman of the Judiciary Committee, Mr. Goodlatte of Virginia, for his opening statement.

Mr. GOODLATTE. Thank you, Mr. Chairman.

Mr. Chairman, it would have been wise and a good thing if the President had acknowledged the will of the voters in the elections last month and allowed time for the new Congress, the new House and the new Senate, to work on immigration reform.

But, instead, the President has chosen his own version of brinkmanship. In fact, he has gone over the brink in what is one of the most massive constitutional power grabs that I have seen any President undertake in American history. This causes the House and the new Senate to focus on restraining the President and protecting the constitutional authority under Article I of the Congress to write immigration laws.

Now, as we see the ramifications of this, one of those is the subject of the hearing that we have here today. Already, even before

the President's unconstitutional action, based upon his earlier unconstitutional actions, we have seen a surge at the border.

And based on numerous reports, it is apparent that word has passed through the grapevine back to Central America that women, children, and families who infiltrate the border are released into our communities. The only way to deter and stop the flow into the United States is to change such expectations by implementing consequences.

Through one Executive action after another, the Obama administration has sent a signal to unlawful immigrants that, once they get here, they can remain here in violation of the law without consequence. When the former head of ICE under the Obama administration, John Sandweg, says, "If you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero," news of that reality travels by word of mouth at the speed of sound. Prospective unlawful immigrants jump at the opportunity.

The President just reiterates this message with his recent announcement of an unconstitutional Executive legalization for millions of unlawful aliens. Indeed, on November 20th, 2014, President Obama announced one of the biggest constitutional power grabs ever by a President. He has declared unilaterally that, by his own estimation, more than 4 million unlawful immigrants will be free from the legal consequences of their lawless actions. Not only that, he will, in addition, bestow upon them gifts such as work authorization and other immigration benefits.

This, despite the fact that President Obama has stated over 20 times in the past that he doesn't have the constitutional power to take such steps on his own.

Additionally, the remaining illegal population, even if encountered by law enforcement, will likely never be removed due to President Obama's rewrite of his Administration's own so-called immigration enforcement priorities. Steps needed to reduce the surge at the border, changes in the Administration's permissive approach to immigration enforcement, simply are not being taken.

An unaccompanied alien minor is a child who has no lawful immigration status in the United States, has not attained 18 years of age, and with respect to whom there is no parent or legal guardian in the United States or no parent or legal guardian in the United States available to provide care and fiscal custodian.

When these minors are apprehended, by law they are placed into the custody of the Office of Refugee Resettlement within the Department of Health and Human Services. The Trafficking Victims Protection Reauthorization Act requires all Federal agencies to transfer these children to HHS within 72 hours of identification. Housing the unlawful migrants costs American taxpayers \$252 per child per day, and children remain in HHS custody for an average length of stay of 67 days.

The unaccompanied minors are often brought across the border by smugglers, who are paid by the children's parents, who are already in the U.S. illegally. Once in HHS custody, they are most often subsequently reunited with a parent or legal guardian pursuant to Department of Homeland Security policy and regulation. Oftentimes, the person they are reunited with is the same person who paid to smuggle the minor here in the first place.

Numerous jurisdictions are receiving a massive influx of unaccompanied minors as they are transferred to HHS facilities and then released and reunited with families or guardians. The impact has been felt in nearly every single State, with the highest number of placements in Texas, California, New York, Virginia, and Maryland.

Indeed, HHS had planned to house UAMs at a recently closed college in Virginia. Saint Paul's College in Lawrenceville was being eyed to house 500 unaccompanied alien minors, mostly from Central America, who were apprehended at the U.S.-Mexico border. A contract signed on June 12 would have given Saint Paul's College, which closed last year amid financial difficulties and accreditation issues, \$160,000 a month for the next 5 months.

It was not until Friday, June 13, that the local government received an email notification after-hours from the Federal Government that a contract had been signed and implementation had started. It was further stated that it was a done deal and that HHS would start delivering minors on Thursday, June 19. But the done deal unraveled after local residents expressed outrage over the plan.

Across the country, the new population of minors has caused a drain on public education, health care, welfare, emergency management, and other public services. To make matters worse, there appears to be no real notification process from HHS to notify the communities in which these minors are being sent.

Unfortunately, President Obama's self-made border crisis has created many negative consequences for our country. And the States have arguably been impacted the most by the Administration's disastrous policies.

As tens of thousands of unaccompanied children and teenagers from Central America have flooded our borders, the Obama administration has refused to take the steps necessary to return them home quickly and safely. It instead has placed these minors in all 50 States while their cases work their way through the system.

Because there is no procedure in place to notify State governments when these children are dropped off, States have been forced to pick up the pieces and clean up the Obama administration's mess. At the very least, in order to be adequately prepared to deal with this population, communities must be notified with regard to who will arrive.

Today we will hear from local officials who have dealt with this problem firsthand and also hear from several Members of Congress who have introduced legislation to address this pressing issue.

I thank you, Mr. Chairman, and yield back.

Mr. LABRADOR. Thank you, Chairman Goodlatte.

It is now my pleasure to recognize the Ranking Member of the Judiciary Committee, Mr. Conyers of Michigan, for his opening statement.

Mr. CONYERS. Thank you, Chairman Labrador.

I ask unanimous consent to enter into the record a letter from 12 mayors and 1 county executive that is entitled "We Will Provide Compassion and Care for Children: A Statement of the Nation's City and County Leaders."

Mr. LABRADOR. Without objection.

Mr. CONYERS. Thank you very much.  
[The information referred to follows:]

## We Will Provide Compassion and Care for Children: A Statement of the Nation's City and County Leaders

Today, children fleeing horrific violence are seeking shelter and safety in the United States. These young children from Central America have often traveled thousands of miles, have suffered abuse along the way, and have surrendered themselves to U.S. border patrol agents, asking for our help.

As leaders of the nation's cities and counties, we remind the American public that the moral compass of our nation resides in our local communities. We call on our residents and leaders across the country to respond with compassion and concern for the welfare of all children, and to join us in doing all we can to live up to our values as a just and welcoming nation.

As Americans, we will not turn our backs on children. Fortunately, the majority of these children have family living in our communities who are longing to take care of their loved ones. Local governments, community organizations and volunteers across the country are working together to assist these families and provide shelter and care for the few who do not have it. We will do our part to support their efforts, as well as those of faith communities who are leading the call to help children in need.

As Americans, we also believe in the values of freedom, justice, and due process. We will listen to these children and treat them fairly. The children should have a chance to tell their story and the law should be applied fairly and in accordance with our justice system. The children are also young, scared, and need a trusted adult looking out for their interests, whether as a translator, legal advocate or care provider. Volunteers in our towns and cities are already stepping up to provide this help, and we commit to supporting their efforts in whatever way we can.

We believe, and know, our local communities to be welcoming communities. Whether our residents were born here or traveled thousands of miles to join us, we all look out for one another and for our families. Our values – and for many of us, our empathy as parents with young children of our own – remind us that our greatest strength lies in our ability to work together and care for one another. As local governments, we will play an essential role in bringing our communities together to strengthen our ability to respond compassionately.

We know that our nation can and will respond with courage and compassion, just as we always have in moments of adversity. We are proud that our nation's cities and counties are leading the way and of what our communities are already doing to be welcoming places, and hope that you and your community will join us.

Signed:

Mayor Kasim Reed  
City of Atlanta, Georgia  
Mayor Martin J. Walsh

Mayor Michael A. Nutter  
City of Philadelphia, Pennsylvania  
Mayor William Peduto

City of Boston, Massachusetts	City of Pittsburgh, Pennsylvania
Mayor Rahm Emanuel City of Chicago, Illinois	Mayor Daniel L. Bianchi City of Pittsfield, Massachusetts
Mayor Stephen K. Benjamin City of Columbia, South Carolina	Mayor Edward B. Murray City of Seattle, Washington
Mayor Michael B. Hancock City of Denver, Colorado	Mayor Francis G. Slay City of St. Louis, Missouri
Mayor Eric Garcetti City of Los Angeles, California	Mayor Jonathan Rothschild City of Tucson, Arizona
County Executive Isiah Leggett Montgomery County, Maryland	

Mr. CONYERS. Now, Mr. Chairman, here we are in the final days of the 113th Congress, the final hearing before the Immigration Subcommittee. And so what can we say in this Congress that Congress has done to fix the immigration system that we all agree is failing our businesses, our communities, and, most of all, our American families?

It has been 531 days since the Senate passed bipartisan comprehensive immigration reform legislation that would have made meaningful and long-overdue reforms. A similar House bill, H.R. 15, has 201 bipartisan cosponsors. The Congressional Budget Office reports that we could reduce our budget deficit by \$900 billion over 20 years through these proposals.

But House leadership has steadfastly refused to bring either measure to the floor. Instead, the only immigration legislation that has been considered on the House floor has focused on attacks on the Administration, some of which we hear in the Judiciary Subcommittee, and hardworking immigrants.

We have considered legislation to strip protections from child victims of trafficking, persecution, torture, and abuse. The House leadership has also brought bills to the floor to strip deferred action from children who have received protection under the Deferred Action for Childhood Arrivals, DACA, program, and to prevent the Administration from offering similar protections to the parents of the United States citizens and lawful permanent residents who meet the strict criteria.

None of these bills would have helped fix our broken immigration system, and none of them ever represented a serious effort to legislate. I note all of this because I am disappointed that we were not able to come together on bipartisan legislative solutions to our broken immigration system.

While we may be ending the 113th Congress with more of a whimper than a bang, I do nonetheless remain hopeful that, in the 114th Congress, Members from both sides of the aisle will come together to finally pass comprehensive legislative reform. And I, of course, remain ready to work with my colleagues on this and many other important issues.

Now, let me turn to the specific topic of today's hearing.

This Committee last examined the issue of unaccompanied children coming to our country from Central America in late June. At that hearing, we learned that tens of thousands of children were fleeing extreme violence in Honduras, El Salvador, and Guatemala.

And after unaccompanied children are apprehended along the border, guess what? Our laws require that they be transferred to the custody of the Department of Health and Human Services within 72 hours. HHS houses these children pursuant to grants or contracts and provides for their basic needs, such as food, clothing, shelter, education, and medical and mental health services.

Our laws also require that they may be, quote, "promptly placed in the least restrictive setting that is in the best interest of the child," end quote. This is typically with a parent or other sponsor who assumes the responsibility of caring for the child.

Certainly, there are costs associated with taking in a child. Most are borne by sponsors themselves, but some are undoubtedly borne by the community. Thankfully, mayors from across the country,

from Los Angeles to Boston, from Tucson to Atlanta, came together to call on their communities to offer help.

In a statement issued on October the 1st, these mayors wrote, “As leaders of the Nation’s cities and counties, we remind the American public that the moral compass of our Nation resides in our local communities. As Americans, we will not turn our backs on children.”

I ask unanimous consent—well, we placed that letter in the—

Mr. LABRADOR. Without objection, it shall be placed.

Mr. CONYERS. Thank you.

And I conclude. The arrival of thousands of unaccompanied immigrant children along our borders is a challenging and complex issue, no question about it. But as many communities have demonstrated, we can rise to these challenges and respond in compassionate ways that reflect the best of our American values.

Thank you very much, Chairman Labrador.

Mr. LABRADOR. Thank you, Mr. Conyers.

Without objection, additional Members’ opening statements will be made a part of the record.

We now thank our distinguished first panel for joining us today.

If you would please rise, I will begin by swearing you in.

Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record reflect that all witnesses responded in the affirmative.

Thank you, and please be seated.

First, the Honorable Lou Barletta. Congressman Barletta, who has represented the 11th District of Pennsylvania since 2011, currently serves on the Committee on Homeland Security. On September 8th, 2014, Mr. Barletta introduced H.R. 5409, the Unaccompanied Alien Children Transparency Act. This bill requires the Federal Government to inform States and localities of relocation plans in advance and would require the Federal Government to certify to the States that the minors will not pose a health or public safety risk to the community.

Congressman Adrian Smith, who has represented the Third District of Nebraska since 2007, serves on the Committee on Ways and Means. On July 17th, 2014, Mr. Smith introduced H.R. 5129, the UAC State Notification Act, which would require HHS to give States advance notice when unaccompanied minors are to be placed in a State.

Next, the Honorable Pete Olson. Congressman Olson has represented the 22nd District of Texas since 2009 and currently serves on the Energy and Commerce Committee. On July 17th, 2014, Mr. Olson introduced H.R. 5138, the Our Communities, Our Choice Act. This bill requires consultation with State and local officials regarding the location of the facility, as well as the duration of the award, and issues regarding safety, security, and funding of the facility.

And last but not least, the Honorable Joe Crowley, our final witness in this panel, who has represented the 14th District of New York since 1998 and currently serves on the Committee on Ways and Means. Prior to being elected to the U.S. House of Representatives, Mr. Crowley represented the 30th Assembly District in the

New York State legislature and ran a small business. He graduated with a bachelor's degree from Queens College.

I ask that each witness summarize his testimony in 5 minutes or less. To help you stay within that time, there is a timing light on your table. When the light switches from green to yellow, you will have 1 minute to conclude your testimony. When the light turns red, it signals that the witness' 5 minutes have expired.

And if we could now hear from all the witnesses, starting with Mr. Barletta.

**TESTIMONY OF THE LOU BARLETTA, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF PENNSYLVANIA**

Mr. BARLETTA. Chairman Labrador, Ranking Member Lofgren, Members of the Subcommittee, thank you for inviting me to testify today about my legislation, H.R. 5409, the Unaccompanied Alien Children Transparency Act.

My bill would empower Governors and local elected officials to control whether or not the Federal Government can place into their communities unaccompanied alien minors who entered the country unlawfully.

The United States Department of Health and Human Services sent thousands of unaccompanied alien minors to communities across America following this summer's border surge, including 660 in Pennsylvania, often without any notification or regard as to whether a community is prepared to receive them.

City officials in my hometown of Hazleton, Pennsylvania, brought this issue to my attention after they had been contacted by a nonprofit group about housing unaccompanied alien minors at a location right across the street from my district office. That is how I found out: Because an organization had called the city. The Federal Government didn't tell anyone about the plan—not the Governor, not the Department of Public Welfare, not Luzerne County.

When I made the information public, residents of Hazleton expressed their concerns, and the plan was dropped. Had I not been informed of the situation by local officials, the plan would have proceeded without public notice.

We learned an important lesson in that episode: that the Federal Government is working with organizations across the country to place unaccompanied alien minors in various communities without telling anyone in the State or locality that they are doing so.

That is what prompted me to introduce H.R. 5409. My bill would require HHS to provide State and local elected officials with a 30-day notice-and-comment period to determine for themselves whether they are prepared and able to receive unaccompanied alien minors.

In particular, HHS would be responsible for assessing and informing communities of the cost and impact of receiving them. The Department must also certify that the unaccompanied alien minors have undergone health screenings, including vaccinations, as well as undergo a criminal background check and pose no public health or safety threat. Such steps are vital to ensuring the welfare of our communities.

I have already been informed of several instances of unaccompanied alien minors seeking to enter schools in my district who have not been properly screened or vaccinated. They have absolutely no formal education and cannot speak English. These students, who are 17 years old—not 1 day of formal education whatsoever and no ability to speak English—what grade should the school system put them in? How can a school district be prepared when students like this just show up at their doorsteps?

It is critical that State and local governments are not left in the dark. Lawmakers must know who is coming to their communities, how much it will cost, and how it will impact their health and educational system, which is why my bill gives local communities veto power if this information is not provided to their satisfaction.

Now, I wish we didn't need legislation like mine, but, unfortunately, my bill is needed due to the total lack of transparency by the Administration following the surge of crossings over the southern border. In fact, more than 66,000 unaccompanied alien minors crossed our southern border in fiscal year 2014.

This represents a tenfold increase in crossings by unaccompanied alien minors since 2011. Roughly three-fourths of them are males ages 14 to 17. So we asked ourselves, what has changed? What has changed is the enforcement of our immigration laws.

In 2011, President Obama, head of U.S. Immigration and Customs Enforcement, released a series of memoranda announcing his agency would not be enforcing immigration laws against certain segments of the illegal immigration population, effectively telling illegal immigrants that being in the country unlawfully was not reason enough to deport them.

Then, in 2012, the President announced his DACA program, which grants deferred action to certain illegal immigrants who claim to have arrived in the United States before the age of 16 and requires them to apply for a work permit.

The President greatly expanded these programs in his recent announcement to grant amnesty and work authorizations to roughly 5 million illegal immigrants. He is telling people that, so long as they make it into this country, they won't be asked to leave and will be rewarded with a work permit, Social Security, and Medicare.

I fear it will not be long before we see another massive surge of illegal immigration along our southern border. We saw it following the 1986 amnesty and after DACA. Now, with the President's plan to expand DACA and his other so-called prosecutorial discretion programs, bills such as my Unaccompanied Alien Children Transparency Act are more important now than ever.

Thank you.

Mr. LABRADOR. Thank you, Mr. Barletta.

[The prepared statement of Mr. Barletta follows:]

**Testimony of Rep. Lou Barletta**

**Immigration and Border Security Subcommittee Hearing on  
“The Impact on Local Communities of the Release of Unaccompanied Alien Minors and  
the Need for Consultation and Notification.”**

**December 10, 2014**

Chairman Gowdy, Ranking Member Lofgren, members of the subcommittee, thank you for inviting me to testify today about my legislation, H.R. 5409, the “Unaccompanied Alien Children Transparency Act”. My bill would empower governors and local elected officials to control whether or not the federal government can place into their communities unaccompanied alien minors who entered the country unlawfully.

The U.S. Department of Health and Human Services sent thousands of unaccompanied alien minors to communities across America following this summer’s border surge, including 660 in Pennsylvania, often without any notification or regard as to whether a community is prepared to receive them.

City officials in my hometown of Hazleton, Pennsylvania brought this issue to my attention after they had been contacted by a non-profit group about housing unaccompanied alien minors at a location right across the street from my district office. That’s how I found out – because an organization had called the city. The federal government didn’t tell anyone about the plan: not the Governor, not the Department of Public Welfare, not Luzerne County.

When I made the information public, residents of Hazleton expressed their concerns, and the plan was dropped. Had I not been informed of the situation by local officials, the plan would have proceeded without public notice.

We learned an important lesson in that episode: that the federal government is working with organizations across the country to place unaccompanied alien minors in various communities without telling anyone in the state or locality that they are doing so. That’s what prompted me to introduce H.R. 5409.

My bill would require HHS to provide state and local elected officials with a 30 day notice and comment period to determine for themselves whether they are prepared and able to receive unaccompanied alien minors. In particular, HHS would be responsible for assessing and informing communities of the cost and impact of receiving them. The Department must also certify that the unaccompanied alien minors have undergone health screenings, including

vaccinations, as well as undergo a criminal background check and pose no public health or safety threat.

It is critical that state and local governments are not left in the dark. Lawmakers must know who is coming to their communities, how much it will cost, and how it will impact their health and educational systems, which is why my bill gives local communities veto power if this information is not provided to their satisfaction.

I wish we didn't need legislation like mine, but unfortunately, my bill is needed due to the total lack of transparency by the administration following the surge of crossings over the southern border.

In fact, more than 66,000 unaccompanied alien minors crossed our southern border in fiscal year 2014. This represents a ten-fold increase in crossings by unaccompanied alien minors since 2011. Roughly three-fourths of them are males, age 14 to 17.

So we ask ourselves, what has changed?

What has changed is the enforcement of our immigration laws. In 2011, President Obama's head of U.S. Immigration and Customs Enforcement released a series of memoranda announcing his agency would not be enforcing immigration laws against certain segments of the illegal immigrant population, effectively telling illegal immigrants that being in the country unlawfully was not reason enough to deport them.

Then, in 2012, the President announced his DACA program, which grants deferred action to certain illegal immigrants who claim to have arrived in the U.S. before the age of 16, and requires them to apply for a work permit.

The President greatly expanded these programs in his recent announcement to grant amnesty and work authorization to roughly 5 million illegal immigrants. He's telling people that so long as they make it into this country, they won't be asked to leave and will be rewarded with a work permit, Social Security, and Medicare.

I fear it will not be long before we see another massive surge of illegal immigration along our southern border. We saw it following the 1986 amnesty, and after DACA. Now, with the President's plans to expand DACA and his other so-called prosecutorial discretion programs, bills such as my "Unaccompanied Alien Children Transparency Act" are more important than ever.

Thank you.

Mr. LABRADOR. We will now hear from Mr. Smith.

**TESTIMONY OF THE HONORABLE ADRIAN SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA**

Mr. SMITH OF NEBRASKA. Good afternoon, Chairman Labrador, Ranking Member Lofgren, Members of the Subcommittee. Thank you for the opportunity to participate in today's hearing on immigration and the need for State notification of unaccompanied minors.

As you are very much aware, the situation at our southern border is extreme. Every year, thousands of illegal immigrants are able to cross our border and settle in the United States.

I have heard from many Nebraskans concerned by the growing crisis at our southern border. The problem of illegal immigration is nothing new, but, this year, the surge of tens of thousands of unaccompanied children, mostly from Central America, crossing into our country has further strained our communities' resources.

Families in Guatemala, Honduras, and El Salvador are sending their children alone to the United States because they believe they will have greater opportunities here. They are also being encouraged by the belief children will be allowed to stay in the United States if they make it across the border, even if they are undocumented. The President's decision to not enforce certain immigration laws has only made this problem worse.

We need to address this issue not only to protect our national security and sovereignty but also to protect the very children being sent here. The border between the United States and Mexico is increasingly violent, as rival drug cartels fight for territory and smuggling routes. Unaccompanied children are especially at the risk of being subjected to violence, human trafficking, and sexual predators.

The Department of Health and Human Services, which is responsible for caring for these children while they await immigration court hearings, places these unaccompanied minors in shelters or with sponsors across the country. Earlier this year, HHS estimated it had placed 200 children in the State of Nebraska with no prior notification. The State did not know where these children were, nor with whom they were staying.

States have the right to know when the Federal Government is taking actions which impact their communities. These children obviously require resources. Some will require health care and other treatments. Many will seek education, including language training in our schools, which States are mandated to provide. All of these services will impact our States as well as local communities.

Because of the effect of these placements on State and local resources, the Nebraska delegation supported our Governor, Dave Heineman, in his request to have this information provided to the State of Nebraska. HHS declined this request.

Because of this, I introduced H.R. 5129, the UAC State Notification Act, which would require HHS to give States advance notice when unaccompanied minors are to be placed in a State. It is the companion bill to legislation introduced in the Senate by Senator Mike Johanns. It is also very similar to the bills my colleagues

have introduced and will also discuss. All of these efforts show the importance of this issue.

Notifying States of unaccompanied minors is in the best interests of the State, the people who live there, and especially the unaccompanied child. While we must secure our border, until that happens, we need to look at specific problems we can address. I would think State notification is one area on which we can all agree. More information is in everyone's best interest.

I look forward to continuing to work on this issue as we continue to address our many immigration problems and because the wellbeing of children and our national security are too important to ignore.

I also appreciate the Subcommittee's efforts in having this very important hearing today.

Thank you, Mr. Chairman. I yield back.

Mr. LABRADOR. Thank you, Mr. Smith.

[The prepared statement of Mr. Smith of Nebraska follows:]

**The Honorable Adrian Smith  
Member of Congress  
December 10, 2014**

**“The Impact on Local Communities of the Release of  
Unaccompanied Minors and the Need for Consultation and  
Notification”**

**Testimony of the Honorable Adrian Smith  
Prepared for the House Judiciary Subcommittee on  
Immigration and Border Security**

Good afternoon Chairman Gowdy, Ranking Member Lofgren, and members of the Subcommittee. Thank you for the opportunity to participate in today's hearing on immigration and the need for state notification of unaccompanied minors.

As you all are very much aware, the situation at our southern border is extremely dire. Every year, thousands of illegal immigrants are able to cross our border and settle in the United States.

I have heard from many Nebraskans concerned by the growing crisis at our southern border. The problem of illegal immigration is nothing new, but this year the surge of tens of thousands of unaccompanied children mostly from Central America crossing into our country has further strained our communities' resources.

Families in Guatemala, Honduras, and El Salvador are sending their children alone to the United States because they believe they will have greater opportunities here. They are also being encouraged by the belief children will be allowed to stay in the United States if they make it across the border – even if they are undocumented. The President's choice to not enforce certain immigration laws has only made this problem worse.

We need to address this issue not only to protect our national security and sovereignty, but also to protect the children being sent here. The border between the U.S. and Mexico is increasingly violent as rival drug cartels fight for territory and smuggling routes. Unaccompanied children are especially at risk of being subjected to violence, human trafficking, and sexual predators.

The Department of Health and Human Services (HHS), which is responsible for caring for these children while they await immigration court hearings, places these unaccompanied minors in shelters or with sponsors across the country.

Earlier this year, HHS estimated it had placed 200 children in the state of Nebraska with no prior notification. The state did not know where these children were nor whom they were staying with. States have the right to know when the federal government is taking actions which impact their communities.

These children will require resources. Some will require health care and other treatments. Many will seek education including language training in our schools which states are legally required to provide - all of these services will impact our states and local communities.

Because of the effect of these placements on state and local resources, the Nebraska delegation supported our governor, Dave Heinemann, in his request to have this information provided to the State of Nebraska. HHS declined this request.

Because of this, I introduced H.R. 5129 – The UAC State Notification Act – which would require HHS give states advanced notice when unaccompanied minors are to be placed in a state.

It is the companion bill to legislation introduced in the Senate by Senator Johanns. It is also very similar to the bills my colleagues have introduced and will also discuss.

All of these efforts show the importance of this issue. Notifying states of unaccompanied minors is in the best interests of the state, the people who live there, and especially the unaccompanied child.

While we must secure our border, until that happens, we need to look at specific problems we can address. I would think state notification is one area in which we can all agree. Transparency and more information are in everyone's best interests.

I look forward to continuing to work on this issue as we continue to address our many immigration problems because the well being of children and our national security are too important to ignore.

I also appreciate the Subcommittee's efforts and having this very important hearing today.

Thank you, Mr. Chairman, I yield back.

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Mr. LABRADOR. We'll now hear from Mr. Olson.

**TESTIMONY OF THE HONORABLE PETE OLSON, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. OLSON. Chairman Labrador, Ranking Member Lofgren, Ranking Member of the Full Committee Mr. Conyers, thank you for holding this hearing to discuss my bill, H.R. 5138, the Our Communities, Our Choice Act.

My bill addresses a problem many communities in America got a taste of this past summer: record numbers of kids coming across our southern border without their parents. Our Border Patrol captured 37,000 of these children in 2013. That number doubled this year. It may double again in 2015.

Under current law, HHS sends these kids to live and go to school until the legal system decides what to do with them. Since local leaders are rarely consulted, the kids show up and our local leaders struggle to get the kids in school, find teachers that can speak the needed foreign languages, find new housing to live in, find new doctors. The local communities bear most of the financial burden, and many don't have the cash on hand to comply with an unfunded mandate coming from Washington, D.C.

In Texas, if we have done something difficult in the past and are asked to do it again, we say, "This ain't our first rodeo." And this is not southeast Texas' first rodeo with kids swarming our region. Over 250,000 of our neighbors from New Orleans evacuated to our region when Hurricane Katrina hit in 2005. They needed homes, food, schools, health care, and they need it overnight.

We accepted the challenge and took in all of our neighbors, but it was at a great cost to towns like Alvin, Manvel, Meadows Place, Missouri City, Fulshear, Rosenberg, and Stafford. My friend Leonard Scarcella from Stafford is on the second panel, and he will give you a description of what Stafford went through with Hurricane Katrina.

These kids crossing our southern borders have gone through hell. My bill makes sure they don't go through hell again by putting them in a place where their needs will never, ever be met.

My bill simply tells HHS to hit the pause button before they intend to bring these kids into a local community. Tell the county officials, the mayors, the school boards, and the hospitals where these kids will be detained what are their issues, how many boys, how many girls, what grade levels, what health issues, what languages are spoken. Tell them before it is imposed upon them. Give them 90 days to respond with what they can do and what they can't do.

We can't stop HHS from going forward, but we can make sure they know exactly what they are doing so they don't put these kids through hell again.

I look forward to working with the entire Committee next year to make this bill a reality.

Thank you.

Mr. LABRADOR. Thank you, Mr. Olson.

[The prepared statement of Mr. Olson follows:]

The Honorable Pete Olson  
Representative for the 22<sup>nd</sup> Congressional District of Texas  
The Impact on Local Communities of the Release of Unaccompanied  
Alien Minors and the Need for Consultation and Notification  
Committee on the Judiciary  
December 10, 2014

Chairman Gowdy, Chairman Goodlatte, Ranking Member Lofgren, and Ranking Member Conyers, thank you for the opportunity to come and speak to you today about my bill H.R. 5138: Our Communities, Our Choices Act.

This past summer, we saw an extraordinary surge of unaccompanied alien children - also known as UAC's - flood across our border through my home state of Texas. According to the Office of Refugee Resettlement within the Department of Health and Human Services, they received 57,496 UACs in FY2014.<sup>1</sup> This surge in UAC's represents a significant cost to federal, state and local governments. Texas Governor Perry estimated that it cost

With the influx of UACs, under the provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act, the Department of Health and Human Services (HHS) was required to look for potential locations to house the children. Towns and counties in my southeast Texas district were increasingly concerned with how to manage the potential cost of caring for these children.

Local leaders were bombarded with questions like: Will these children be required to attend school? If they do, what is the impact to the state-mandated class size ratios? Do we need to hire more teachers? Add more English as a Second Language (ESL) programs? Expand school breakfast and lunch programs? Create new bus routes?

Ultimately, the great folks in my district know all too well what the costs can be for such an undertaking. Houston faced this in 2005, after Hurricane Katrina displaced thousands of our Louisiana neighbors who came to Texas seeking shelter.

The sheer volume of folks we took in was very high, it was a massive natural disaster and we were happy to do it. But it was a costly endeavor that took a toll on local governments as my friend Mayor Scarcella of Stafford, TX explained in great detail as concerns first rose about housing these children.

A higher cost for schools doesn't scratch the surface of the costs a community could bear. Housing, healthcare and safety all must be addressed. Some communities are in a better position to help than others.

One of our largest frustrations during this process was a lack of communication by federal officials. It took weeks of reaching out to HHS to get a return call with limited information. That simply isn't good enough. While the federal government was dealing with a massive crisis, there was no opportunity for potentially impacted communities to have any voice in this process.

That's why I introduced H.R. 5138, which simply requires HHS to hold a public hearing no sooner than 90 days after selecting a potential site to allow for state and local leaders, as well as citizens to ask questions and raise concerns.

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<sup>1</sup> <http://www.acf.hhs.gov/programs/orr/programs/ucs/about#facts>

The intent of this bill is NOT to stop any city or town from stepping up to help these children, merely give local communities a voice in the process.

As you look into options to improve this process, I would highly encourage you to make sure that their voices are heard.

Thank you and I am happy to answer any questions.

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Mr. LABRADOR. Now we will hear from the honorable gentleman from New York, Mr. Crowley.

**TESTIMONY OF THE HONORABLE JOSEPH CROWLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. CROWLEY. Thank you, Mr. Chairman. Good afternoon to you and to my good friend Ms. Lofgren, as well as Mr. Conyers and to Mr. Garcia from Florida. And thank you for being here today and hearing my testimony.

As mentioned, I am Congressman Joe Crowley. I represent the 14th Congressional District in New York, which takes in parts of Queens and the Bronx. My district has been called the most ethnically diverse congressional district in our Nation. I like to call it the new Ellis Island of America. And for generations, it has been home to new immigrants.

New York City has always been proud to welcome immigrants, whether through Ellis Island, JFK Airport, or the Port Authority Bus Terminal. We welcome immigrants who are coming here to make a better life for themselves and for their children, but we also welcome those who are fleeing danger and violence, like these children from Central America.

Despite what you might hear from critics about why these children came here, they endured unimaginable struggle and danger to come here for the chance at not just a better life but a chance at life at all. It is a life-or-death situation for these children, with murderers and gang violence running rampant in their home countries.

The United States has long stood with those who are fleeing persecution and violence. We have stood alongside them so they were not alone. We have stood behind them to give them the ability to make a new life here. And we have stood up for them to make it clear that there is no place in this world for the atrocities that drive people to leave their homelands.

That is who we are, and that is what we do. And it is what we need to continue to do, not just with words but with resources. I was disappointed this summer when we didn't see that same commitment from my colleagues on the other side of the aisle, and an important opportunity was missed to help meet the needs of these children.

Fortunately, communities like my hometown of New York City have been stepping up to welcome these children. New York City, as a region, has been receiving some of the largest numbers of child migrants, with over 2,000 child migrants placed with family members or other sponsors in my city alone and another 3,000 in the surrounding counties.

I know there are a number of bills introduced that focus on notifying local officials when the Federal Government looks to house or place children in any particular area. Let me first say that I certainly don't think any of us would argue against greater communication between the Federal Government and local authorities. But it has to give enough flexibility to actually meet the needs of the situation, and it has to ensure that there are adequate confidentiality protections involved.

Notification and information-sharing cannot become a way to target innocent children or the family members that are taking them in. And it can't be used as a way to block needed response efforts, leaving children out in the cold to score cheap political points.

After the immediate need of housing these children during initial screenings, their needs don't end when they leave the Federal Government's custody to stay with their sponsors. New York City has taken on several important initiatives to help these children through the next stages.

They have helped ensure legal representation for these children, with nearly \$2 million over the next year in funding for legal services, provided by a combination of city and private funders. This is critical, as history has shown that over half of these children may be eligible to remain in the United States, such as by being granted asylum or visas for victims of trafficking.

Beyond just the courthouse, New York City formed an inter-agency task force and published a comprehensive guide to legal, medical, mental health, and social services that they distributed in English and other languages.

A major action has been to place representatives of the city's education and health agencies at the immigration courts themselves so that while the children's cases work their way through the legal system they can enroll in school or Head Start programs and get health care—programs they have a legal right to under State and city law and under legal decisions made over many years.

We must recognize that our communities are best served when the children living here are in school and that they are healthy. It does us no good to drive them further into the shadows and deny them the access to these services.

Our social service providers in our communities have also played a critical role in connecting children to needed services. They provide legal help, support the family reunification, and other direct services. They have frequent events that pair legal screening clinics with resources from city agencies and other social services and community groups, and they will continue to do so. These groups are on the front line in the neighborhoods where these children live, and I thank them for all their continued efforts.

It might be easy for some to pretend that the urgency of this issue has somehow diminished as the number of children arriving in recent months has decreased, but there is more that has to be done. Just like we can't solve immigration reform by simply militarizing our border and pretending that solves the problem, we can't help these children by simply shutting them out and avoiding their needs. Yes, it may be challenging and it may not be easy, but it is a challenge that is best served by addressing it head-on, like my hometown of New York City has done. Let's not shy away from the challenges. Let's rise to them.

And I thank you, Mr. Chairman.

Mr. LABRADOR. Thank you, Mr. Crowley.

[The prepared statement of Mr. Crowley follows:]

Written Testimony of Congressman Joseph Crowley (NY-14)  
U.S. House of Representatives Judiciary Committee  
Subcommittee on Immigration and Border Security  
Hearing: The Impact on Local Communities of the Release of Unaccompanied Alien Minors and  
the Need for Consultation and Notification

December 10, 2014

Good afternoon. My name is Congressman Joseph Crowley, and I represent the 14<sup>th</sup> District of New York, which includes the Bronx and Queens in New York City.

My district has been called the “most ethnically diverse congressional district in the nation,” and for generations, it’s been home to new immigrants.

New York City has always been proud to welcome immigrants, whether through Ellis Island, JFK Airport, or the Port Authority bus terminal. We welcome immigrants who are coming here to make a better life for themselves and their children, but we also welcome those who are fleeing danger and violence.

In recent months, we’ve seen a lot of attention turned to children from Central America who are coming here in desperation. Despite what you might hear from cynics about why these children came here, these children have endured unimaginable struggle and danger to come here for the chance at not just a better life, but a chance at life at all.

That’s what this is about – it’s a life or death situation for these children.

At home they face a constant barrage of violence and murders. And gang activity becomes not just a possibility, but a near certainty. These gangs are increasingly targeting children – who are put in harm’s way not just if they join, but even if they resist.

So like refugees all around the world always have, they take the only imaginable step – the desperate step of a dangerous journey to a place where they can be safe.

Oftentimes the journey itself puts them in great danger from smugglers and traffickers, but they are willing to take on these risks to escape the greater ones at home.

The United States has long stood with those who are fleeing persecution and violence.

We’ve stood alongside them, so they know they’re not alone. We’ve stood behind them, to give them the ability to make a new life here. And we’ve stood up for them, to make it clear that there is no place in this world for the atrocities that drive people to leave their homes.

That's who we are and what we do.

And it's what we need to continue to do, with not just words, but resources.

I was disappointed that this summer we didn't see that same commitment from my colleagues on the other side of the aisle, and an important opportunity was missed to help meet the needs of these children.

Fortunately, communities like my home in New York City have been stepping up to welcome these children.

The New York City region has been one of the areas receiving the largest numbers of child migrants in the country. In New York City, about 2,000 child migrants were placed with family members or other sponsors in Fiscal Year 2014. More than 3,000 children were placed in the surrounding areas of Long Island, and hundreds more in other counties just outside New York City.

But instead of looking for any avenues to block these children, or to withhold needed resources out of spite and anger, New York City has looked and said, "what can we do to help smooth the way for these children?"

I know that my colleagues here with me on this panel today have raised concerns about the impact of these children on their own communities – that's understandable. It impacts us all when a humanitarian crisis like this happens.

But more specifically, there is an impact on logistics, resources, community engagement.

There have been a number of bills introduced that focus on notifying state and community officials when the federal government looks to house or place children in locations within that state.

Let me say that I certainly don't think any of us would argue against greater communication between federal and local authorities. But it has to be done in a smart and reasonable way that makes sense. It has to give enough flexibility to actually meet the needs of the situation. And it has to ensure that there's adequate confidentiality for not just the children themselves, but also their sponsors and family members when they are released.

If notification and information sharing becomes a way to target innocent children, or the family members that are taking them in while they wait for resolution to their case, then we've done everyone a disservice. And it shouldn't be used a way to block needed response efforts, leaving children out in the cold to score political points.

That's not what we need, and it's not what's helpful.

These children have real needs. Yes, there was an immediate need of identifying facilities that could house them during initial screenings. But their needs continue, and their needs shift in a way that would benefit from a well-planned effort.

To be clear, these children aren't just placed in communities indiscriminately. Under the law, they must be "promptly placed in the least restrictive setting that is in the best interest of the child." They are then transferred to family members or approved sponsors while they wait for their day in immigration court.

When children leave the federal government's custody to stay with sponsors, their needs don't just end there. The legal process alone is an example of the need these children have and how cities are doing their best to meet it.

In New York City, nonprofit legal service provider organizations have worked with the city to determine their capacity to perform legal screening and representation for all the child migrants, and the immigration courts have developed "surge dockets" to move these cases through in a more timely manner. As they go through the court process, there is a critical need for these children to have legal representation.

Nearly \$2 million over the next year in funding for legal screening and representation has been provided by a combination of the city and private funders, including the Robin Hood Foundation and New York Community Trust. I and many of my congressional colleagues welcomed this announcement.

While we've worked at the federal level to extend these protections, it's local areas that are on the front lines. Cities like New York, states like California, and others have looked to take this mission on and be willing to commit funds to help defend the children.

But it shows how much more of an effort is needed.

Past experience has shown that over half of these children may be eligible for relief to permit them to remain in the United States, such as being granted asylum or visas for victims of trafficking.

Clearly, many of these children will have legitimate claims - yet without lawyers, their chances of making this argument successfully drops significantly.

It pains me to think of children being put at risk of being sent back to the very danger and fear that drove them to come here, just because the civil immigration system doesn't offer them the same guaranteed protection of legal representation as the criminal justice system.

I applaud the legal professionals who have offered their assistance with these efforts, and the city and private entities that have made it possible.

Being responsive to the needs of these children goes beyond just the courthouse.

New York City has formed an inter-agency task force that includes representatives from a wide variety of agencies that play roles in helping these children.

The task force includes representatives of the Department of Education, Department of Youth and Community Development, Administration for Children's Services, Department of Health and Mental Hygiene, Department of Homeless Services, Human Resources Administration, Department of Probation, as well as the Mayor's Office of Immigrant Affairs, the Office of the Deputy Mayor for Health and Human Services, and the Mayor's Office of Criminal Justice.

The task force has sought to assess the children's needs, identifying target neighborhoods and schools for outreach, and working with city agencies to coordinate their responses to children and families they serve.

What New York City has recognized is that everything works better if they can identify and provide needed services early on.

That's why they worked with the Department of Education, Department of Health and Mental Hygiene, and Administration for Children's Services to place city representatives at the immigration courts, so that while the children's cases work their way through the legal system, they can enroll in school or Head Start programs and get health care.

Local immigrant groups have welcomed this level of involvement. It also makes sure that children are aware of the services available to them and their rights.

Education and health care are services that children have a legal right to under state and city law, as well as under legal decisions made over the years. What we absolutely have to recognize is that our communities are best served when the children living here are in school and are healthy. It does us no good to drive them further into the shadows and deny them access to these services.

So New York City has decided to be proactive and use the opportunities they have to improve the situation.

They've also aimed to pair with social service providers on the ground in the community, who form the other critical piece of this effort.

The City has sought to make their resources more easily available, such as by producing a comprehensive guide of New York City resources and referral information on legal, medical, mental health, and social services, for City agencies and service providers to use. They've made it available online and in print in multiple languages.

I believe this kind of partnership helps the service providers in our community to do more and do it well.

I've heard from numerous local providers in my community, such as Lutheran Social Services of New York, that are taking on these cases, providing services like legal help or support with family reunification and releasing the children to sponsors and relatives in a safe and productive way.

As another example, the New York Immigration Coalition, a coalition of 200 member organizations, worked with the City to hold Youth Assistance Fairs that pair legal screening clinics with information tables from city agencies and other social service and community groups.

These community-based clinics are held throughout the city, and provide direct services to recently-arrived immigrant children and families, to bring services to the communities where these children live. The clinics have been held regularly since the summer, including as recently as this past weekend, and will continue into next year.

It might be easy for some to pretend that the urgency of this issue has somehow diminished, as the number of children arriving in recent months has decreased. But there's more that has to be done.

In many ways, this is a microcosm of the broader debate on immigration reform.

For everyone who would prefer to just militarize our border and pretends that solves the problem, I would remind you that immigrants are living and working in our communities, and going to our schools and relying on our health care facilities.

To think we somehow can't or shouldn't look at this side of the issue is a fallacy. It's a matter of responsibility. We have a responsibility to address these issues in a way that makes sense and doesn't cause even more harm. And that's true in this situation as well.

Yes, it may be a challenge, and it may not be easy. But it is a challenge that is best served by addressing it head on, as New York City has done.

Let's not shy away from challenges. Let's rise to them.

Mr. LABRADOR. And thank you, all of you, for your statements. As is customary, we will not ask the Member panel to stay for questions. You are dismissed. Thank you very much for being here today.

And we will now take a moment to let the second panel of witnesses take their place and prepare for their testimony.

We thank our second panel for joining us today.

If you would please rise, I will begin by swearing you in.

Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record reflect that all witnesses responded in the affirmative.

Thank you, and please be seated.

We are honored to have all of you here today, and I will introduce now each one of you.

I will start with Mayor Leonard Scarcella. Leonard Scarcella currently serves as mayor of the city of Stafford, Texas, and is the longest continuously serving mayor in the United States. Mayor Scarcella graduated from Texas A&M University in 1962, attended the University of Houston Law School, and was admitted to the State Bar of Texas in 1967.

Next, we have Ms. Jessica Vaughan. Ms. Vaughan currently serves as the director of policy studies for the Center for Immigration Studies. She has been with the Center since 1992, where her expertise is in immigration policy and operations topics such as visa programs, immigration benefits, and immigration law enforcement. Ms. Vaughan has a master's degree from Georgetown University and earned her bachelor's degree in international studies at Washington College in Maryland.

Next, we have Sheriff Thomas M. Hodgson. Sheriff serves as the sheriff of Bristol County, Massachusetts. Upon assuming the role, Sheriff Hodgson has focused on corrections reform, public safety, and raising the standards for the Bristol County Sheriff's Office to enhance the primary mission of care and custody of inmates. Prior to being appointed sheriff, he was a former Maryland police lieutenant for specialty operations, joined the staff of the Bristol County Sheriff's Office, and served as deputy superintendent of investigations. He also served 5 years as a counselor-at-large on the New Bedford City Council.

And, finally, we have Ms. Kristyn Peck. Ms. Peck is the associate director of children's services with the United States Conference of Catholic Bishops, where she implements their programming and protection efforts for vulnerable migrating children. In this capacity, Ms. Peck and the children's services team oversee a national network of more than 200,000 dioceses and other community-based social service agencies providing family reunification and specialized foster care services to unaccompanied refugee and immigrant children. Ms. Peck has a master's in social work and a bachelor's in journalism from the University of Maryland.

As the second panel prepares for their testimony, I again ask that each witness summarize his testimony in 5 minutes or less. To help you stay within that time, there is a timing light on your table. When the light switches from green to yellow, you will have

1 minute to conclude your testimony. When the light turns red, it signals that the witness' 5 minutes have expired.

And, Mr. Scarcella, we will start with your testimony.

**TESTIMONY OF LEONARD SCARCELLA,  
MAYOR OF STAFFORD, TEXAS**

Mr. SCARCELLA. Thank you so much, Mr. Chairman, Committee members.

Mr. LABRADOR. If you could turn your microphone on, that would be great.

Mr. SCARCELLA. Thank you, Mr. Chairman, Committee members. It is indeed a privilege to be here today to address you in regard to what we consider to be a most important issue, this hearing being on the impact of local communities of the release of unaccompanied alien minors and the need for consultation and notification.

I am the mayor of the city of Stafford, Texas, which has common boundaries with the city of Houston and the city of Sugarland and is one of the fastest-growing areas in the Nation and is some roughly 365 miles from the Mexican-American border.

This legislation, as I understand it, is intended to specifically address the impact on local communities, and we are very interested and concerned about that. The bills which are before and being discussed here I want to stress that I strongly endorse, mainly for the reasons of making sure that we have a place at the table and that we are able to participate in how these children, unaccompanied alien children, are dealt with.

Let me just simply say, fortunately, we have not had any of those children come to Stafford, but we do have a point of reference in a somewhat analogous situation, which Congressman Olson alluded to earlier. When Hurricane Katrina literally blasted the Louisiana coast, within hours we had hundreds of people coming into Stafford. Many of those were children. We immediately began to assist them in terms of housing, care, and education, and we are very proud of the record that we established at that time.

What we would like to emphasize is that we have some—in a school system that had less than 3,000 children, we had 179 of those children enrolled in the Stafford Municipal School District, which is the only municipal school district in the State of Texas. And that was at the beginning of the 2005-2006 school year. As it turned out, we educated those children through that process and literally had to do quite a bit of alteration in our school to accommodate them and to elevate them to the level of our students that we had in SMSD.

There are a couple of things that stick out in my mind even 9 years later. One of those is the fact that, obviously, all of those children had some parental support in Stafford with them. The other thing was that they all spoke English.

Obviously, the situation with these unaccompanied alien children is that most of them, if any, don't have any parental support, and the other concern is that none of them speak English. And, consequently, even though we have tried very diligently in our small school system to have a strong bilingual or language program—and we have some 37 different languages in our schools—still, it is very difficult to get the teachers necessary to address this.

What I want to emphasize is that, of these children that came, of the 179 that came, at the end of that school year '76 were still there and had benefited from it.

The point, too, that I would like to make and that I think is so important is that we recognize the humanitarian obligations and the obligations to be compassionate with these youngsters. We also recognize the concerns of the citizens. And it must be emphasized that not only are you talking about housing these children and the——

Mr. LABRADOR. If you could summarize your testimony in 10 seconds or less. We have run out of time.

Mr. SCARCELLA. I would just—thank you, Mr. Chairman. I would just simply say, in conclusion, that we recognize that there are significant costs for food, clothing, education, and we would like to be in the discussion to determine how that could best be utilized and effected.

Mr. LABRADOR. Thank you, Mr. Mayor.

[The prepared statement of Mr. Scarcella follows:]

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**LEONARD SCARCELLA**

**MAYOR, CITY OF STAFFORD, TEXAS**

**DECEMBER 10, 2014**

**"The Impact on Local Communities of the Release of Unaccompanied**

**Alien Minors and the Need for Consultation and Notification."**

**STATEMENT OF  
LEONARD SCARCELLA  
MAYOR, CITY OF STAFFORD, TEXAS**

Before the United States House of Representatives

Judiciary Committee

Subcommittee on Immigration and Border Security

December 10, 2014

Good afternoon Mr. Chairman and Committee Members. I am most appreciative of the invitation to testify before you and share my perspective on the hearing entitled, "The Impact on Local Communities of the Release of Unaccompanied Alien Minors and the Need for Consultation and Notification."

I am the Mayor of the City of Stafford, Texas, which has common boundaries with the Cities of Houston and Sugar Land, in one of the fastest-growing areas in the Nation and is about 365 miles from the U.S.A./Mexico border. The legislation discussed today, as I understand it, is intended to specifically address the impact on local communities of the recent and most disturbing occurrences involving unaccompanied alien children who are coming from foreign countries, mainly Central America, and literally showing up on cities' doorsteps with nothing more than the clothes they are wearing. Some of the bills before us deal with involving state and local officials in the review of determining the most appropriate location for these necessary facilities. Further, Congressman Pete. Olson's bill provides a 90-day notice period for a public hearing such that the local constituents may offer their opinions in this determination. I strongly endorse the involvement of local and state officials in conference with federal officials, as well as the opinions of the public, to ascertaining the most desirable approach to housing these children while they are in this country. Obviously, a corollary of the determination of the location of this facility and the housing of these children must also address their feeding, clothing, caring, and educating.

Specifically, I would like to focus my testimony on what we in Stafford envision as the significant challenge that confronts us in the event that we get the infamous "3 a.m. phone call" informing us that an 18-wheeler has just dropped off dozens of youngsters in front of a vacant warehouse in Stafford. It is appropriate at this point to emphasize that we would be relying heavily on Child Protective Services (CPS) of Harris and Fort Bend Counties and the Department of Homeland Security U.S. Immigration and

Customs Enforcement (ICE) to assist us with the immediate attention and needs of these children. Fortunately, both of these agencies in our area have demonstrated a highly competent and dedicated interest in dealing with incidents of adversely affected alien children.

I believe it is most important that we examine the practical reality that such an occurrence would impose upon the community and, specifically, our city. In many ways, I believe this would have national pertinence. Most notable in this requirement is to provide for the health, safety, and welfare of these children over whatever timeframe that might be necessary, with the assumption that this will take a closely consolidated effort on the part of federal, state, and local officials.

To date, fortunately, we have not had such an occurrence in our city. However, to provide our perspective, it potentially raises to even a higher level many of the same issues which we were confronted with in the late summer of 2005 when Hurricane Katrina struck the Louisiana coast. Within a matter of a few days, we had hundreds of people from the stricken area in our city looking for whatever assistance, housing, and education we could provide. As that particular situation played itself out, the Stafford Municipal School District (SMSD), which is the only municipal school district in the State of Texas, found itself educating 179 new students mainly from the New Orleans area. In accordance with federal law and trying to address the needs of these children, we immediately assimilated them into our local public education system and took the necessary actions to appropriately educate them in view of their adverse circumstances.

What sticks in my memory nine years later is that most of these children were below the grade level of SMSD students of the same age and needed specialized attention to attain their best performance. Since that was at the beginning of the 2005-2006 school year, at least 76 of those students stayed at SMSD for that entire school year and benefitted substantially from that experience. Subsequently, most of those left; however, there were some who remained for the next school year.

I recognize that factors we had in our favor we would not have with these unaccompanied alien children. Those important elements were that most of the children from Louisiana came with at least one of their parents who lived with them in Stafford and that they all spoke English. The situation that this legislation addresses would be one which is far more difficult. First and foremost, it would not be likely that these unaccompanied alien children would have parental support. Additionally, these children would need food, shelter, and medical attention which the city in conjunction with CPS and ICE would have to provide immediately. As for the educational aspects, the situation would be even more demanding than that of the refugees from Hurricane Katrina because one can only assume that the great majority, if not all of these children, would speak no English and yet would immediately have to be considered for assimilation into our 3,500-student school system. While SMSD has a strong bi-lingual component, communications with these children in dialects which they would understand would likely be a most demanding task.

If a facility to house these children was placed in Stafford, providing food, shelter, clothing, medical care, and education for them would be a significant challenge for our city and school district. It is anticipated that, once again, CPS and ICE would be major role players in effectuating these benefits.

Even though Stafford is a small city, we pride ourselves on our humanitarian concerns especially in emergencies. When we were hit by Hurricane Ike in 2008, roughly three years after Katrina, we were one of the few cities in the area to open shelters and provide a Point of Distribution (POD) for people from several counties around Stafford, including thousands from Houston, to get water, food, and ice when they were without electricity for, in some instances, more than ten days. As a point of fact, the POD in Stafford was the last one in the Houston area to remain open and continued to provide emergency relief throughout this difficult period.

We are fortunate in Stafford to have a strong economy and cash resources to address situations such as we did with Hurricanes Katrina and Ike. We can illustrate many other events which were recognized by our congressional delegation for providing assistance to the community under some very adverse circumstances. It must, however, be noted that as a small city we have our limitations. Should a significant group of these unaccompanied alien children arrive in our city needing the city's and school's assistance, this would put substantial burdens on doing all that we envision would be necessary to meet those needs.

To get to the point where local and state officials would have the opportunity to make decisions as envisioned in this legislation and structured into the parent legislation is desirable and applauded. I, however, sincerely request that the Committee consider addressing not only approaches to the location of these children but the many other ramifications and requirements of such a decision.

I strongly commend the Committee for addressing this unique and recent development of these unaccompanied alien children and for seeking to provide an equitable solution to a very daunting problem. I thank the Committee for convening on this subject, again appreciate the opportunity to address you, and look forward to your questions.

Mr. LABRADOR. Ms. Vaughan?

**TESTIMONY OF JESSICA M. VAUGHAN, DIRECTOR OF POLICY STUDIES, CENTER FOR IMMIGRATION STUDIES**

Ms. VAUGHAN. Good afternoon, and thank you for the opportunity to testify today.

The Obama administration's decision to allow virtually all of these so-called unaccompanied minors from Central America to live here indefinitely, and their family members too in most cases, has imposed a significant fiscal and logistical burden on many American communities.

We are all sympathetic to the hardships and challenges that many of these young people have had to endure, but the Federal Government also needs to consider the impact of its policies on the localities where they are resettling. Communities that have had to absorb even relatively small numbers of UACs have incurred significant new and unforeseen expenses for schooling, health care, and other support. The bills we are discussing today would give State and local governments a voice in one important part of the resettlement decisionmaking process.

And we have heard the numbers. And the vast majority of these aliens are here because their parents, who are usually also here illegally, paid a criminal smuggling organization to transport them. And because the parents understand that, once they make it here, the government will allow the kids to stay, enroll them in school, provide health care and other social services and that the parents will be allowed to stay, too, as a sponsor, that provides a tremendous incentive for them to do this.

This is not a false rumor, as the Administration has claimed. According to ICE, 98 percent of the unaccompanied minors have been released to family members in the United States. Despite claims that the Administration is trying to send them home, last year ICE deported only 1,901 UACs and, at the same time, booked 56,000 onto its docket over the course of the same year.

Most of these 1,900 deportations of minors actually were cases from prior years. That is because these cases have been deliberately funneled into our dysfunctional immigration court system, where it can take up to 5 years to resolve them. So this is not a temporary issue for the communities that have to absorb these arrivals; communities are going to be dealing with these costs for years.

Education is the most significant cost, and the problem is not just the numbers but the fact that so many of the new arrivals have had only a few years of schooling in their home country. Some have never even held a pencil before, I am told. Everyone agrees that the students need support to succeed, and no one begrudges them that, but the problem is how to pay for it.

Yesterday, I met with a State lawmaker who represents the town of Milford, Massachusetts, which has received—they enrolled about 30 of these new arrivals in the public high school in September. The town finance committee just completed its calculations. The cost of educating the new arrivals will be about half-a-million dollars for this year alone. That is a lot of money for a small town

of 28,000 people that has a lower-than-average per capita income in the State. And there is no offsetting tax revenue.

Another city near me, Lynn, Massachusetts, received 250 new high school students for this year because of this influx of unaccompanied minors. They had to increase their education budget 9 percent, which is \$8 million. As a result, the city had to cut other vital programs and services that affect the quality of life in that town for everybody. Community policing was ended, a firetruck order had to be cancelled, and there were other belt-tightening measures.

Louisiana's Jefferson Parish got 533 UACs and had to hire almost 70 new teachers. The total cost: \$4.6 million.

The estimate of the average national cost is about \$11,000 per child—more in some areas, less in others. So I estimate that is about \$600 million per year for just 1 year's arrivals. And so the \$14 million that has been talked about in the budget is just a drop in the bucket for that cost.

Of course, there are healthcare expenses, as well. Typically, that has to be funded by the public, as well.

And local officials have also raised a lot of concerns about fraud in the program because of the apparent lack of diligent screening on the part of ORR and DHS agencies. There have been cases of clearly ineligible adults claiming to be unaccompanied minors and individuals with arrest warrants and other problems, with no apparent response or concern on the part of ICE or other Federal agencies involved. If the screening by Federal officials who process these cases cannot detect those falsely claiming to be minors, it is unlikely that they are also going to find the criminals or other threats to public safety either.

Local communities are going to have to be alert to the emergence of gang activity, as has happened in a prior wave of illegal immigration from Central America, with ICE now having deprioritized gang disruption and unlikely to be much help in that.

Enactment of these bills would certainly help, but the most effective way to alleviate the strain on communities caused by the influx of UACs is for Congress to clarify that only those trafficking victims and truly unaccompanied juveniles—

Mr. LABRADOR. If you could summarize your testimony in 10 seconds or less.

Ms. VAUGHAN. Thank you.

Mr. LABRADOR. Thank you very much, Ms. Vaughan.

[The prepared statement of Ms. Vaughan follows:]

The Impact on Local Communities of the Release of Unaccompanied Alien Minors  
and the Need for Consultation and Notification  
U.S. House Judiciary Committee  
Subcommittee on Immigration and Border Security  
December 10, 2014

Statement of Jessica M. Vaughan  
Center for Immigration Studies

Thank you, Chairman Goodlatte and Ranking Member Lofgren, for the opportunity to testify on the problems created by the resettlement of illegal alien juveniles (also known as Unaccompanied Alien Children, or UACs). The Obama administration's decision to allow virtually all of these new illegal arrivals to live here indefinitely – and their family members too in most cases -- instead of returning the majority of them promptly to their home countries, has imposed a significant fiscal and logistical burden on many American communities. We are all sympathetic to the hardships and challenges that many of these young people have had to endure. But the federal government also should be required to acknowledge and weigh the impact of its decision to release them on the localities where they are settling. Communities that have had to absorb even relatively small numbers of UACs have incurred significant new and unforeseen expenses for schooling, health care and other support. The bills we are discussing today would give state and local governments a voice in one important part of the resettlement decision-making process.

**The Number of Resettled UACs Has Grown Significantly.** The need for coordination with host communities is critical in light of the explosion in the number of UACs taken into custody at the southwest border in recent years. The Obama administration's controversial interpretation of its statutory obligations in processing these children has helped fuel the increase in illegal crossings and resulted in a larger number being turned over to the Office of Refugee Resettlement (ORR) for processing and release than is necessarily warranted under the law.<sup>1</sup>

In the first 11 months of FY2014, the Border Patrol took into custody 66,127 UACs. This was an increase of 88 percent over the same time period in 2013 (when 35,209 were apprehended), and more than four times the number in all of FY2011 (16,067).<sup>2</sup> Of those apprehended in 2014, 50,303 were from El Salvador, Guatemala and Honduras. Because they are citizens of a non-contiguous country, under Obama administration policy, most of the Central American juveniles apprehended were turned over to the ORR for release to family members or other sponsors.

In FY2014, ORR released 53,518 UACs to the custody of sponsors. In the first month of FY2015, ORR released another 1,712 to sponsors.<sup>3</sup>

<sup>1</sup> Jon D. Feere, "2008 Trafficking Law Largely Inapplicable to Current Border Crisis," Center for Immigration Studies, July, 2014: <http://cis.org/2008-trafficking-law-inapplicable-current-border-crisis>.

<sup>2</sup> See <http://www.cbp.gov/sites/default/files/documents/SWB%20Family%20and%20UAC%20Apps%20thru%208-31.pdf>.

<sup>3</sup> See <http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors>.

Most of the releases have occurred in 163 counties in 35 different states. But they are not spread out; they are concentrated in parts of the country that already have established populations of Central Americans. For example, the largest number was released in Harris County, Texas (which includes Houston); Los Angeles County; suburban Washington, DC; Long Island, NY; and Miami-Dade County.

In other metropolitan areas, the releases are usually concentrated in certain towns or neighborhoods, which results in disproportionate impacts in those localities, especially on top of the equally large number of families who arrived illegally over the same time span, and on top of legal immigrant and refugee flows. For example, there were 85 UACs released this year in the entire Worcester County, Massachusetts, but about one-third of them are settled in the town of Milford, which has less than 30,000 residents. Similarly, 311 UACs were released in all of Essex County, Mass., and approximately 250 of them settled in the city of Lynn. As with other migration streams, the new arrivals often cluster with friends and family who hail from the same parts in their home countries.

**Most UACs Are Not Trafficking Victims, But Joining Family Members.** According to intelligence reports prepared by Immigration and Customs Enforcement (ICE), most of the UACs are released to family members who are already living in the United States: “97.9 percent of OTM UC’s [Other Than Mexican Unaccompanied Children] were discharged into the custody of an immediate family member (parent or sibling),” most frequently the mother or father.<sup>4</sup> Thus they are not truly “unaccompanied” under the terms of the law, which defines “unaccompanied” as a person who “has no lawful immigration status in the United States” and “has not attained 18 years of age” and does not have “a parent or legal guardian in the United States.”<sup>5</sup>

Most have been smuggled into the United States in arrangements made by their family members, according to the ICE intelligence report referenced above and other accounts that have appeared in the news media. There are few instances of involuntary trafficking victims in this population, although all UACs are screened for the possibility.

According to a Border Patrol intelligence report based on interviews with the UACs, nearly all of the migrants (95%) stated that their “main reason” for coming to the United States illegally was because they had heard that they would receive a “permiso,” or permission to stay.<sup>6</sup> They also cite push factors such as lack of opportunity and violence in their home countries and pull factors such as joining family and friends here, and the high probability of success in remaining. These explanations have been widely confirmed in numerous news media accounts featuring interviews with recent illegal arrivals.

**Few UACs are Sent Home.** Despite claims by top Obama administration officials to the contrary,<sup>7</sup> the vast majority of UACs are allowed to stay in the United States indefinitely. From the ICE intelligence

<sup>4</sup> See <http://www.scribd.com/doc/232909314/Darby-Leaked-ICE-Doc>.

<sup>5</sup> 8 U.S.C. §1232 is the statute in which the “William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008” is located. The statute cites to the definition of “unaccompanied alien child” at §1232(g), and refers to 6 U.S.C. §279(g)(2).

<sup>6</sup> Stephen Dinan, “Surge in illegal immigrants blamed on U.S. policy, not on spiking violence in Central America,” *Washington Times*, <http://www.washingtontimes.com/news/2014/jun/11/surge-illegals-blamed-us-policy/?page=1>.

<sup>7</sup> Said DHS Deputy Director Alejandro Mayorkas in a conference call with the media on June 20, 2014: “When an individual’s case is fully heard, and it is found that the individual does not qualify for asylum, he or she will be immediately

report: “most (98 percent) OTM UCs are issued a Notice to Appear and [are] not immediately removed from the United States.”

According to data from the immigration courts (Executive Office of Immigration Review), over a three-month period at the end of FY2014, there were 11,392 initial hearings scheduled for UACs (known as master calendar hearings). During that time period, 1,804 were completed (16%); the rest were continued.<sup>8</sup>

In FY2014, ICE deported only 1,901 UACs, even as the agency booked another 56,000 onto its docket over the course of the year.<sup>9</sup> From the EOIR data cited above, we can tell that only a portion of the 1,901 UACs who were deported had been apprehended in FY2014. EOIR reported that in the three-month period, the courts issued 1,542 orders of removal to UACs – but 1,449 (80%) were issued in absentia, so ICE will not enforce the order. There were apparently 93 orders of removal to UACs who did appear in person and 47 grants of voluntary departure. Assuming that none of these UACs absconded after the court order, that would mean that ICE was on track to deport only about 500-600 of the UACs who arrived in the 2014 border surge; the rest were older juvenile cases.

According to ICE, a huge share -- 87 percent -- of UAC cases filed in immigration court from 2009 to 2014 were still pending as of late June, 2014.<sup>10</sup> ICE enforcement operations director Tom Homan testified to this committee that it can take up to five years from the date the government files a Notice to Appear in court to the removal hearing date.

In light of these figures, there can be no question that the newly arrived UACs (and their family members, who often are here illegally also) will not be brief sojourners in the communities where they have settled. Realistically, these communities need to devote public resources to help support them for the indefinite future.

**Education is the Most Significant Cost.** By August and September of this year, many local school districts around the country had to scramble to make room for this unprecedented new influx of young Central Americans who had arrived illegally as part of the surge, either as UACs or as part of family units. The problem was not just the numbers, but also that typically many of the new arrivals had only a few years of schooling in their home country, had not learned to read nor acquired other basic skills fundamental to education beyond elementary school, spoke indigenous languages (not Spanish), and were more likely to require individualized educational plans and tutoring support due to emotional trauma, learning disabilities, or other special needs. Said a school district representative from Lynn, Massachusetts: “They come to us with an extreme disadvantage. They have a cursory awareness of the alphabet. Some have never held a pencil before.”

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removed. . . . Many individuals from Central America are found to be ineligible for these forms of protections are, in fact, promptly removed.”

<sup>8</sup> David Rogers, “Thousands of child migrants still lack lawyers,” *Politico*, <http://www.politico.com/story/2014/11/child-migrants-lawyers-112654.html>.

<sup>9</sup> Fiscal Year 2014 ICE Enforcement and Removal Operations Report, <http://documents.latimes.com/immigration-and-customs-draft-report/>.

<sup>10</sup> Hearing: “An Administration-Made Disaster: The South Texas Border Surge of Unaccompanied Alien Minors,” June 25, 2014, <http://judiciary.house.gov/index.cfm/hearings?ID=8B6D7AE6-1B16-4A12-BA74-35952F0FCB97>.

Many of these communities are already very experienced in dealing with immigrant children; however, one Massachusetts school committee chair told me that the UAC arrivals were a “shock to the system” because there were so many who came at once, and because most were older than the typical new immigrant children, who are more likely to enter elementary or middle school, not high school. The ICE intelligence report cited above states that 47 percent of the UAC arrivals in FY2014 were males aged 15 to 17 (or claimed to be).

Massachusetts has had to assemble a state-wide working group of educators to design a new curriculum, known as the Students With Limited or Interrupted Formal Education (SLIFE) program, especially for the UAC arrivals, who numbered 1,400 in 2014. Some districts have had to create unique “newcomers” educational programs. However, the districts must be careful not to run afoul of federal oversight on “mainstreaming” special needs children. The city of Lynn, Massachusetts was threatened with litigation by the U.S. Department of Justice when it attempted to launch a night school program designed to better meet the needs and interests of the large percentage of male UAC arrivals who wanted to drop out and work rather than attend a traditional day school program.

Everyone agrees that these students need support to succeed, and no one begrudges them that support if they are legitimately authorized to stay. The problem is how to pay for it, and how to anticipate the flows so that plans can be made. Says Lynn, Mass. Mayor Judy Kennedy: “We have gotten enough new students to build a school, but unfortunately we don’t have the money to build a school.” In the 2013-14 school year, Lynn received about 250 new students from Guatemala and Honduras. Of these, 129 were assigned to the 9<sup>th</sup> grade. The numbers have been growing steadily for the last several years; in 2012-13, there were 86 new enrollees from those countries (with 56 placed in the 9<sup>th</sup> grade); in 2011-12, there were 29 new Central American enrollees; and in 2010-11 there were three.<sup>11</sup>

Last year, as a result of the influx, the city of Lynn’s required contribution to the education budget went up by nine percent, meaning the city had to find an additional \$8 million (with no corresponding increase in tax revenue to cover it). As a result, the city had to cut other agency budgets by two percent across the board. City staff salaries were frozen; the community policing program was ended; an order for a new hook-and-ladder fire truck was cancelled, among other belt-tightening measures.

This story has been repeated all over the country. Louisiana’s Jefferson Parish, which received 533 UACs, said it needed to hire 27 new ESL teachers, 20 new ESL para-educators, 19 regular teachers, and three special education teachers to accommodate the influx. The total cost was estimated to be \$4.6 million, split between the state and the parish. The state was not expecting any additional support from the federal government for the Limited English Proficiency students, because most of them arrived at the last minute.<sup>12</sup>

Other states report the following outlays per UAC student:

<sup>11</sup> School admissions data provided by the Lynn School Department.

<sup>12</sup> Letter from John White, Louisiana Superintendent of Education to Sen. David Vitter, September 12, 2014, <http://freebeacon.com/wp-content/uploads/2014/09/Sen.-David-Vitter-Response-ltr-9-12-14.pdf>.

- Texas -- \$9,500 (source: Texas Legislative Budget Board)
- Florida -- \$8,900 per child + \$1,900 per UAC for special needs (source: Florida Department of Education) for a total cost of \$30-40 million per year.
- Fairfax County, Virginia -- \$14,755 per English Language Learner, for a total estimated cost per year for UACs of \$14 million. (source: Fairfax County Supervisor).
- National Average: \$11,153 to 12,608 (source: National Center on Educational Statistics).
- Total Cost Nationwide: \$580 million to \$670 million for the FY2014 UAC cohort per year (not counting children who arrived as part of family units).

**Health Care Costs.** Less has been reported on the health care costs for UACs, but inevitably they will present a major burden for state and local governments. "I think the biggest issue for us is the big handoff to local governments in terms of service costs and wraparound for these families and children. There's no getting around that," said Uma Ahluwalia, director of the Montgomery County, Maryland, Department of Health and Human Services. "In the meantime, the children are going to be attending local schools, they're going to have health and mental health needs . . . I think it will definitely strain our capacities."<sup>13</sup>

The Washington, DC-based Mary's Center, which provides health services to DC-area immigrants, reported costs of \$400,000 for services for UACs in 2014. The services to UACs cost more than double what routine services cost for most immigrants, because many of the newly arrived Central American youths had been injured or sexually molested on the journey.<sup>14</sup>

One big ticket item in Lynn, Mass. was the cost of immunizations for the UAC arrivals, which had to be done before the kids could be admitted to school. In Massachusetts, there is a delay of one or two months before the students can be enrolled in the state health insurance program for the needy, so the city had to set up special clinics and hire extra nurses on its own dime in order to get the kids into school promptly. (Of course taxpayers pay for the students' health care, regardless of whether the local or the state agency is covering the costs.)

Mental health care for these individuals may be a long-term challenge. According to numerous studies, UACs are more likely to need counseling and other forms of care as a result of physical or emotional trauma suffered in their home countries, on the journey with smugglers, or after arrival in the United States. According to one report:

Unaccompanied alien children's migration likely compounds significant levels of preflight trauma. The 2000-plus-mile journey to the United States traces routes controlled by drug cartels who beat, drown, drug, maim, murder, rob, molest, and starve undocumented migrants, with some UAC targeted for forced recruitment. Likewise, *coyotes* (guides [actually smugglers]) may offer UAC drugs or alcohol to stem their hunger or proposition them for hard labor or sex in

<sup>13</sup> Quoted in the International City/County Management Association newsletter, August 15, 2014: [http://icma.org/en/Article/\\_04850/Preparing\\_for\\_Costs\\_of\\_Unaccompanied\\_Children\\_Influx?pub=108&issue=8.19.2014](http://icma.org/en/Article/_04850/Preparing_for_Costs_of_Unaccompanied_Children_Influx?pub=108&issue=8.19.2014).

<sup>14</sup> Tina Reed, "This is what it's costing one DC health center to treat 'influx of 'unaccompanied minors' from Central America," *Washington Business Journal*, August 15, 2014: <http://www.bizjournals.com/washington/blog/2014/08/this-is-how-much-it-s-costing-one-d-c-health.html>.

return for survival. Combined, the high level of potential trauma before and during migration may lead to some of the highest levels of mental illness among children in the United States.<sup>15</sup>

Typically this care will need to be provided through publicly-funded state, local or federal social service programs for children rather than private insurance, since most of the family members who are assuming custody of the youths are also in the country illegally and thus more likely to lack insurance (and are not required to carry it under federal rules).

**Fraud.** It has become apparent through media reports and through my own discussions with local officials that the federal agencies responsible for processing UACs are not screening individuals sufficiently to determine that they are truly minors. In addition, concerns have been raised about the identity of the sponsors who are given custody of these minors (and those who claim to be minors).

The federal agencies have no way to authenticate the identity of children they apprehend. When the UACs are turned over to ORR custody, the service agencies running the processing centers generally accept whatever identity information is offered by the UAC, and prepare paperwork in that identity, which the receiving jurisdictions must then accept without further questions. Neither federal nor local officials are permitted to probe or verify what sponsors tell them about their identity, immigration status or relationships. This arrangement inevitably leads to fraud, and could also lead to abusive or exploitative situations.

A number of cases have surfaced in Massachusetts that have strong indicators of fraud. In each case I reviewed, the suspicious UACs claimed to be just a month or two shy of 18 years old, or just barely within the age to qualify for ORR protection and resettlement. In some cases I reviewed, the individual who claimed to be a UAC appeared in the photograph to be far older than age 17 or 18. In some cases, the sponsor appears to be younger than the individual claiming to be an unaccompanied minor. I am told that there has been at least one confirmed case in Massachusetts where a male youth was registered with the school system as a UAC, and then later tried to pass himself off as the sponsor for an older man claiming to be an unaccompanied minor, but who was ultimately confirmed to be the first youth's father. Truant officers in Lynn who attempted a home visit for another individual who had claimed to be a UAC were told by a neighbor that this individual was actually about 35 years old.<sup>16</sup>

**Public Safety Implications.** If the screening by federal officials who process these cases cannot detect those falsely claiming to be minors, it is unlikely that those who are criminals or who are a threat to public safety will be detected either.

City officials in Lynn told me of one UAC arrival whose paperwork from ORR included a warrant for his arrest. The school officials turned the youth over to city police, who promptly notified ICE, but ICE did not follow up or seek custody of the youth. Inevitably, word gets out that federal

<sup>15</sup> Elizabeth G. Kennedy, "Unnecessary Suffering: Potential Unmet Mental Health Needs of Unaccompanied Alien Children," *JAMA Pediatrics*, April 2013: <http://archpedi.jamanetwork.com/article.aspx?articleid=1569275>.

<sup>16</sup> See remarks of Mayor Judy Kennedy, "Local Impact of Illegal Border Surge," Center for Immigration Studies panel discussion, August 27, 2014: <http://cis.org/PanelTranscripts/Event-Local-Impact-Illegal-Border-Surge>.

officials will take no action against those who fraudulently take advantage of lax policies, which will provide even greater incentive for others to make bogus claims to gain entry to the United States.

A previous surge of illegal arrivals from Central America in the late 1990s, during a time of similar turmoil and violence there, and also coinciding with an era characterized by minimal immigration enforcement and little attention to suppressing gang activity, had one significant unintended consequence – a dramatic rise in violent criminal street gang activity here in the United States. The gangs that evolved, including MS-13 and 18<sup>th</sup> Street, both of which were made up largely of illegal aliens from Central America, were extremely vicious and unusually degenerate. ICE gang arrest records indicate that the most violent gang members arrested are disproportionately members of the Central American-dominated gangs. These gangs spread across the nation before federal and local law enforcement agencies realized the extent of the threat, and now are well established and even more organized and more dangerous than before.<sup>17</sup>

While ICE once was making great strides in dismantling and disrupting transnational gang activity in the United States, in recent years the agency has made this less of a priority. ICE has de-emphasized working with local law enforcement agencies, such as by pro-actively taking illegal alien gang members off the street and removing them. A few successful ICE-local partnerships remain, but ICE leadership has shifted much of the focus and resources to overseas operations and complex racketeering cases, at the expense of local initiatives.

The result has been that ICE gang arrests have declined by 25 percent from the levels of just a few years ago. Investigators tell me that this is not because there are fewer illegal alien gang members to arrest, but because of changes in ICE policies that severely restrict which illegal aliens may be targeted for arrest and the requirement that illegal aliens be convicted of a serious crime before they may be arrested and detained. In addition, some gang members now have quasi-lawful status such as deferred action or as an unaccompanied minor. Many previously-deported gang members have attempted to return; some have been caught, but surely others have made it back into the United States, especially considering the chaos that has characterized border enforcement over the last year. With the administration's announcement that prior deportations are now essentially nullified, that the successful Secure Communities program has been discontinued, and that agents will no longer issue detainees but instead have to wait for possible notification of a criminal alien's release from local custody, there is much less chance that illegal alien gang members and other criminals will be removed from our communities.<sup>18</sup>

<sup>17</sup> See Jessica M. Vaughan and Jon D. Feere, *Taking Back the Streets*, Center for Immigration Studies, September, 2008: <http://cis.org/ImmigrantGangs>.

<sup>18</sup> A recent Massachusetts case illustrates ICE's current hands-off, wait-and-see approach to gang members, even those accused of violent crimes. Hector Ramires, a 21-year old from Honduras was arrested in April, 2014 for an armed robbery in Chelsea, Mass., and was identified by the victim as a member of MS-13. Information in the police report indicates that Ramires is an illegal alien, although ICE has refused to respond to repeated inquiries about Ramires' immigration history. Chelsea police later located Ramires at a hospital, where he was being treated for knife injuries sustained in a brawl (unrelated to the armed robbery). Police subsequently determined that he was responsible for another previous armed robbery, in which the young victim, who recognized him from the local high school, had been reluctant to come forward because he knew of Ramires' gang affiliation and feared for his safety. In the absence of an ICE detainer, Ramires was released on bail (he would not have been considered a deportation priority for ICE because he had not yet been convicted). He failed to appear for his initial hearing for the seven felony armed robbery charges. In October, Ramires was involved in another street brawl in Chelsea and fired a gun. The bullet went through a nearby apartment window and killed Katerin

Law enforcement agencies in the affected communities need to prepare a swift and stern response to any new criminal street gang activity that may occur in the wake of the influx of illegal arrivals of youths from gang-afflicted locations in Central America. Immigration enforcement is an invaluable and effective tool for this, but local agencies will need to push harder on ICE leadership and ICE field offices if they hope to receive that support.

**Released UACs Shield Family Members From Deportation.** Under current DHS policies, those illegal aliens who have a family member with some kind of lawful or quasi-lawful status – such as a UAC who is “in proceedings” -- are considered off-limits for enforcement, even if they may have criminal infractions or multiple prior deportations. This policy, together with the administration’s decision to release all minors (and those who claim to be minors) regardless of whether they truly meet the legal standards for special due process protections as UACs, creates a huge incentive for Central American illegal aliens who have children in their home countries to pay smugglers to bring them to the United States.

The case of Moises Herrera, an illegal alien from El Salvador, illustrates how this plays out. Herrera crossed illegally in 2005 and was caught by the Border Patrol and released pending an immigration court hearing. He failed to appear at his hearing because he feared deportation and settled in Everett, Massachusetts, working as a house painter and in a bakery. Herrera left behind a stepson and two daughters and eventually married again here. He was jailed and deported after a traffic stop in 2011 (driving without a license is a criminal offense in Mass.), returned illegally, and was arrested again in October 2014 for running a stoplight, unlicensed driving, and providing a false identity to police. These charges were dismissed, but he was arrested by ICE. ICE apparently declined to prosecute him for the felony charge of illegal re-entry after deportation, but was pursuing deportation since he is an egregious immigration violator. But Herrera was released and has received a one-year stay of deportation, in part because his 17-year-old daughter arrived illegally over the summer as part of the surge of UACs. As mentioned above, sponsors of UACs are allowed to remain in the United States, supposedly to ensure that the UAC will comply with deportation proceedings. Herrera also has a new-born U.S. citizen child, which may enable him to qualify for the recently announced executive deferred action amnesty.

There can be no question that the President’s plan to allow millions of illegal aliens to receive work permits and to allow millions more to be exempt from enforcement will inspire more illegal immigration to American communities already burdened from prior influxes.

**Conclusion.** The bills we are discussing today will force the federal government to consider how its policies on UACs affect American communities. More importantly, these bills will give state and local governments a voice and a mechanism to potentially refuse to participate in resettlement programs that would burden their residents and their budgets.

The provisions appear to apply mainly in situations where the government wishes to contract with an organization to shelter groups of UAC arrivals, which now represent a small share of the illegal

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Gomez, age 35, and mother of three children aged two, four and thirteen. Now Ramirez is being held without bail and ICE has at last issued a detainer, indicating it will move to deport him if he is ever released from incarceration.

aliens who are released from federal custody overall. I would respectfully suggest that Congress also consider extending these proposed notification, consultation and right-of-refusal provisions to situations in which the government is releasing significant numbers of UACs to family members in a particular state or locality; when it is resettling refugees; and when it is releasing immigration detainees, especially those with criminal histories.

Most importantly, the most effective way to alleviate the strain on communities caused by the influx of UACs is for Congress to clarify that only those juveniles who are victims of exploitative human trafficking and who are without family members in the United States should receive special due process protections. Those illegal alien minors who were smuggled or transported into the United States illegally in order to be reunited with illegally-resident family members, and who lack a legitimate claim for relief, should be prioritized for deportation along with their family members. In addition, the family members who contracted with criminal smuggling organizations should be held accountable for that criminal offense. Congress should not allow the Obama administration to incentivize illegal immigration and human smuggling by rewarding those who participate – especially when this act involves children. In addition, Congress must take control of DHS appropriations to ensure that no federal funds – whether collected as taxes or as fees – can be used to grant benefits such as work permits under programs that have not been approved by Congress.

Respectfully submitted by,

Jessica M. Vaughan  
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Mr. LABRADOR. Sheriff?

**TESTIMONY OF THOMAS M. HODGSON,  
SHERIFF OF BRISTOL COUNTY, MASSACHUSETTS**

Sheriff HODGSON. Chairman Labrador, Members of the Subcommittee, thank you for the opportunity to testify before you this afternoon.

When President Obama signed the Deferred Action for Childhood Arrivals in January 2012, we experienced a dramatic surge of unaccompanied minors entering the United States illegally. This unprecedented influx of illegals quickly began overtaking our resources and our infrastructure.

In Massachusetts, we have received 1,400 unaccompanied minors and 90 in Bristol County alone since January from January to August of 2014.

One of the immediate effects was the compromising of our public safety and national security. Individuals with gang affiliations, including association with transnational gangs, began weaving themselves into the fabric of our communities. It was reported recently that one of these minors admitted committing his first murder at the age of 8.

Safe houses have been established in border communities and are used to hold illegals who want to enter other States undetected. These minors are being held in those houses and are being sexually and physically abused and exposed to illegal drugs. Eventually they are smuggled into our communities, in need of social services and counseling and other public assistance.

Our border security has been severely compromised, as the officers have been redirected from enforcement and surveillance efforts to processing and babysitting duties for illegal minors. Consequently, drug cartels have accelerated their efforts to increase drug and human trafficking into the United States, and that is felt in communities throughout the country. The incidence of sexual abuse, murder, and other crimes, reported or not, have been attributed, in part, to illegal aliens.

Thousands of these unaccompanied minors are being placed in foster care in municipalities throughout the country with little or no notification to local officials or the community at large. The cost to taxpayers is staggering. For example, the total tax dollars paid to Baptist Children and Family Services for care of 2,400 minors over a period of 120 days was \$183 million.

Additionally, many minors are placed with distant relatives or friends, legal or not, who are supposed to guarantee the individual appears for their immigration hearing. We know that 70 percent do not report for the hearing. They are difficult to locate, given the resources that are needed and aren't available.

With regards to public health, we recognize that the majority of illegals arrive from countries that have lower standards of health care, which contributes to inordinate numbers of cases of chicken pox, tuberculosis, scabies, respiratory diseases, and other communicable diseases. Processing centers, such as Chula Vista, California, and Artesia, New Mexico, were quarantined because of the amount of communicable diseases found in those facilities.

The cost for medical care for illegals is astronomical and exacerbated by the fact that even processing centers must use expensive emergency room treatment.

The impacts extend beyond absorbing minors, as the border surge has a ripple effect. For example, hundreds of ICE detainees in Texas were diverted to Massachusetts to make way for the influx in south Texas for the surge of immigrants coming in.

Besides the travel costs impacting ICE's local capacity to detain illegal aliens arrested in this region, one of the transferred ICE detainees was hospitalized, who came to us in our area, and taxpayers incurred millions of dollars of medical expenses for his treatment. He was subsequently returned to Texas at taxpayers' expense and, after all the trouble, was released. This incident illustrates how the border surge disrupted ICE operations nationwide and imposed unnecessary expenses on taxpayers.

Keep in mind that there are thousands of unaccompanied minors who are entering our country undetected and unprocessed for contagious diseases, creating even greater risk, living in our neighborhoods and enrolling in our schools.

I am sure you understand from my testimony today that allowing people to enter our country illegally and then granting them amnesty creates an unfair hardship on the American people and those who are legal residents. Innocent people are losing their lives, and others are being exposed to communicable diseases.

American tax dollars, to the tune of \$40 billion a year, are spent to provide services for people who violated our laws by entering and living in our country. Given our deteriorating infrastructure, joblessness, homelessness, need for improving our education system, loss of benefits for our elderly and war veterans, we need to make certain that our tax dollars are reinvested for the purposes they were intended.

In the interests of public safety, public health, expenditure of taxpayers' money, I believe it would be useful to have legislation that allows communities to have input before Federal authorities place unaccompanied minors in our communities.

Mr. LABRADOR. Thank you very much.

[The prepared statement of Sheriff Hodgson follows:]

The Impact of Unaccompanied Alien Minors (UACs) and the Need for  
Consultation and Notification with Local Communities  
U.S. House Judiciary Committee  
Subcommittee on Immigration and Border Security  
December 10, 2014

Statement of Sheriff Thomas M. Hodgson  
Bristol County, Massachusetts

When President Obama signed the Deferred Action for Childhood Arrivals (DACA) Executive Order in January 2012 we experienced a dramatic surge of unaccompanied minors entering the United States illegally. This unprecedented influx of illegals quickly began overtaxing our resources and infrastructure. In Massachusetts, we have received 1,400 unaccompanied minors and in Bristol County we have placed 90 between January 2014 and August 30, 2014.

One of the immediate effects was the compromising of our public safety and national security. Individuals with gang affiliations, including association with transnational gangs, began weaving themselves into the fabric of our communities. It was reported recently that one of these minors admitted committing his first murder at the age of eight. Safe houses have been established in border communities and are used to hold illegals who want to enter other states undetected. The minors being held in those houses have been sexually and physically abused and exposed to illegal drugs. Eventually, they are smuggled into our communities in need of social services and counseling.

Our border security has been severely compromised as the officers have been redirected from enforcement and surveillance efforts to processing and babysitting duties for the illegal minors. Consequently, drug cartels have accelerated their efforts to increase drug and human trafficking into the United States and that is felt in communities throughout the country. Incidents of sexual abuse, murder, and other crimes, reported or not, have been attributed, in part, to illegal aliens.

Thousands of these unaccompanied minors are being placed in foster care and municipalities throughout the country with little or no notification to local officials or the community at large. The costs to taxpayers is staggering. For example, the total tax dollars paid to Baptist Children and Family Services for care of 2,400 minors, over a four month period, was 183 million dollars. Additionally, many minors are placed with distant relatives or friends, legal or not, who are supposed to guarantee the individual appears for their immigration hearing within three years. We know that 70% do not report for their hearing and are difficult to locate given the resources that would be needed and aren't available.

With regards to public health, we recognize that the majority of illegals arrive from countries that have lower standards of healthcare which attributes to inordinate numbers

of cases of Chicken Pox, Tuberculosis, Scabies, respiratory diseases, and other communicable diseases. Processing centers such as the Chula Vista, California and Artesia, New Mexico facilities have had to be quarantined due to outbreaks of Chicken Pox and Tuberculosis. The costs for medical care for illegals is astronomical and exacerbated by the fact that even at the processing centers they must use expensive Emergency Rooms for care. The impacts extend beyond absorbing minors as their border surge has a ripple effect. For example, hundreds of ICE detainees in Texas were diverted to be held in the Boston area to make way for the influx in South Texas, at great expense to the government just for transportation. Besides impacting ICE's local capacity to detain illegal aliens arrested in this region, one of the transferred ICE detainees had to be hospitalized in our area, and the government incurred millions of dollars in medical expenses for him. He was subsequently returned to Texas (at taxpayer expense) and after all that trouble, was released. This incident illustrates how the border surge disrupted ICE operations nationwide, and imposed unnecessary expenses on taxpayers.

Keep in mind that there are thousands of unaccompanied minors who have entered the country, undetected and unprocessed, for contagious diseases, creating an even greater risk living in our neighborhoods and enrolling in our schools.

I'm sure you understand from my testimony today that allowing people to enter our country illegally and then granting them amnesty creates an unfair hardship on the American people and those who are legal residents. Innocent people are losing their lives and others are being exposed to communicable diseases. American tax dollars to the tune of 40 billion dollars per year are spent to provide services for people who violated our laws by entering and living in our country illegally.

Given our deteriorating infrastructure, joblessness, homelessness, need for improving our education system, loss of benefits for our elderly and war veterans we need to make certain that our tax dollars are reinvested for the purposes they were intended.

In the interests of public safety, public health, and expenditure of taxpayers' money, I believe that it would be useful to have legislation that allows communities to have input on any recommendation by federal authorities to place unaccompanied minors in our communities.

Mr. LABRADOR. Ms. Peck?

**TESTIMONY OF KRISTYN PECK, ASSOCIATE DIRECTOR OF  
CHILDREN'S SERVICES, U.S. CONFERENCE OF CATHOLIC  
BISHOPS**

Ms. PECK. Good afternoon. I am Kristyn Peck, director of children's services for Migration and Refugee Services of the United States Conference of Catholic Bishops. I would like to thank Chairman Bob Goodlatte and Ranking Member John Conyers for holding this hearing today. I would also like to thank Representative Raúl Labrador and Ranking Member Zoe Lofgren for their leadership.

I testify today on behalf of the U.S. Conference of Catholic Bishops in support of unaccompanied migrating children, many of whom are fleeing violence in Central America. These children should be provided the opportunity to submit their protection claims in a safe environment that ensures their best interest in accordance with U.S. and international laws.

As you know, Mr. Chairman, USCCB testified before this Committee in June and laid out our policy recommendations for protecting these children. With your permission, I would like to resubmit our testimony from that hearing for today's record.

[The information referred to follows:]



**Testimony**

**of**

**Most Reverend Mark Seitz**

**Bishop of the Diocese of El Paso, Texas**

**U.S. Conference of Catholic Bishops**

**On**

**Unaccompanied Children**

**House Judiciary Committee**

**June 25, 2014**

I am Bishop Mark Seitz, bishop of the diocese of El Paso, Texas. I testify today on behalf of the Committee on Migration to give the Catholic Church's perspective about the humanitarian crisis of unaccompanied child migrants arriving at the US-Mexico Border.

I would like to thank Chairman Robert Goodlatte (R-VA), Ranking Member John Conyers Jr. (D-MI), Representative Trey Gowdy (R-SC), and Representative Zoe Lofgren (D-CA) and other committee members for the opportunity to comment on the current situation. I note that the protection of migrant children is an especially important issue for the Catholic Church, as one of Jesus' first experiences as an infant was to flee for his life from King Herod with his family to Egypt. Indeed, Jesus Himself was a child migrant fleeing violence. Jesus, Mary, and Joseph were asylum-seekers and faced the same choice as the one facing thousands of children fleeing to the United States each year.

I am here to speak with you today about this special population of vulnerable children who are very close to my heart as I have met with many of them, some as young as five years old, while they were being cared for in Catholic Charities facilities in my diocese in El Paso. In addition to ministering to these youth in El Paso, in November 2013, I was privileged to lead a United States Conference of Catholic Bishops delegation traveling to Southern Mexico, El Salvador, Guatemala, and Honduras to examine and understand the flight of unaccompanied migrating children and youth from the region and stand in solidarity with these children and their families. In January 2014, we issued our findings from the trip in a report entitled, "USCCB: Mission to Central America: Flight of the Unaccompanied Immigrant Children to the United States" (2014 USCCB Central America Report 2014).<sup>1</sup> Mr. Chairman, I ask that 2014 USCCB Central America Report be included in the hearing record.

During our mission to Central America, we visited migrant children shelters, heard tearful stories from grandmothers waiting to pick up their recently repatriated grandchildren, and listened to children as young as six years old speak solemnly of trafficking and exploitation that was inflicted upon them along their migration journey. The corresponding report that came out of our mission acknowledged that a new paradigm regarding unaccompanied children is upon us- namely it is clear that unaccompanied children are facing new and increased dangers and insecurity and are fleeing in response. As a result, this phenomenon requires a regional and holistic solution rooted in humanitarian and child welfare principles. Since our mission and report issuance, many of the humanitarian challenges facing this vulnerable population have persisted and increased. In my remarks, I will highlight and update our observations and recommendations from that report.

Mr. Chairman, my testimony today will recommend that Congress:

- Address the issue of unaccompanied child migration as a humanitarian crisis requiring cooperation from all branches of the US government and appropriate the necessary funding to respond to the crisis in a holistic and child protection-focused manner;
- Adopts policies to ensure that unaccompanied migrant children receive appropriate child welfare services, legal assistance, and access to immigration protection where appropriate;
- Require that a best interest of the child standard be applied in immigration proceedings governing unaccompanied alien children;
- Examine root causes driving this forced migration situation, such as violence from non-state actors in countries of origin and a lack of citizen security and adequate child protection mechanisms; and
- Seek and support innovative home country and transit country solutions that would enable children to remain and develop safely in their home country.

<sup>1</sup> See USCCB: Mission to Central America: Flight of the Unaccompanied Immigrant Children to the United States available at <http://www.usccb.org/about/migration-policy/upload/Mission-To-Central-America-FINAL-2.pdf>

## I. Catholic Social Teaching

The Catholic Church is an immigrant church, as more than one-third of Catholics in the United States are of Hispanic origin. The Catholic Church in the United States is also made up of more than 58 ethnic groups from throughout the world, including Asia, Africa, the Near East, and Latin America.

The Catholic Church has a long history of involvement in child protection and refugee and asylum protection, both in the advocacy arena and in welcoming and assimilating waves of immigrants, refugees, and asylum seekers who have helped build our nation. Migration and Refugee Services of USCCB (MRS/USCCB) is the largest refugee resettlement agency in the United States, resettling one million of the three million refugees who have come to our country since 1975. MRS/USCCB is a national leader in caring for unaccompanied alien and refugee children as well. We work with over 100 Catholic Charities across the country to welcome unaccompanied alien children into our communities and provide for their care and general well-being.

The Catholic Legal Immigration Network, Inc. (CLINIC), a subsidiary of USCCB, supports a rapidly growing network of church and community-based immigration programs. CLINIC's network now consists of over 212 members serving immigrants and their families, including asylum seekers and unaccompanied children, in over 300 offices.

The Catholic Church's work in assisting unaccompanied migrant children stems from the belief that every person is created in God's image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:17-19). In the New Testament, the image of the migrant is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way: "I was a stranger and you welcomed me." (Mt. 25:35). Jesus himself was an itinerant preacher without a home of his own, and as noted above, he was a child migrant fleeing to Egypt to avoid violence, persecution, and death. (Mt. 2:15).

In modern times, popes over the last 100 years have developed the Church's teaching on migration. Pope Pius XII reaffirmed the Church's commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.<sup>2</sup>

Pope John Paul II stated that there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work: "Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all."<sup>3</sup> In his pastoral statement, *Ecclesia in America*, John Paul II reaffirmed the rights of migrants and their families and the need for respecting human dignity, "even in cases of non-legal immigration."<sup>4</sup>

Finally, Pope Francis defended the rights of migrants early in his papacy, traveling to Lampedusa, Italy, to call for their protection. Pope Francis decried the "globalization of indifference" and the "throwaway culture" that lead to the disregard of those fleeing persecution or seeking a better life. In *Evangelii Gaudium*, the Holy Father speaks particularly of the importance of work with migrants and notes that it is essential for Catholics "to draw near to new forms of poverty and vulnerability [including migrants and refugees] in which we are called to recognize the suffering of Christ. . . ."<sup>5</sup>

<sup>2</sup> Pope Pius XII, *Exsul Familia* (On the Spiritual Care of Migrants), September, 1952.

<sup>3</sup> Pope John Paul II, *Sollicitudo Rei Socialis*, (On Social Concern), December 30, 1987, No. 39.

<sup>4</sup> Pope John Paul II, *Ecclesia in America* (The Church in America), January 22, 1999, no. 65.

<sup>5</sup> Pope Francis, *Evangelii Gaudium*, The Joy of the Gospel, Apostolic Exhortation, December 2013 at 105.

In their joint pastoral letter, *Strangers No Longer: Together on the Journey of Hope, A Pastoral Letter Concerning Migration*, January 23, 2003 (Strangers No Longer), the U.S. and Mexican Catholic bishops further define Church teaching on migration, calling for nations to work toward a “globalization of solidarity.” In *Strangers No Longer*, the bishops stressed that vulnerable immigrant populations, including unaccompanied minors and refugees, should be afforded protection. To this end, the bishops noted that unaccompanied minors, due to their heightened vulnerability, require special consideration and care.<sup>6</sup> *Strangers No Longer* also addresses the importance of families and notes that humanitarian considerations for families should also be a priority when considering migration issues.<sup>7</sup>

Mr. Chairman, the Catholic Church’s work in assisting unaccompanied migrant children stems from the belief that every person has a unique and sacred dignity. This dignity is not bestowed by governments or by laws or based upon their wealth or where they happen to be born. It inheres within the human being. We seek to be consistent in acknowledging the implications of this, namely that from the time we come to be in our mother’s womb until the moment our life comes to an end we are deserving of respect and care. This is true of the unborn child, the person with disabilities, the immigrant, the prisoner, and the sick. The more vulnerable and weak a person is the more they are deserving of our love. This we understand to be the mark of the Christian and of a healthy society.

For these reasons, while the Catholic Church recognizes governments’ sovereign right to control and protect the border, we hold a strong and pervasive pastoral interest in the welfare of migrants, including unaccompanied children, and welcome newcomers from all lands. The current forced migration continuum of unaccompanied children traveling through Mexico and Central America and towards the U.S.-Mexico border frequently leads to severe traumatization and exploitation of children, violence, family separation, maltreatment and even death and must be closely examined. The aspects of reform that I will address today relate to addressing the root causes propelling children to migrate alone, implementing prevention and treatment programs in the home country and in transit countries and the dignified care and treatment of this vulnerable population while in the United States.

## II. The Church Response and Care for Unaccompanied Children

As I mentioned, Mr. Chairman, USCCB has been a leader in the protection of and advocacy for this vulnerable population and the institutional Catholic Church in the United States has played a critical role in the care of unaccompanied children. By virtue of our organizational structure and geographical reach, the U.S. Catholic Church early on has assumed a strong leadership role in the treatment and service of unaccompanied children. Since 1994, USCCB has operated the Unaccompanied Alien Children or “Safe Passages” Family Reunification program.

The Safe Passages Family Reunification program serves undocumented children detained by Department of Homeland Security (DHS) and placed in the custody of the Office of Refugee Resettlement (ORR), which is an office within the Department of Health and Human Services (HHS). The program provides for the family reunification assistance or long-term foster care of unaccompanied children who are in the custody of HHS. From the beginning of fiscal year 2011 (October 1st, 2010) through June 9, 2014, the USCCB/MRS Safe Passages program has served 3,457 youth who arrived as unaccompanied alien children—2,266 through its Family Reunification Program and 1,191 through its foster care programs.

<sup>6</sup> *Strangers No Longer, Together on the Journey of Hope*, Pastoral Statement Concerning Migration from the US and Mexican Catholic Bishops, ¶82 January 2003.

<sup>7</sup> *Strangers No Longer Together on The Journey of Hope*, Pastoral Statement Concerning Migration from the US and Mexican Catholic Bishops, January 2003.

A focus of the USCCB Safe Passages program is its home study and post-release services. During a home study, a community-based case worker assesses the safety and suitability of the proposed caregiver and placement, including the caregiver's capacity to meet the child's unique needs, any potential risks of the placement and the caregiver's motivation and commitment to care for the child. Placing the child in the home of an intact family with a husband and wife is the ideal. Home studies result in a recommendation on whether placement with the proposed caregiver is within the child's best interest. Post-release services include risk assessment, action-planning with families around areas of need and concern, systems advocacy with community providers, and culturally-appropriate services and community referrals for social and legal services. These services are integral to the successful and safe placement of children in child-appropriate environments. I will speak more about the importance of these services in my recommendations.

In addition to the work that USCCB undertakes within the United States to serve and care for unaccompanied migrant children, the Catholic Church in the United States has worked extensively on prevention programs in the countries of origin, most notably El Salvador, through our partner, Catholic Relief Services (CRS). Through its Youth Builders project, CRS (El Salvador) and its partners provide at-risk youth with peer support, vocational and entrepreneurial training, job-placement, life skills and leadership development, and community service opportunities. This project targets youth who are at risk of unemployment, of violence—as victims and as perpetrators—and of forced migration. CRS, in partnership with Caritas Internationalis, strengthens diocesan programs to work with at-risk youth through a network of community and government agencies. Through these projects, CRS has served more than 2,500 young people.<sup>8</sup> I was able to visit and attend a Youth Builders session in San Salvador in November and saw firsthand the work that was being done to empower local children and give them the courage and skills to remain in their local communities, continue their education, and, in some cases, begin local businesses.

### III. Overview of the Current Situation of Unaccompanied Children

Since 2011, the United States has seen an unprecedented increase in the number of unaccompanied migrating children arriving at the US/Mexico border.<sup>9</sup> These children come from all over the world but predominately from Guatemala, El Salvador, Honduras and Mexico. Whereas in fiscal years (FY) 2004-2011, the number of unaccompanied children apprehended by the US government averaged around 6,000-8,000 year, the total jumped to over 13,000 in FY 2012<sup>10</sup> and over 24,000<sup>11</sup> in FY 2013. ORR initially estimated that about 60,000 unaccompanied minors would enter the United States during FY 2014. Recent government estimates have been revised, projecting 90,000 child arrivals in FY 2014 and 130,000 in FY 2015.

As of June 20, Mr. Chairman US Customs and Border Patrol (CBP) have apprehended 52,000 in the Southwest Border region for FY 2014.<sup>12</sup> In response to the increased number of unaccompanied children arriving at the US-Mexico border, HHS requested and received approval from the Department of Defense for the use of Lackland Air Force base in San Antonio and a Naval Base in Ventura County in California, which are, respectively, providing shelter to 1,290 and 600 children. Facilities at Fort

<sup>8</sup> CRS El Salvador, Civil Society and Governance Programs, CRS El Salvador webpage, available at <http://crs.org/countries/el-salvador>

<sup>9</sup> Unaccompanied alien children or ("UACs") are undocumented migrant children under the age of 18 who come to the United States without their parent or guardian. Homeland Security Act of 2002, Pub. L. 107-296 §462(g), 116 Stat. 2135, 2205 (2002). "A UAC (A) has no lawful status in the US, (B) has not attained 18 years of age, (C) with respect to whom- (i) there is no parent or legal guardian in the United States; or (ii) no parent or legal guardian in the United States is available to provide care and physical custody."

<sup>10</sup> ORR Year in Review, 2012, IHSIS website, available at <http://www.acf.hhs.gov/programs/orr/resource/orr-year-in-review-2012> (accessed December 12, 2013)

<sup>11</sup> About Unaccompanied Children Services, ORR/HHS website, <http://www.acf.hhs.gov/programs/orr/programs/ucs/about> (accessed December 10, 2013)

<sup>12</sup> U.S. Customs and Border Patrol, Southwest Border Unaccompanied(0-17 yr old) Apprehensions Fiscal Year 2013 and Fiscal Year 2014 through May 31st available at <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>

Sill, Oklahoma, also will house 600 unaccompanied children.<sup>13</sup> The federal government is currently looking at other housing facilities throughout the United States.

With the increasing numbers of unaccompanied children arriving at the US-Mexico border, we must understand who these children are, what is propelling them to travel alone on an increasingly dangerous journey, and what can be done to best address their welfare. Mr. Chairman, I would like to share the stories of three children—one from El Salvador, Guatemala, and Honduras—to give the committee a sense of the reality of the violence they are fleeing:

*Marta, \* age 16, was born and raised in El Salvador, where she lived with her mother, father, brother and sister until just a few months ago. Currently, Marta is in a secure juvenile facility in the United States because she entered the U.S. without status.*

*Marta reports having a very happy childhood, being involved with her church and that she is very close to all her family members. Now she is separated from everyone she knows in the world, because she had to flee for her life.*

*One day back home, Marta witnessed a fellow student's death as he was shot in the back by the gangs on his way home from school. Then the threats against Marta began. Members of the La Mara Salvatrucha (MS13) gang have repeatedly tried to recruit Marta to assist them in their criminal activities and have threatened to kill her and her family. Marta has been beaten, and threatened with a machete by gang members. At one point, the police intervened by relocating Marta's family to the countryside, but the gang still located Marta. Few community members are willing to assist her family out of fear of the gang. Marta's choice was to flee the country, join the criminal gang, or possibly be killed. After being in hiding for months, Marta's mother sent her to the U.S., to save her daughter's life. The family continues to be in hiding in El Salvador.*

*Marta cries repeatedly out of fear for her family's safety and is suffering from post-traumatic stress disorder. Marta is applying for asylum in the U.S. and has been approved to transfer to a foster care setting while she navigates immigration proceedings with the aid of a pro-bono attorney.*

*\*Name changed to protect child's identity*

*Ana, \* age 15, grew up in Totonicapán, Guatemala, living with her biological parents and nine siblings. In an average day, Ana woke up at 5:00 AM to clean the house, and then sewed dresses until 9:00 PM, at which time she would fix dinner for her family and go to bed. Prior to migrating to the U.S., Ana had completed fifth grade before her father decided that her time would be better spent working. The impetus for her migration was the severe physical and emotional abuse she suffered at the hands of her father, who was unable to sustain steady employment and suffered from alcohol abuse. In June of 2013, Ana's mother secretly arranged for her to travel to the United States in hopes of reunifying with her 30 year-old sister in Houston, Texas. She travelled mostly by car, stopping to sleep in basements and warehouses on her way through Mexico.*

*Once near the northern border of Mexico, she spent three nights in a trailer while the guide waited on other members of the group to arrive. Ana was given little water and nothing to eat while waiting in the trailer. On the third night in the trailer, the guide attempted to rape Ana, but another traveler pulled him away. The next day, after crossing into Texas, the guide again tried to rape her but his efforts were once again thwarted. Angry at her rejection, the guide abandoned Ana in the middle of the desert and returned to Mexico. Ana continued to walk until she found a farm and was subsequently apprehended by Border Patrol.*

<sup>13</sup> American Forces Press Service, Fort Sill to House 600 Unaccompanied Alien Children, U.S. Department of Defense website, Washington, D.C., retrieved June 10, 2014 from <http://www.defense.gov/news/newsarticle.aspx?id=122438>

*\*Name changed to protect child's identity.*

***Maria\* is a 16-year-old girl from Honduras who arrived to the US and was placed in ORR custody in July 2013. She was referred for home study due to having been the victim of sexual abuse at the age of 13. While in Honduras, she had suffered additional abuse that began with harassment in her country of origin by La Mara Salvatrucha (MS13) Gang. Maria was pursued, brutalized and attempts at recruiting her culminated into the brutal beating of her mother and other family members, constant threats of kidnapping, and an eventual kidnapping by MS-13 gang members.***

*Eventually Maria sought assistance and tried to get out of her confinement and recruitment by the gang. She finally devised a plan to escape, and under the ruse of going "shopping", the child arranged to escape to her sister's house. However, when the gang realized that the child had escaped, they surrounded the home to which she fled. Local authorities eventually secured Maria, debriefed her, and helped her relocate to protective custody in another part of the country. The child's mother insisted that she be moved to the care of a family member (aunt) in a nearby city in Honduras, but this only lasted a short time, since gang members found out this location and pursued and harassed Maria at this location as well. Since this incident, Maria has not had any contact or involvement with this gang, and eventually fled to the United States for fear she would be killed. Maria is currently being cared for by a foster-care family and awaits her court date.*

*\*Name is changed to protect child's identity*

#### **IV. Factors Pushing Unaccompanied Children to the U.S. Border**

In our delegation to Central America in November 2013, USCCB focused upon learning more about the push factors driving this migration and possible humane solutions to the problem.

While poverty and the desire to reunify with family to attain security are ongoing motivations to migrate, USCCB found that that an overriding symbiotic trend has played a decisive and forceful role in recent years: generalized violence in the home and at the community and state level. Coupled with a corresponding breakdown of the rule of law, the violence has threatened citizen security and created a culture of fear and hopelessness that has pushed children out of their communities and into forced transit situations.

Mr. Chairman, we acknowledged in our trip report in January that each country exhibited individual challenges which have added to these push factors. Additionally, in response to the increased flow of children in recent weeks, we also acknowledge that certain new country-specific factors may have impacted the latest flow of children. One such factor is the recent crackdown of gang-activity from within prisons in Honduras and efforts to increase police presence by newly elected leader Juan Orlando Hernández. With the increased efforts by the Honduran government to stem communications from gang-leaders within prisons, there are reports of increased violence as gangs fragment and mid-level criminal operators compete for control.<sup>14</sup>

Mr. Chairman, the ongoing generalized violence, leading to coercion and threats to the lives of citizens—particularly children—of these countries, is the overwhelming factor facing these children and propelling their migration. Extortion, family abuse and instability, kidnapping, threats, and coercive and forcible recruitment of children into criminal activity perpetrated by transnational

<sup>14</sup>James Bargent, Honduras Extortion Gangs Undergoing Violent Leadership Crisis, Insight Crime: Organized Crime in the Americas, 3 June 2014.

criminal organizations and gangs have become part of everyday life in all of these countries. In addition to the violence and abuse at the community and national level, transnational criminal organizations, such as the Mexican-based Zeta cartel, which deals in the smuggling and trafficking of humans, drugs, and weapons, operate in these countries and along the migration journey with impunity, and have expanded their influence throughout Central America.

I note that the increase in violence in Guatemala, Honduras and El Salvador forcing children and adults out of their homes is affecting the entire region, not just the United States. For example, since 2008 Mexico, Panama, Nicaragua, Costa Rica, and Belize—the countries surrounding the Northern Triangle countries—have documented a 712% combined increase in the number of asylum applications lodged by people from El Salvador, Honduras, and Guatemala.<sup>15</sup>

Mr. Chaiman, in our January trip report we detail the increased violence against children and families in Central America. Given the difficult conditions minors must confront in their home countries, USCCB believes that a robust protection regime for children must be implemented in Central America, Mexico, and the United States. Based on our presence in sending countries, we see the following as reasons for the increased number of children arriving in the United States:

**Violence perpetrated by organized transnational gangs, loosely-affiliated criminal imitators of gangs, and drug cartels, has permeated all aspects of life in Central America and is one of the primary factors driving the migration of children from the region.** USCCB found that in each country—particularly Honduras and El Salvador—organized gangs have established themselves as an alternative, if not primary, authority in parts of the countries, particularly in rural areas and towns and cities outside the capitals. Gangs and local criminal actors operating in Honduras, El Salvador, and Guatemala have consolidated their bases of power, expanded and upgraded their criminal enterprises and honed their recruitment and terror tactics. In many cases, the governments are unable to prevent gang violence and intimidation of the general public, especially youth. USCCB heard accounts of gang members infiltrating schools and forcing children to either join their ranks or risk violent retribution to them or their families. Even in prisons, incarcerated gang members are able to order violence against members of the community. There also were reports that law enforcement have collaborated with the gangs or at least have been lax in enforcing laws and prosecuting crimes. For example, according to Casa Alianza, an NGO that works in Honduras, 93 percent of crimes perpetrated against youth in Honduras go unpunished.<sup>16</sup>

**Localized violence has severely exacerbated the lack of economic and educational opportunities for youth and has led to stress on the family unit, family breakdown, and even domestic abuse, which leaves children unprotected and extremely vulnerable.** The escalation in violence, combined with the lack of jobs and quality education, has led to a breakdown in the family unit, as male heads of households—or sometimes both parents—have left for the United States, leaving children behind with relatives, often grandparents. Children who have parents working abroad are especially vulnerable to community violence and forced migration as they can become targets for gang extortion due to the perceived or actual remittances they may receive. Additionally, as children enter teenage years and are increasingly at risk for victimization or recruitment by gangs, it becomes increasingly difficult for their relatives, especially elderly grandparents, to protect them. To this end, the United Nations Development Program reports that 26.7% of all inmates in El Salvador they interviewed in 2013 never knew their mother or father growing up.<sup>17</sup> Schools no longer function as social institutions that offer a respite from the violence and instead have become de facto gang recruitment grounds. As a result of

<sup>15</sup> UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, March 2014.

<sup>16</sup> Interview with Casa Alianza (Covenant House) Honduras, Tegucigalpa, Honduras, November 20, 2013.

<sup>17</sup> *Citizen Security with a Human Face: Evidence and Proposals for Latin America*, Summary Regional Human Development Report 2013-2014, UNDP, November 2013, at 8.

being targeted because of their family situation or perceived wealth, children flee, as a strategy to escape the gangs, to help support the family, and to reunify with their parents or other loved ones, many of whom have been separated for years.

**Abuse in the home also has created stress, fear and motivation to leave the family home as well as the community.** The pressure on families from local violence, economic uncertainty, and family-member absence has a deleterious effect on the family unit, as instances of domestic abuse towards women and children have grown. It has been documented that more unaccompanied children are reporting instances of child abuse and neglect undertaken by non-parental caretakers.<sup>18</sup> Children, in particular girls, are particularly exposed to domestic violence. A survey carried out by UNICEF revealed that 7 out of 10 unaccompanied children reported having been abused in their homes.<sup>19</sup> In El Salvador it was reported that the domestic violence and sexual abuse of women and girls in the private sphere remain largely invisible and are consequently underreported.<sup>20</sup>

**Migrating children do not find the protection they need once they arrive in Mexico, even those who are eligible for asylum.** The United Nations High Commissioner for Refugees (UNHCR) has consistently reported that an increasing number of unaccompanied children from Central America in particular are vulnerable to exploitation and cannot access protection in Mexico. To this end, UNHCR and USCCB are working with government authorities to provide training to law enforcement and protection officers on identifying and screening vulnerable children.

As an example of this lack of protection, USCCB found one children's shelter dedicated to caring for migrant children who may attempt an asylum claim in the Southern Mexico region, in Tapachula. Another shelter in Mexico City, run by the Mexican government's division of child welfare [Desarrollo Integral de la Familia (DIF)] houses children who have won asylum but cannot be released until they are 18.<sup>18</sup>

Children who request asylum usually remain in detention for months, with little help to navigate the legal system. Once a child wins asylum, the only placement option available is the DIF child shelter in Mexico City until age 18, as there is no foster care system in place for these children. Shelter care is not intended to be a long-term placement for children, and often leaves children vulnerable to exploitation. Because of the challenges in gaining asylum in Mexico and the absence of an effective child welfare system, children often choose deportation back home so they can try to migrate again.

**Countries of origin lack the capacity to protect children adequately.** USCCB found that Guatemala, Honduras, and El Salvador lack the capacity to protect children in their law enforcement, child and social welfare, and educational systems. As mentioned, organized criminal networks and other criminal elements are active in many communities and schools, and the government is unable to curb their influence because of corruption, lack of political will, or lack of resources. Law enforcement personnel, low-paid and low-skilled, are compromised by these criminal elements. Child welfare services are virtually non-existent, as are foster-care and family reunification and reintegration services.

**A significant number of migrants, particularly youth, have valid child protection claims.** While the popular perception of many in the United States is that migrants come here for economic reasons, USCCB found that a growing number are fleeing violence in their homelands. UNHCR recently

<sup>18</sup> UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, at 46, March 2014. In their report, UNHCR states that 21% of children interviewed revealed that they had experienced some form of abuse by a family member, another adult responsible for their care or a domestic partner.

<sup>19</sup> Rashida Manjoo, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum Follow-up mission to El Salvador, at p.7 ¶¶19-20, Human Rights Council, 17th Session, A/HRC/17/26/Add.2, 14 February 2011, available at <http://daccess-ods.un.org/TMP/6227008.70037079.html>

<sup>20</sup> Ibid.

found 58% of the unaccompanied children it interviewed from Central America and Mexico had some sort of international protection claim.<sup>21</sup> A similar study in 2006 found only 13% of these children had a protection claim. Children who exhibit international protection concerns may be eligible to remain in the United States legally in some form of recognized legal status, such as Special Immigrant Juvenile Status, as an asylee, or with T or U visas.

#### V. U.S. Response to the Humanitarian Crisis

Mr. Chairman, we support the Administration's immediate response to this crisis, which created an inter-agency response led by the Federal Emergency Management Agency (FEMA). We offer the following recommendations to ensure that children are cared for throughout the legal process:

**For the children, the faithful adherence to the best interest of the child standard is necessary in all decision-making.** The best interest of the child principle is an internationally recognized child-welfare standard used in the U.S. child welfare system. It refers to a process of determining services, care arrangements, caregivers, and placements best suited to meet a child's short-term and long-term needs and ensure safety permanency, and well-being. When applied in the United States special importance is given to family integrity, health, safety, protection of the child, and timely placement. This means that all procedures, protocols, and mechanisms developed are child-friendly, trauma-informed, and administered by child welfare professionals; that children are screened and assessed for their immediate humanitarian protection needs and their long-term international protection needs; that during the pursuit of long-term solutions for the children they are placed in the least-restrictive settings (i.e. community-based); that all children are connected with social and legal services to address their immediate needs; that long-term and durable solutions are pursued that are in the children's best interests; and that where repatriation is the best alternative available that safe repatriation and reintegration be conducted in collaboration and coordination with the children's home governments, NGOs, and other implementing partners.

Consistent with US child welfare norms, children should be placed in smaller community-based programs such as specialized foster care, group or small shelter programs which allow children to reside in family settings in communities. Large facilities are contrary to child welfare principles and the TVPRA, increase the risk of institutionalization, child maltreatment and losing track of children's individual needs.

**For the United States government, a mutually supportive, interagency response is necessary to ensure we are leveraging the expertise and resources of the agencies that bear responsibility for addressing all aspects of the challenge.** As mentioned, Mr. Chairman, we are encouraged by the decision of the Administration to involve all relevant agencies of the government in responding to this crisis. This should include HHS/ORR and also the Administration for Children and Families' domestic child welfare division; the Department of State's (DOS) Agency for International Development, Bureau of Population, Refugees, and Migration, and Western Hemispheric Affairs; the Executive Office for Immigration Review of DOJ; and Citizenship and Immigration Services, Immigration Customs Enforcement, and DHS/CBP. The inter-agency work on the issue should incorporate clear leadership responsibilities and effective collaboration mechanisms to ensure the optimum results both in the United States and throughout the region.

**Children should be properly screened and placed in the least restrictive setting, preferably with family or an appropriate sponsor.** Children should be immediately screened, ideally by a child welfare specialist, as to whether 1) they are victims of human trafficking; and 2) whether they have

<sup>21</sup> UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, March 2014

special needs and require specific care, such as trafficking victims, children under 12, pregnant girls, and persons with disabilities. Where possible, children should be reunified with their family members during the course of their legal proceedings. Potential sponsors who can care for the child throughout the child's immigration proceedings should be identified and adequately screened. Children should not be released, pending fingerprint and background checks of their sponsors. HHS and other agencies should monitor, report, and respond to violations against children. As required under the law, expedited removal should not be used against unaccompanied children.

**Families should be kept together, preferably in a community setting, and provided full due process rights.** Families who are part of this migration flow, mainly women with young children, should not be detained in a restrictive setting. Alternatives to detention for these families should be explored, including with faith-based communities. Such models have been implemented in the past, with great success and at reasonable costs. The needs of mothers and children are best met in such a community setting, where their specialized needs can be met. USCCB stands ready to help in providing alternatives to detention for vulnerable families.

Moreover, subjecting these families to expedited removal procedures, as intended by the Administration, could undercut their due process rights. Many would be unable to obtain an attorney and, because of their trauma and the setting of the immigration proceedings, would be unable to adequately articulate their fear of return.

**Post-release reception assistance should be expanded to meet the rising need.** We urge increased post-release services which address family preservation, child safety, community integration, access to counsel and continued participation in immigration proceedings. The lack of sufficient funding for assistance post-release increases the likelihood of family breakdown, makes it more difficult for children to access public education and community services, and decreases the likelihood that the children will show up for their immigration proceedings.

With the release from custody happening on a shorter time frame—now less than 30 days—and with up to 90% of UACs being released from ORR custody to communities, UAC resources need to be prioritized into community-based reception services which are located where families live. ORR could leverage the infrastructure and expertise of the U.S. resettlement agencies by providing all of the children community-based, reception services. Reception services should be required for all UAC to assist the family with navigating the complex educational, social service, and legal systems.

**Pastoral care and services should be provided to children.** Mr. Chairman, these vulnerable children should have access to pastoral services, including visitation by religious, including priests, minister, and other faith leaders. To date, requests for visitation to the border patrol stations and shelters for this purpose has been denied by the Border Patrol and ICE.

## VI. RECOMMENDATIONS

In light of the humanitarian crisis and in the best interest of the children who are at risk, USCCB offers the following policy recommendations:

A.

**The United States should strengthen protections for children from Central America. Unaccompanied minors who arrive in the United States possess legal rights which should be honored.** Often children are scared and are unable to articulate their fears and do not understand what

rights they have under U.S. law. Moreover, children who come into the care of the U.S. government should be treated humanely and with appropriate child protections. We recommend the following:

**Robust funding should be appropriated to ensure the care of these children and families fleeing violence in their home countries.** We are heartened that the U.S. Senate has added \$1.9 billion for the Fiscal Year 2015 budget to care for these vulnerable populations. Any funding should be administered in a manner that respects the religious liberty and conscience rights of organizations providing this care.

We recommend that:

- Congress appropriate \$2.28 billion for Fiscal Year 2015 for care of unaccompanied children, consistent with the Administration's request.
- Congress increase funding in the FY 2015 HHS budget for unaccompanied refugee minors programs to \$100 million, as some of these children should qualify for Unaccompanied Refugee Minor (URM) benefits;
- Congress appropriate \$100 million for DHS to care for families who have crossed into the United States during the duration of their legal proceedings, including alternative to detention programs, housing and other basic necessities.
- Congress should appropriate funding in the DOJ budget to provide legal representation for unaccompanied children who cannot secure representation through pro-bono networks.

**Congress should mandate and fund family reunification and legal orientation programs for all youth to help children integrate into their communities, reunify with their families, and pursue immigration relief.** Often, increased funding to the Office of Refugee Resettlement (ORR), which is responsible for the custody and care of UAC, is directed at improving conditions in the temporary shelters in which unaccompanied children reside while waiting for release to their families. However, under normal conditions the time youth spend in shelter is less than 45 days, at which point 90 percent are released to their families.

There exists little funding for services once children are released, increasing the likelihood for family breakdown, the inability of children to enroll in school and access community resources, and the likelihood that the child will not show up to their immigration hearings. Funding should be directed at increasing the number of home studies provided to UAC prior to their release from custody to assess any potential risks of the placement, including the protective capacity of the sponsor to ensure the safe reunification of the child. Post-release services should be required for all UAC to assist the family with navigating the complex educational, social service, and legal systems. With appropriate follow up and monitoring by child welfare professionals, it is more likely that children will not abscond and will appear at their immigration proceedings.

Finally, funding should be increased for the Department of Justice's Legal Orientation Program for Custodians (LOPC) which was developed to "inform the children's custodians of their responsibilities in ensuring the child's appearance at all immigration proceedings, as well as protecting the child from mistreatment, exploitation, and trafficking," as provided under the Trafficking Victims Protection Reauthorization Act of 2008.<sup>22</sup>

<sup>22</sup> <http://www.justice.gov/eoir/probono/probono.htm>

**The best interest of the child should be applied in legal proceedings involving UACs, including creating child-appropriate asylum procedures and unaccompanied child immigration court dockets.** Currently, decisions about the welfare of UAC are made separately from the existing U.S. child welfare infrastructure, meaning that court decisions on the welfare of UAC are based on their eligibility for immigration relief alone rather than involving a comprehensive assessment of the best interest of the child. Whenever possible, policies and procedures should be implemented that help the child progress through the system in a way that takes into account his/her vulnerabilities and age, such as the establishment of immigration court dockets for unaccompanied children and the creation of child-appropriate asylum procedures. Concentrating all UAC cases in a child-focused immigration docket with appropriately-trained arbiters and advocates will streamline UAC cases while also ensuring a less-threatening model for children. Additionally, implementing a uniform binding standard that requires all immigration judges, federal judges, and members of the BIA to adopt a child-sensitive approach to asylum cases of child applicants will lead to greater consistency in youth asylum jurisprudence and will also be more reflective of current international and domestic legal requirements. As mentioned, the government should provide legal representation for unaccompanied children, who would be better able to navigate the legal process and obtain immigration relief with an attorney guiding and representing them.

**Family reunification should be a central component of implementing the best interest of the child principle.** The U.S. government should adopt a transnational family approach in deciding on durable solutions in the best interest of UAC. This should include family tracing, assessment of all family members for potential reunification, and involvement of all family members in the decision-making process, regardless of geography.

**The Department of State should pilot Section 104 of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 08) in Mexico.** Sec. 104 of the TVPRA 08 amends Sec. 107 (a) of the TVPA 2000 to require the “Secretary of State and the Administrator of the United States Agency for international development” to “establish and carry out initiatives in foreign countries”<sup>23</sup> “in cooperation and coordination with relevant organizations, such as the United Nations High Commissioner for Refugees, the International Organization for Migration, and private nongovernmental organizations... for--”(i) increased protections for refugees and internally displaced persons, including outreach and education efforts to prevent such refugees and internally displaced persons from being exploited by traffickers; and “(ii) performance of best interest determinations for unaccompanied and separated children who come to the attention of the United Nations High Commissioner for Refugees, its partner organizations, or any organization that contracts with the Department of State in order to identify child trafficking victims and to assist their safe integration, reintegration, and resettlement.”<sup>24</sup>

USCCB interviewed several Central American child victims of trafficking in a DIF shelter in Tapachula, Mexico whom would benefit from a best interest determination (BID) which would result in a recommendation for a durable solution to ensure their protection and permanency. Currently, there is no systemic way to identify children who have been trafficked or are at risk of being trafficked, and without a BID, the fate of children who were trafficked or at risk of being trafficked consists of repatriation to their country of origin, often sending them back into the hands of the traffickers. If they receive refugee status in Mexico, remaining in a shelter until they turn 18 years old leaves them vulnerable to exploitation within the shelter and lacking appropriate services to address their trauma and developmental needs.

<sup>23</sup> <http://www.state.gov/documents/organization/10492.pdf>

<sup>24</sup> <http://www.state.gov/j/tip/laws/113178.htm>

**The Office of Refugee Resettlement (ORR) should continue to expand placement options to include small community-based care arrangements with basic to therapeutic programming.** The Flores Settlement Agreement establishes minimum standards of care for children in the custody of ORR and requires that UAC be placed in the least restrictive setting that meets their needs. Save the Children notes in a study: "...recent years have seen an increasing emphasis on the development of community-based approaches... to ensure that children who lose, or become separated from their own families, can have the benefits of normal family life within the community"<sup>25</sup>. Placing children in the least restrictive setting that can meet their needs is the policy and practice of the child welfare system in the United States. While many of the children in ORR custody are served in basic shelters, this placement setting may not be the most appropriate for some UAC, many of whom have complex trauma needs, and would be better served in foster care placements through the URM program.

**Special attention should be given to Mayan youth.** A significant number of youth migrating from Guatemala are Mayan fleeing domestic violence, organized crime and poverty. The United States is not adequately prepared to identify and assist these youth, as many are unable to understand English or Spanish and thus unable to articulate their fears. We encourage DHS to work with non-government organizations and Mayan leaders to identify and assist Mayan youth.

B.

**Mexico, with assistance from the United States and child welfare organizations, must build the capacity of the Mexican child welfare system to protect migrating youth.** This includes training for direct care providers and government officials to employ child-appropriate techniques when interviewing and serving migrating children as well as the development of protocols related to identification of safe placement for children, including, but not limited to, those identified to be eligible for refugee status. The government, in partnership with child welfare experts should develop and incorporate standardized tools and methods to screen migrating children for symptoms of trauma and for human trafficking.

**The Mexican government should establish a continuum of care for unaccompanied children in their custody.** Currently, unaccompanied children who are seeking asylum may remain in shelters for as long as six months to years and children who receive asylum remain in shelter until they are 18. Studies have shown that prolonged stays in restrictive settings impact a child's development and well-being. The higher the capacity of the care arrangement, the more restrictive the environment becomes. Consistent with child welfare best practice, unaccompanied children should be placed in the least-restrictive setting, ideally, in community-based care, such as foster care, which allows children freedom of movement and access to community. Furthermore, care settings should be constructed to ensure minors are not commingled with gangs or other criminals, who often infiltrate these facilities.

**Best interest determinations (BIDS) should be conducted for children in custody in Mexico.** Rather than immediately deport them back to Central America, Mexico should allow UNHCR to employ a BIDS system for unaccompanied and separated children in detention to ensure they are protected from criminal elements in Mexico and Central America. This would include the possibility of reuniting them with their families in the United States, particularly if they are victims of trafficking or asylum seekers.

**The U.S. government should consider child asylum/refugee cases in Mexico for resettlement to the United States through embassy referrals.** Cases of children with valid asylum or refugee claims, especially those with family in the United States, should be considered by the U.S. government

<sup>25</sup> "Community-Based Care for Separated Children". Save the Children. 2003. Retrieved from <http://communit.com/en/node/209638/347>

for possible resettlement. In many cases, children are neither safe in Mexico nor the country of origin, and resettlement to the United States is their only option for a durable solution.

**The current reliance on consular staff to investigate, handle, and treat children who are intercepted in Mexico during their migration is inadequate and leaves children vulnerable to coyotes, traffickers and further trauma and exploitation.** Currently, in Tapachula, Mexico, the consular officials are responsible for identifying where apprehended unaccompanied children are from, interfacing with the other consulates, collecting information on children's families, and making determinations about their return. The training they receive is on an ad hoc basis, sometimes led by local NGOs. These government officials are performing the work of child welfare experts and should receive adequate training and staff on site within the consulates to help consult on possible child trafficking, smuggling and exploitation cases.

C.

**With assistance from the U.S. government, Central American governments must employ systems to protect children so they are able to remain home in safety and with opportunity.** The long-term solution to the crisis in Central America is to address the push factors driving minors north. This would include improvements in education, employment, and enforcement, for sure, but also improvements in the social service and child protection systems. We recommend the following:

**The United States should invest in repatriation and re-integration in sending countries.** USCCB found that source countries did not employ comprehensive re-integration programs for children returning from the United States and Mexico, programs which would provide follow-up services to children to help them readjust to life in their home country. A program operated by Kids in Need of Defense (KIND) in Guatemala is showing promising results and should be expanded and duplicated.

**The United States should invest in prevention programs in sending countries.** Other than programs provided by Catholic Relief Services and other NGOs, source countries do not employ programs to encourage youth to remain and not take the journey north. Such a program would include skill-based training and employment services. Catholic Relief Services operates Youth Builders, a program previously mentioned in my testimony which has helped youth remain at home and live productive lives. Youth Builders offers promise for the benefits of such prevention programs: of the 53 children served by the Youth Builders program to date, 52 have not migrated north.

**The United States should consider the implementation of in-country processing in sending countries.** In order to prevent children with persecution claims from risking their lives along the migration journey, the United States should consider in-country processing in Guatemala, El Salvador, and Honduras. This would also undercut the for-profit smuggling networks that are preying on children and families. It also would ensure that children who deserve protection receive it in safety. The United States has conducted successful in-country processing systems in such nations as the former Soviet Union and Haiti.

**Anti-violence efforts should include stakeholders from government, civil society, private sector, churches and international donors in order to effectively leverage limited resources and should include job and educational opportunities and training programs.** Anti-violence prevention measures should be tackled at regional and local community levels in addition to national levels. Including key local stakeholders and engaging regional governmental bodies and actors is a vital part of prevention efforts. Additionally, prevention efforts must include systematic training and educational programs in order to fully offer meaningful opportunities for gang members in society once they leave the gang.

**Over the long-term, all governments of the region, including the United States, must invest resources into examining and effectively addressing root causes of migration in Central America and Mexico.** This would address the lack of citizen security which is propelling individuals, especially children, to flee. The US and its regional partners must avoid the simplistic approach of addressing the forced migration by forcing children back through increased border enforcement. This response is akin to sending these children back into a burning building they just fled. Instead the approach must prioritize protection for those who are displaced from their homes, especially children, the most vulnerable.

#### CONCLUSION

The situation of child migration from Central America is a complex one, with no easy answers. It is clear, however, that more must be done to address the root causes of this flight and to protect children and youth in the process. Clearly this problem is not going away; in fact, it is getting more urgent in terms of the dire humanitarian consequences.

Too often, and especially recently in the media, these children are being looked at with distrust and as capable adult actors, instead of as vulnerable and frightened children who have been introduced to the injustice and horror of the world at an early age. Anyone who hears the stories of these children would be moved, as they are victims fleeing violence and terror, not perpetrators. USCCB found that these children long not only for security, but also for a sense of belonging—to a family, a community, and a country. They are often unable to find this belonging in their home country and leave their homes as a last resort.

In conclusion, I ask you to consider the individual stories of these vulnerable child migrants and open your minds and hearts to their plight while seeking meaningful and long-term regional solutions. I ask you to respond to the needs of these children, not to turn them away or ostracize them, as Americans are a compassionate people.

Mr. Chairman, I again thank you for this opportunity to speak with you about these children of God and ask that you let me, my brother bishops, and the entire Catholic Church charitable network work with you to pursue just and humane solutions to the challenge of child migration.

Ms. PECK. Mr. Chairman, let me say up front that the U.S. Bishops acknowledge the right of our Nation to control its borders and the right of States and local communities to know who is being placed in their jurisdictions and for what purpose. As I will outline, however, we have grave concerns that the bills under consideration would undermine our Nation's ability to protect vulnerable children.

Mr. Chairman, I would first like to address one premise of this hearing and of the bills under consideration, namely that these children may be a threat or a burden to our Nation.

As we have testified previously, the majority of these children are fleeing violence from organized criminal networks in Central America. We believe that this is a refugee flow and that the majority of these children would qualify for refugee protection under U.S. law and international law. Therefore, we would oppose efforts to undermine what is our obligation to these children under the law.

We do not believe these children pose a threat to our communities. And, in fact, they are much more likely to be victimized because of their vulnerabilities.

Further, child shelters positively impact communities by providing opportunities for local employment and encouraging local partnerships. We find that when communities learn more about unaccompanied children and have the opportunity to interact with them they are richer because of it.

Second, these bills imply that the American public overall is not welcoming of these children. Our experience has been much different. I was heart-warmed by the outpouring of support my office received this summer. Myself, I received hundreds of calls a day from individuals offering assistance to these children and offering to foster these children. And the main question that we received was not why were they here but how can I help.

Third, while we understand State and local communities' need for information and transparency about facilities for unaccompanied children, mechanisms for this information-sharing already exist.

Rather than improve collaboration, these bills would require public hearings to be held as long as 90 days after notification, delaying our government's ability to promptly place children in shelters. This is unnecessary. As you know, States and local jurisdictions have the authority to hold hearings on these matters without them being required after a lengthy delay imposed by the Federal Government.

In the meantime, children would be left in the custody of Customs and Border Protection and housed in restrictive and substandard conditions for far longer than the 72-hour limit, in violation of current law, the *Flores v. Reno* settlement, and the best interests of the child. I might add, it would take Customs and Border Protection away from its main mission of protecting our borders.

Finally, many of these bills will give States or local jurisdictions the option to deny placement of these children. This, again, would backlog the system, leaving children in inappropriate settings and burdening Customs and Border Protection.

Mr. Chairman, our specific concerns with these bills can be found in our written statement. Instead of adopting these bills, which

would create inefficiencies in the system and undermine our ability to protect children, we recommend the following steps.

First, Congress should resource the immigration court system by providing more immigration judges and attorneys. This would ensure that children receive due process in a much shorter timeframe without undermining their rights.

Second, post-release services for children should be expanded to assist families with navigating the complex educational, social service, and legal systems. Currently, only 10 percent of children placed with their families receive post-release services.

Finally, the best-interest-of-the-child principle should be incorporated in all procedures impacting children's lives. Adhering to this principle would ensure that all policies and procedures are child-friendly, that children and families are able to provide meaningful feedback on decisions affecting their lives, and that recommendations to ensure the safety, permanency, and wellbeing of these children are integrated into decisionmaking.

Mr. Chairman, how we respond to these vulnerable children among us is a test of our moral character. America and the American people are generous and welcoming, especially as they learn more about the horrific stories of these children and witness their resiliency, their hope, and their abundant gratitude.

We look forward to working with you, Mr. Chairman, and the Committee on improving the system so that both the best interests of the child and the best interests of our Nation are served.

Thank you.

Mr. LABRADOR. Thank you, Ms. Peck.

[The prepared statement of Ms. Peck follows:]

**Testimony of Kristyn Peck, Associate Director of Children's Services  
United States Conference of Catholic Bishops  
Migration and Refugee Services**

**House Judiciary Subcommittee on  
Immigration and Border Security**

**December 10, 2014**

I am Kristyn Peck, Associate Director of Children's Services within the U.S. Conference of Catholic Bishops' (USCCB) Department of Migration and Refugee Services. I testify today in opposition to H.R. 5409, H.R. 5253, H.R. 5138, and H.R. 5129.

I would like to thank Chairman Trey Gowdy (R-SC), Ranking Member Zoe Lofgren (D-CA), other committee members participating in this hearing for the opportunity to testify today. I note that the protection of migrant children is an especially important issue for the Catholic Church, as one of Jesus' first experiences as an infant was to flee for his life from King Herod with his family to Egypt. Indeed, Jesus, Himself, was a child migrant fleeing violence. Jesus, Mary, and Joseph were asylum-seekers. They faced the same choice as the one facing thousands of children fleeing to the United States each year.

Mr. Chairman, USCCB has been a leader in the protection of and advocacy for this vulnerable population. The Catholic Church in the United States has played a critical role in the care of unaccompanied children. By virtue of our organizational structure and geographical reach, the U.S. Catholic Church early on has assumed a strong leadership role in the treatment and service of unaccompanied children.

Since 1994, USCCB has operated the Unaccompanied Alien Children or "Safe Passages" program.

This program serves undocumented children apprehended by Department of Homeland Security (DHS) and placed in the custody and care of the Office of Refugee Resettlement (ORR), within the Department of Health and Human Services (HHS).

Through cooperative agreements with HHS/ORR, and in collaboration with more than 210 community-based social service agencies, the program provides short-term and long-term foster care to unaccompanied children in HHS/ORR custody, home studies of sponsors prior to the release of children, and post-release services to children released from HHS/ORR custody to their families. Services received by children served in the Safe Passages foster care programs through our cooperative agreement with HHS/ORR include food, a safe placement with a foster family licensed by the state, clothing, medical and mental health screening and care, and education, provided by the foster care agencies on-site. In fiscal years 2011—2014 (October 1st, 2010– September 30, 2014), the USCCB/MRS Safe Passages program has served 3,781 youth who arrived as unaccompanied alien children—2,446 through its Family Reunification Program and 1,335 through its foster care programs. USCCB/MRS's Safe Passages program expanded

this fiscal year to include direct legal representation for 1,250 children released from HHS/ORR custody and Child Advocacy services for 250 of these children.

As you know, Mr. Chairman, USCCB testified before your committee on June 25, 2014, on the influx of unaccompanied minors into our country. At that time, our testimony outlined steps we believe the nation should take to protect these children and to ensure that they are not sent back to danger in their home countries. With your permission, Mr. Chairman, I would like to re-submit our testimony from that hearing for today's record. Today, I would like to specifically address the pieces of legislation which are the subject of this hearing.

Mr. Chairman, let me say upfront that the U.S. bishops acknowledge the right of our nation to control its borders, as well as acknowledge the public policy purpose that is served by ensuring that states and local communities are informed when large numbers of humanitarian migrants are placed in their jurisdictions. As I will outline, however, we have grave concerns with giving State and local jurisdictions the right to veto such placements.

Mr. Chairman, we disagree with the premise of these bills, namely that these vulnerable unaccompanied children are a threat or burden to our communities. Although we understand the interest of the Committee in keeping our communities safe, as we have stated before to this committee, these children are fleeing for their lives and are seeking safety and protection in our great nation.

As our testimony will outline, rather than passing the strict regimes embodied in these three bills, we recommend that—

- First, Congress should resource the immigration court system by providing more immigration judges and attorneys to both adjudicate cases and to represent them in their hearings. This would ensure that these children receive due process in a much shorter time frame without undermining their rights. Some would be sent back to their home countries, while others would be able to begin to integrate into their local communities.
- Second, post-release services for children should be expanded. Currently, Mr. Chairman, only 10 percent of children placed in families receive post-release services. These services include apprising them of their rights and ensuring they attend their hearings, but also that children are protected in the family and community setting. These services also include preparing children to attend schools and working with the school community to accept the children.
- And third, the best interest of the child principle should be applied throughout the system, both in their placements and throughout the legal process. These children are particularly vulnerable and adhering to this principle would ensure that their needs are met and they could become contributing members of their new communities, assuming they receive immigration relief.

### **A Refugee Crisis**

The United Nations High Commissioner for Refugees found that “58 percent of the 404 children interviewed for a UNHCR study were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection.”<sup>1</sup> This finding is consistent with what a delegation from USCCB, of which I was a member, found in a trip we took to Central America in November 2013 to look at root causes of child migration. We found that although the causes were complex and differed slightly by country, that “one overriding factor has played a decisive and forceful role in recent years: generalized violence at the state and local levels and a corresponding breakdown in the rule of law have threatened citizen security and created a culture of fear and hopelessness.”<sup>2</sup> In fact, many of these children are eligible for protection under our laws. Finally, all who are released from federal custody are in deportation proceedings, known to the Department of Homeland Security, and have received medical and psychosocial screenings, and determined to be safe to release to our communities. They should not be viewed as a threat or burden, but rather welcomed and protected, consistent with our nation’s heritage as a safe haven for the persecuted.

### **Positive Impact on Communities**

Unaccompanied children positively impact communities by providing opportunities for local employment and provision of services (to include contracts for food service and social workers to oversee the caseloads), and by encouraging local partnerships with immigrant and youth serving agencies; legal, medical and mental health agencies; volunteer groups; and faith communities.

Throughout our network, we have shining examples of such successful community partnerships, including in high-release locations, demonstrating a positive community response to unaccompanied children.

Examples include unaccompanied children served by Catholic Charities of the Archdiocese of Galveston/Houston volunteering at a local senior center; a medical and legal partnership through Catholic Charities of the Archdiocese of Manhattan which co-locates legal and mental and medical health services for unaccompanied children; and trainings and meetings conducted by USCCB with school systems in the Washington, D.C. suburbs on the unique needs of unaccompanied children and resources for schools.

We find that when communities learn more about unaccompanied children and have the opportunity to interact with them, they are richer because of it.

### **Information and Transparency**

We respect and understand state and local communities’ need for information and transparency about facilities caring for unaccompanied children for planning and budgetary purposes. We believe, however, that there are already existing mechanisms for this information sharing.

<sup>1</sup> The United Nations High Commissioner for Refugees (UNHCR), “Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection,” (Washington, DC: UNHCR, 2014), 6.

<sup>2</sup> The United States Conference of Catholic Bishops (USCCB). “Mission to Central America: The Flight of Unaccompanied Children to the United States,” (Washington, DC: USCCB, 2013), 2.

The Office of Refugee Resettlement (ORR) of Health and Human Services (HHS) notifies state and local governments of proposed facilities for the purpose of licensing. Moreover, state and local governments already have the authority to host public hearings on the subject, yet, three of the bills require it and impose a waiting time before the hearing can be held, which would unnecessarily delay approval of facilities. And lastly, HHS/ORR publishes information of children released by county on a regular basis.

We are concerned that the impact of these bills would be to stir up local animus against vulnerable children seeking refuge and delay, and in some cases, prevent, the federal government's ability to approve facilities, impacting the efficiency of the federal system of care for unaccompanied children and resulting in children spending more time at Customs and Border Protection facilities that are not designed nor equipped to care for children.

Due to the proposed waiting times before public hearings could be held, and, for one of the bills, screenings and background checks of children required before the hearings take place, these bills would keep children in border facilities and place an undue burden on Customs and Border Protection agents who, instead of enforcing our immigration laws, would need to divert their attention to providing for the custody and care of unaccompanied children in their facilities. They also would add costs and bureaucracy to the current system. Most importantly, in addition to the cost and inefficiency, detaining children is inhumane, detrimental to their health, and contradictory to child welfare principles, adopted and promoted by our U.S. domestic child welfare system, that children should be placed in the least restrictive setting. In fact, detaining children can cause the development of psychiatric difficulties, with children and adolescents in detention experiencing increased rates of self-harm and suicidal behavior, voluntary starvation, severe depression, sleep difficulties, anxiety, and post-traumatic stress reactions. (See Fazel, Mina; Unni Karunakara; and Elizabeth A. Newnham; "Detention, denial and death: migration hazards for refugee children," *The Lancet Global Health Journal*, Volume 2, Issue 6, June, 2014.)

More specifically, we oppose these bills for the following reasons:

- **H.R. 5409/H.R. 5253:** These bills are similar in nature and would require the Governor and/or County to approve the placement of a facility sheltering these vulnerable children in the jurisdiction. They would require the Governor (H.R. 5253) or the Governor and County (H.R. 5409) to approve the placement of the facility in their jurisdiction within 14 days (7 days for the governor's approval and then another 7 days for the county's approval for H.R. 5409) or 10 days for the governor's approval (H.R. 5253) following the conclusion of a hearing on the issue. If the Governor (H.R. 5253) or Governor and County (H.R. 5409) do not grant approval within the 10-14 period, then the Department of Health and Human Services (HHS) would be unable to proceed with the grant or contract constructing the facility.

Mr. Chairman, there are several problems with these bills. H.R. 5409, for example, would require the performance of health screenings, vaccinations, and background checks on children prior to their placement in the jurisdiction. Therefore, these screenings, vaccinations, and background checks would no doubt have to be performed at the border,

placing extra burdens on Customs and Border Protection and keeping vulnerable children in restrictive and temporary settings for a much longer period than the 72 hour maximum.<sup>3</sup> Both bills require a hearing no earlier than 40 days (H.R. 5409) and 90 days (H.R. 5253) prior to the approval of the grant/contract, also keeping children in holding cells border facilities and further burdening Customs and Border Protection. Finally, the bills would permit some States or Counties to opt out of housing these vulnerable children, placing more burdens on those jurisdictions which are welcoming to them. Such a responsibility, consistent with current law, should be shared by all States and Counties of the United States, not just a few which are willing to accept this responsibility.

- **H.R. 5138:** H.R. 5138 would require consultation with State of local elected officials on the location of a child facility in their jurisdiction and a public hearing on the issue “no earlier” after notification of the placement of the facility. Again, such a 90-day requirement would delay the placement of these children, keeping them in substandard Customs and Border Protection holding cells and facilities for several months. Moreover, since the bill specifies facilities not on Federal property, it would facilitate or encourage the use of federal facilities such as Department of Defense bases. As you may recall, Mr. Chairman, during the influx of children this past summer, such facilities as Lackland Air Force base in San Antonio, Texas, Ventura Naval Facility in California, and Fort Sill, Oklahoma, were used to house these children. Using DOD facilities for these children is restrictive and inappropriate for children.
- **H.R. 5129:** H.R. 5129 would require a notification of the Governor of a State of the placement of a child with a custodian 48 hours prior to the placement of the child. While we are not opposed to notifying State or local governments about such placements, we would oppose the notification *prior* to the placement, as it would keep children in a restricted setting for two more days and delay the release of these children to their family members. It is worth noting, as well, that the status and release location of these children is already known to DHS prior to their release and that as a condition of their release sponsors are required to ensure these children attend their immigration hearings.

We would not oppose this legislation if the notification occurred concurrent with or after the placement is made, consistent with HHS/ORR’s current practice of compiling state by state and county by county data of unaccompanied children released to those communities and posting on their web site for public distribution. This compiled data is much more useful and a lot less cumbersome to Governor’s offices than individual notices of each and every child released and more helpful as it compiles it county-by county.

Instead of passing these bills, Mr. Chairman, we recommend the following steps be taken by Congress to address these issues:

**Robust funding should be appropriated to ensure the care of these children and families fleeing violence in their home countries.** We are heartened that the U.S. Senate has added \$1.9

<sup>3</sup> Currently required by §235(b)(3) of the TVPRA (2013)

billion for the Fiscal Year 2015 budget to care for these vulnerable populations. Any funding should be administered in a manner that respects the religious liberty and conscience rights of organizations providing this care.

We recommend that:

- Congress appropriate \$2.28 billion for Fiscal Year 2015 for care of unaccompanied children, consistent with the Administration’s request.
- Congress increase funding in the FY 2015 HHS budget for unaccompanied refugee minors programs to \$100 million, as some of these children should qualify for Unaccompanied Refugee Minor (URM) benefits;
- Congress appropriate \$100 million for DHS to care for families who have crossed into the United States during the duration of their legal proceedings, including alternative to detention programs, housing and other basic necessities.
- Congress should appropriate funding in the DOJ budget to provide legal representation for unaccompanied children who cannot secure representation through pro-bono networks.

**Congress should mandate and fund family reunification and legal orientation programs and legal representation for all youth to help children integrate into their communities, reunify with their families, and pursue immigration relief.** Often, increased funding to the Office of Refugee Resettlement (ORR), which is responsible for the custody and care of UAC, is directed at improving conditions in the temporary shelters in which unaccompanied children reside while waiting for release to their families.

There exists little funding for services once children are released, increasing the likelihood for family breakdown, the inability of children to enroll in school and access community resources, and the likelihood that the child will not show up to their immigration hearings. Funding should be directed at increasing the number of home studies provided to UAC prior to their release from custody to assess any potential risks of the placement, including the protective capacity of the sponsor to ensure the safe reunification of the child. Post-release services should be required for all UAC to assist the family with navigating the complex educational, social service, and legal systems. With intensive and short-term case management services and monitoring by child welfare professionals, it is more likely that children will not abscond, appear at their immigration proceedings, enroll in school, and integrate into their communities—mitigating risk for future entry into the public child welfare system. In addition, when provided by community-based agencies, post-release services help build the capacity of the communities to respond as agencies establish relationships with and educate systems and service providers that will come in contact with unaccompanied children.

Funding also should be increased for the Department of Justice’s Legal Orientation Program for Custodians (LOPC) which was developed to “inform the children’s custodians of their responsibilities in ensuring the child’s appearance at all immigration proceedings, as well as

protecting the child from mistreatment, exploitation, and trafficking,” as provided under the Trafficking Victims Protection Reauthorization Act of 2008.

Finally, Mr. Chairman, it is vital that children receive legal representation in order to navigate the complex justice system. Statistics show that as many as 60-70 percent of these children with lawyers obtain immigration relief, while only 30 percent do if unrepresented. It also would ensure that the court system is more efficient, as children would know when to appear and be cognizant of their rights and responsibilities.

We applaud the creation of a new Legal Service and Child Advocate program funding by ORR, which will assist USCCB and one other agency in obtaining lawyers and advocates for over 2,600 children.

**ORR should continue to expand placement options to include small community-based care arrangements with basic to therapeutic programming.** The Flores Settlement Agreement establishes minimum standards of care for children in the custody of ORR and requires that UAC be placed in the least restrictive setting that meets their needs. Save the Children notes in a study: “...recent years have seen an increasing emphasis on the development of community-based approaches... to ensure that children who lose, or become separated from their own families, can have the benefits of normal family life within the community” Placing children in the least restrictive setting that can meet their needs is the policy and practice of the child welfare system in the United States. While many of the children in ORR custody are served in basic shelters, this placement setting may not be the most appropriate for some UAC, many of whom have complex trauma needs, and would be better served in foster care placements through the URM program.

**The best interest of the child should be applied in legal proceedings involving UACs, including creating child-appropriate asylum procedures and unaccompanied child immigration court dockets.** Currently, decisions about the welfare of UAC are made separately from the existing U.S. child welfare infrastructure, meaning that court decisions on the welfare of UAC are based on their eligibility for immigration relief alone rather than involving a comprehensive assessment of the best interest of the child.

Whenever possible, policies and procedures should be implemented that help the child progress through the system in a way that takes into account his/her vulnerabilities and age, such as the establishment of immigration court dockets for unaccompanied children and the creation of child-appropriate asylum procedures. Concentrating all UAC cases in a child-focused immigration docket with appropriately-trained arbiters and advocates will streamline UAC cases while also ensuring a less-threatening model for children.

Additionally, implementing a uniform binding standard that requires all immigration judges, federal judges, and members of the BIA to adopt a child-sensitive approach to asylum cases of child applicants will lead to greater consistency in youth asylum jurisprudence and will also be more reflective of current international and domestic legal requirements. As mentioned, the government should provide legal representation for unaccompanied children, who would be better able to navigate the legal process and obtain immigration relief with an attorney guiding and representing them. This would also ensure that the legal process is efficient and that

children and their families receive a timely response to their protection claims, enabling to better integrate into their communities.

In conclusion, Mr. Chairman, how we respond to these vulnerable children among us is a test of our moral character. America and the American people are generous and welcoming, especially as they learn more about the horrific stories of these children. We view them not as a burden, but as vulnerable children fleeing violence in their home communities who are in need of support and protection, consistent with domestic and international law. The bills before this committee would result in their continued confinement in a restricted setting and undermine family reunification efforts. We ask that these measures not be acted on by either the Committee or the full House of Representatives, and we look forward to working with you and the committee on improving the system so that both their best interests and the best interests of our nation are served.

Thank you.

Mr. LABRADOR. And thank you all.

We will now proceed under the 5-minute rule with questions. I will begin by recognizing myself.

I am going to start with you, Ms. Peck. You just said that how we respond to these children is a test of our moral character. How many children in the world would benefit from being in the United States?

Ms. PECK. I think for children who have a refugee claim and who meet our—

Mr. LABRADOR. How many are there? Don't you think—first of all, most of these children do not have a refugee claim. But, second of all, do we with the ability to take care of every single child that is in the world right now that would benefit from being in the United States?

Ms. PECK. I would like to refer you to the United Nations High Commissioner for Refugees' "Children on the Run" report—

Mr. LABRADOR. Would you please answer my question?

Ms. PECK [continuing]. Which found that 58 percent of the—

Mr. LABRADOR. No, that is not—

Ms. PECK [continuing]. Children interviewed—

Mr. LABRADOR. Would you answer my question?

Ms. PECK [continuing]. Met international protection. You asked—

Mr. LABRADOR. So how—

Ms. PECK. My answer is 58 percent of the children arriving would be eligible for a refugee claim, and that is how many we—

Mr. LABRADOR. So we need to—so we would have 58 percent of the children in the world, we want them to come to the United States?

Ms. PECK. I think that children who are eligible for protection under our laws—

Mr. LABRADOR. Don't you think the President's actions are actually encouraging children to come to the United States and that it is actually less safe for them to be traveling through these dangerous places to come to the United States?

Ms. PECK. I have heard the argument that the President's actions are—

Mr. LABRADOR. Okay, so you have heard the argument. Let me just read to you what—

Ms. PECK. That is not what I have heard from the families and children that we have served. We have been providing services to this population for more than 20 years.

Mr. LABRADOR. But what they are telling the USCIS agents that are encountering them is that it is exactly the President's actions that are encouraging them to come to the United States.

In fact, I would like to submit for the record, I have an article from the Prensa Libre in Guatemala—it is in Spanish—and it was only 2 weeks after the President's actions here on November 20.

[The information referred to follows:]



1/20/2015

Continúa en aumento deportación de EE. UU.

promedio

Aunque a principios de año las deportaciones desde EE. UU. crecían de manera alarmante, desde julio se ha observado descenso del promedio mensual, al extremo de que noviembre cerró con una cifra inferior a tres mil que no se alcanzaba desde enero del 2012.

También el promedio semanal de vuelos procedentes de EE. UU. con deportados refleja disminución, y de recibirse de 12 a 13 cada semana a mediados de año, pasó a ocho y hasta siete semanales en el último mes.

No obstante, la baja de las cifras no refleja, según expertos, una disminución de la migración ilegal, sino un endurecimiento de los controles migratorios en México.

Las cifras hablan por sí solas. Mientras en 11 meses de este año las deportaciones desde EE. UU. aumentaron solo 3.57 por ciento, los guatemaltecos expulsados de México, de enero a noviembre, suman 37 mil siete, 41.57 por ciento más que los 27 mil 553 deportados en el mismo periodo del 2013.

"No es que haya bajado el flujo migratorio —indocumentados—, sino que México ha reforzado sus fronteras, y ahora están haciendo redadas en albergues y hacen más operativos y revisiones en lugares estratégicos", expuso Alejandra Gordillo, directora ejecutiva del Consejo de Atención al Migrante de Guatemala (Conamigua), al explicar la variación de las estadísticas.

Gordillo lamentó la política "de persecución" que han implementado las autoridades migratorias de México.

"De alguna manera, México está adoptando acciones que no se hacían antes contra los migrantes, y eso no es bueno porque hay riesgos de que se vulneren los derechos humanos de los indocumentados al ejercer una persecución", añadió la funcionaria, para quien el número de expulsiones desde EE. UU. será similar al del año pasado.

Estafas

Incitan a migrar sin documentos

Después del anuncio de medidas ejecutivas en favor de los migrantes que hiciera el presidente de EE. UU., Barack Obama, el 20 de noviembre último, ha habido aumento de la migración de guatemaltecos de la provincia a aquel país, pues creen que los alivios migratorios también los beneficiarán.

La directora de Conamigua, Alejandra Gordillo, alertó de que el anuncio puede motivar a estafadores para engañar a los connacionales, a quienes cobran hasta Q60 mil para que viajen con la falsa promesa de que serán recibidos.

La funcionaria señaló que en las sedes de Conamigua en Chimaltenango y Escuintla han recibido a personas que afirman que viajarán al norte sin documentos para aprovechar las medidas ejecutivas anunciadas.

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TRANSLATED VERSION

1/20/2015

Continues to increase US deportation UU.

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12/02/14 - 00:00 MIGRANTS

**Continues to increase US deportation. UU.**

The number of Guatemalans who have been deported from US. UU. in 11 months and sum 48 000 30, according to records from the Department of Migration (DGM), less than one month of the end of 2014. Authorities and pro-immigrant groups believe the figure will exceed last year, when were expelled 50 000 221 compatriots.



Fernando Lucero, DGM spokesman, said that for this week at least eight flights more are expected with deportees, so, to continue the weekly average, the total could exceed last year in the second or third week of December. "De follow the trend of nine to 10 flights per week in the last month of the year could exceed last year's figure and finish with 51,000 or 52,000 deportees," the official said. Among the deportees, who arrived in 418 flights from EE. UU. contained five thousand 937 women and 182 children, of whom 48 were girls.

The month with most Guatemalans expelled from that country was

June, with six thousand 435, while the figure for November fell two thousand 381.

See downloadable PDF of numbers of deportees.

**Cifras de expulsiones**

Aunque la tendencia de deportaciones de EE. UU. ha disminuido, en los últimos meses se avizora la de México.



Average Low

Although earlier this year deportations from EE. UU. grew alarmingly since July has seen average

1/20/2015

Continues to increase US deportation. UU.

monthly decline, to the extent that November closed with less than three thousand level not seen since January 2012.

Also the average weekly flights from EE. UU. decrease reflects deportees and graduating from 12-13 every week this summer, spent eight and seven per week in the last month.

However, the low figures do not reflect, according to experts, a decrease of illegal migration, but a tightening of immigration controls in Mexico.

The figures speak for themselves. While in 11 months this year deportations from EE. UU.

increased only 3.57 percent, Guatemalan expelled from Mexico, from January to November, totaling 37,007; 41.57 percent more than the 27,000 553 deported in the same period of 2013.

"Not that I have downloaded the -indocumentados- migratory flow, but Mexico has strengthened its borders, and are now raiding hostels and make it operational and reviews at strategic locations," explained Alejandra Gordillo, executive director of the Council of Care Migrants Guatemala (Conamigua), explaining the variation of statistics.

Gordillo regretted the policy of "persecution" that have implemented the immigration authorities of Mexico.

"Somehow, Mexico is taking actions that were not made before against migrants, and that's not good because there are risks that the human rights of undocumented immigrants to pursue a prosecution be violated," said the official, adding that the number expulsion from EE. UU. will be similar to last year.

Scams

Encourage undocumented migration

After the announcement of executive measures for migrants to make the president of EE. UU., Barack Obama, the 20th of last November, has been increased migration of Guatemalan province of that country, believing that migrant relief also benefit.

Conamigua director, Alejandra Gordillo, warned that the ad can motivate scammers to trick countrymen, who charge up to Q60 thousand for traveling with the false promise that they will be received.

The official noted that Conamigua headquarters in Chimaltenango and Escuintla have welcomed people claiming traveling north without documents to take enforcement measures announced.

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Mr. LABRADOR. And this article indicates that there is now an increase of people coming from Guatemala because of the President's actions, because they believe that coming to the United States will entitle them to stay in the United States, number one, and, number two, they understand that the cartels are now going to be using this information to bring children to the United States.

And it is just a fact. I know you don't believe it, and I know the persons to my left don't believe, but it is a fact that people are coming to the United States because of the President's actions, making their lives less safe. And what you are trying to do right now is tell us that it is not happening. In fact, you say that it is not making these communities less safe.

Sheriff, can you tell us how you believe that some of these children are making these communities less safe?

Sheriff HODGSON. Well, first of all, we are seeing a rise in transnational gang activity in our communities throughout the country.

Mr. LABRADOR. I think it is a fiction, according to Ms. Peck.

Sheriff HODGSON. Well, it is not. So, look, we have our boots on the ground. We are out there on the street. We know what is going on. We are seeing—there is a rise in sexual abuse going on, with the illegal immigrant population coming in. We are seeing the victimization of these illegals, which is raising crime in our communities, Mr. Chairman. It is—

Mr. LABRADOR. So, in fact, it is these same children that are actually being victimized.

Sheriff HODGSON. Well, let me—yeah. And let me point out something, Mr. Chairman, that you brought up, which is very important.

This thousand-mile trek that they are on, the cartels have turned this into a human trafficking business, multimillion-dollar human trafficking business. In addition to that, mothers are giving their children, their teenage daughters, birth control pills before they make this thousand-mile trek because they know their daughters are probably going to get raped at least once.

I don't believe and I don't think anybody on this Committee, I hope, doesn't believe that that is humane. It is not a way to encourage people to come to this country, and certainly not illegally. And to have them exposed to that, with no support when they get here for the trauma and the difficulties they have gone through along the way, is absolutely a disaster with regards to crime.

Mr. LABRADOR. Ms. Vaughan, what do you have to say about this?

Ms. VAUGHAN. Well, that is consistent with what I have been hearing from local officials and from law enforcement officers.

And, you know, certainly, what we know from the intelligence reports that have been released from the DHS agencies and from numerous media reports from reporters who interviewed these kids, what they say is that they are coming because they know that they will be allowed to stay, that they are going to get a permiso or, you know, that they have been sent for by their parents. That is what they say.

Mr. LABRADOR. Sheriff, how would it help you to be notified of the people that are coming to your community?

Sheriff HODGSON. Well, first of all, we need to know who is coming in. Some of these—we refer to them as minors, but the fact of the matter is a number of these individuals have had associations with gangs like MS-13 and other gangs that are notable in our country that are creating serious crime problems in our community.

So for us in the community to know, for anyone coming in, not only for domestic security but for our national security—that is why Secure Communities was put in place, so that we could know quickly who is here and why are they here. We need to know what their backgrounds are. Because, otherwise, we can't carry out the fundamental responsibility that government has and we have in law enforcement, which is to protect the safety of the people of our community.

Mr. LABRADOR. Thank you. My time has run out.

And I would submit to you, Ms. Peck, that it would be more humane and it would be a test of our moral character if we actually stopped encouraging people to come to the United States and enduring all of these actions that are happening to many of these children.

And now I will turn time over to Ms. Lofgren. I recognize Ms. Lofgren, the Ranking Member of the Subcommittee.

Ms. LOFGREN. Thank you, Mr. Chairman.

And it has been interesting to listen to this.

Mr. Mayor, I read your testimony very carefully. Before I was in Congress, I was in local government for 14 years, the board of supervisors, not city council, but I know it is important and not easy to be in local government.

I did want to make this observation. You mentioned the infamous 3 a.m. Phone call, but here is the deal. Under the law, for DHS to place a child in a program, that program has to be licensed. And I don't know about Texas, but in California, if you are going to have a licensed facility—you know, when we were on the board, we would get notice and there was this whole process to make sure that they meet the criteria.

So nobody is just going to get dumped in the middle of the night in a warehouse without violating the law. I mean, that is just not what is done. I just wanted to reassure you on that point.

Going back to you, Ms. Peck, you know, in Ms. Vaughan's testimony, her written testimony, she argues that the vast majority of these children couldn't possibly be trafficking victims because they have family members in the United States and mentioned that Border Patrol, you know, inquires. And, in fact, many of these children do have relatives, including a parent, in the United States.

How can you reconcile the trafficking suggestion you made in your testimony with the fact that some of these children might also have a family member here?

Ms. PECK. Thank you.

Many children may be joining family members, but that doesn't mean that they aren't also victims of crime or have been victims of trafficking or en route to trafficking situations. And we don't know that until we have given them the opportunity to be released to their caregivers or to a safe space where they can establish trust with an attorney and articulate their claims.

What is undoubted is that these children are victims of crime, as we have established. I went to Central America with the Bishops in November of 2013, and we interviewed children and families in Central America, in Honduras, Guatemala, and El Salvador. And I interviewed children who were victims of trafficking, myself, and who were en route to the U.S. to reunify with family because they were escaping trafficking situations in Central America.

Ms. LOFGREN. So when you went down to Central America, did you find the situation—I mean, one of the things that is interesting is that the rise in the number of unaccompanied children coming to the United States, it is not just the U.S. I mean, there has been a tremendous increase just from these three countries—Honduras, Guatemala, El Salvador—to the U.S., but also they are not coming from other countries, and there has been, like, a 700—more than 700 percent increase in children escaping to other countries in—well, in Central America as well as to Mexico.

Does that comport with the information you saw and that the Catholic Bishops investigated when you went down to Central America? What is the violence situation that you investigated?

Ms. PECK. That is right.

And let me add that the U.S. Bishops have been providing service to these children for more than 20 years, and we saw the narrative shift before DACA was passed. We saw the narrative shift in around 2009.

And we actually did a report of children that we served between October 1st of 2007 through June 1st of 2011, and what we found was that between 2009 and 2010 the number of children reporting fleeing violence in their home country nearly doubled. In fact, the increase in violence and the coinciding increase in children prompted our trip to Central America.

And what we had found is, although the reasons for migration in each of those three countries differed slightly, that the prevailing narrative is that there has been an increase in generalized violence by gangs. Although gangs have always existed in these countries, they have now become more organized. They are now working with transnational criminal organizations, which are targeting children because of their vulnerability.

Ms. LOFGREN. I would just like to note that, although, you know, sometimes people say these kids will never show up, the actual data from the Department indicates that, from 2005 through June of this year, just looking at the records of nondetained unaccompanied minors, 78.6 percent of the children who were not detained actually showed up for their hearing. And if they were represented by counsel, that number went to 92.5 percent. So these kids are showing up for their hearing.

And I know my time is up, but I would like to ask unanimous consent, Mr. Chairman, to place into the record documents from the U.S. Committee for Refugees and Immigrants; the Church World Service; Lutheran Immigration and Refugee Service; Annunciation House; Women's Refugee Commission and Kids in Need of Defense; the National Immigrant Justice Center; and the chart from the Department of Homeland Security about the numbers of children and the countries they are fleeing from.

Mr. LABRADOR. Without objection.

[The information referred to follows:]



**Statement of the U.S. Committee for Refugees and Immigrants**  
 Submitted to the House Subcommittee on Immigration & Border Security  
 Hearing on "The Impact on Local Communities of the Release of Unaccompanied  
 Alien Minors and the Need for Consultation and Notification"  
 December 10, 2014

The U.S. Committee for Refugees and Immigrants (USCRI) submits this statement to the House Subcommittee on Immigration and Border Security of the Judiciary Committee. For over 100 years USCRI has addressed the needs and rights of persons in forced or voluntary migration worldwide by advancing fair and humane public policy, facilitating and providing direct professional services, and promoting the full participation of migrants in community life.

As part of our mission USCRI's Immigrant Children's Legal Program has worked with over 275 law firms and thousands of attorneys throughout the U.S. to provide unaccompanied immigrant children *pro bono* legal representation in their immigration proceedings since 2005. Through this work USCRI has made a difference in the lives of over 9,000 children. USCRI is also a grantee of the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS) to help unaccompanied immigrant children deemed to be in need of additional services due to extensive histories of abuse, trauma or neglect. USCRI has provided in-home social services and linkages to education, legal, health, and mental health providers to over 1,500 children.

RECOMMENDATIONS

- I. **Vote no on bills H.R. 5409, H.R. 5158 and H.R.5129 because they:**
  - **Increase bureaucracy** by creating obstacles to establishing facilities to safely house the children.
  - **Inhibit Compliance with Congressional Mandates-** Increased bureaucracy will prevent Customs and Border Protection (CBP) from fulfilling its duty to turn over custody of children to HHS within seventy-two hours of apprehension.
  - **Prevents CBP from Securing the Border-** These bills will force CBP to care for children in their custody for longer periods of time while preventing them from fulfilling their most important duty of securing the border. The needs of the children cannot be adequately met by border patrol facilities which is why Congress requires they are transferred.
  - **Puts children at risk** – There are strict rules of confidentiality, designed to protect children's right to privacy and deter potential traffickers, which would be violated by releasing information about specific children to local officials.
- II. **Increase Post Release Services-** HHS funding should be increased to expand Post Release Services (PRS) for unaccompanied children to help them integrate into their communities.
- III. **Consider USCRI's Six Solutions** – USCRI offered six policy solutions that will work to prevent trafficking, protect children and save money. The solutions which are discussed in depth below.

SUMMARY OF BILLS

Our Communities, Our Choices Act of 2014 (H.R.5158) Requires that state and local officials be notified before federal grants or contracts for housing facilities for unaccompanied children are awarded. Information such as the location and the duration of the child's stay must be disclosed to local officials. It also requires a public hearing be held with HHS in attendance.

Unaccompanied Alien Children Transparency Act of 2014 (H.R.5409)- This bill adds another layer of bureaucracy which would impede the rapid sheltering of the children. The Secretary of HHS must provide documentation and certification delineating the estimated impacts and risks for the community such as impacts on the health care system and an assessment of public safety risks posed by the child. After a public hearing the local government must approve the establishment of the detention facility.

UAC State Notification Act of 2014 (H.R. 5129) –This bill would require the Department of Homeland Security (DHS) or HHS to notify the Governor of a state forty-eight hours prior to the transfer of each unaccompanied child to a facility in their state..

ANALYSIS

The Homeland Security Act of 2002, Section 462 transferred to the custody of children to HHS and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRO) required it be done within seventy-two hours of being apprehended by CBP. All three bills will ensure violations of Congressional law. The additional requirements, as stated in these bills, will hinder the timely transfer of children from CBP to HHS custody. Children will remain in CBP holding cells for extended periods of time. This summer, the American public saw the pictures of the crowded and inhumane conditions children were held in at CPB facilities at the border. Children were sleeping on the floor in windowless cells without adequate sanitation or nutrition. These conditions are likely to be repeated if these bills are passed. Further, CBP will not be able to focus on its work in securing the border.

These bills are redundant in requiring local government officials be notified because all facilities must be licensed by the states where they are located. Additionally HHS requires that all detention facilities be in compliance with all state and local laws. These licensing requirements provide ample notice of the detention facilities to local government officials.

The bills aim to address the impact of these children on the local community. However children being held in dentition facilities are never allowed to leave the shelter, therefore they never have contact with or impact on the local communities. Education and basic health care is provided in the facilities. In the event a child needs hospital care the cost is 100% covered by HHS.

SOLUTIONS THAT CAN WORK

This past summer USCRI went to the office of every member of Congress to offer Six Policy Solutions.

1. Respect Families

Allow parents or legal guardians from El Salvador or Honduras who reside legally in the U.S. under Temporary Protected Status (TPS) to apply for their minor children to reunite. Their minor children may be residing either in the U.S. or in their country of origin and their status would be linked to their parents. This will immediately reduce immigration court backlogs and apply to an estimated 30-40% of the children surrendering at the borders.

#### 2. Keep the Children Out of the Courtroom

Institute a Children's Corps based on the Asylum Officer Corps model. Children Corps officers would be trained in child-sensitive interview techniques and Best Interest Determination standards. They would determine if a child is eligible for legal relief such as asylum, Special Immigrant Juvenile Status (SIJS), Trafficking Victims Visa (T-Visa) or other forms of legal relief. This would move the adjudication process from an adversarial, judicial process to an administrative process for most children. Those who are not eligible for legal status would be placed in removal proceedings. It is estimated that 40% to 60% may be eligible for legal protection.

#### 3. Help Children Avoid the Dangerous Journey

In-Country Processing allows applicants to apply for refugee status in their home country. The children would have to meet the U.S. refugee definition, be otherwise admissible, and would be resettled in an orderly fashion. In-country processing has been used in the past for the resettlement of Soviet Jews, Vietnamese, and Cubans, so they could avoid life-threatening escapes. Other countries in North or South America may also be willing to accept children for resettlement.

#### 4. Engage the UNHCR

Unaccompanied children and adults can receive international protection from UNHCR after they have fled their home country. Through long established procedures, the UNHCR could then refer their cases for resettlement to a receiving country. The U.S. Department of State coordinates the program, the refugees are interviewed by a USCIS Officer and, if approved for entry, undergo extensive security and medical clearances prior to being moved to the U.S.

#### 5. Forgive the Children

Grant Children's Protected Status (CPS) to all unaccompanied children who have already been brought into custody. As precedent, the Cubans and Haitians who arrived illegally during the Mariel Boatlift in 1980 were given Cuban/Haitian Entrant Status. Simultaneously with the announcement of CPS, the government could announce a cut-off-date for all future arrivals. After the cut-off date, new arrivals would be subject to expedited removal. Granting CPS will relieve the government of the burden and cost of adjudicating the cases of thousands of unaccompanied minors. This will increase capacity for the Department of Homeland Security to handle other immigration cases.

#### 6. Introduce Hope

Create a Regulated Entry Procedure (REP) for 10,000 Unaccompanied Immigrant Children per year per country from Honduras, El Salvador, and Guatemala. As precedent, to end the Mariel

Boatlift in 1980, a lottery was established which allows 20,000 Cubans to enter the US every year. The hope of "winning" has kept Cubans from hazarding the ocean for the last 34 years. The Central American Children would be permitted to enter the U.S. legally through a regulated system managed and processed by the U.S. Government. As Americans, we will not turn our backs on children.

USCRI urges your immediate intervention to honor America's history of leadership in protecting the most vulnerable. For questions about this statement please contact Stacie Blake, Director of Government and Community Relations at [sblake@uscrdc.org](mailto:sblake@uscrdc.org) or Esmeralda Lopez, Advocacy Officer at [elopez@uscrdc.org](mailto:elopez@uscrdc.org)

Thank you for your consideration of this very important issue.



**CWS statement to the U.S. House of Representatives Judiciary Committee, regarding its hearing "The Impact on Local Communities of the Release of Unaccompanied Alien Minors and the Need for Consultation and Notification," Wednesday, December 10, 2014**

As the committee discusses the current process of allowing children to reside with family members while they await their immigration hearing, Church World Service urges all members to reflect on what these children have endured. Given their vulnerabilities, being close to loved ones is critical during the emotionally distressing ordeal of fleeing violence, being in a new country and preparing for a court hearing. Also, CWS urges the committee to consider the current policies already implemented by the U.S. Department of Health and Human Services' Office of Refugee Resettlement (ORR) in communicating with state and local officials.

Unaccompanied children, families and individuals from Guatemala, Honduras and El Salvador are fleeing drastic increases in violence, forced gang recruitment, human trafficking, abuse by smugglers and sexual-based violence, and are legally seeking protection in the United States. In Honduras alone, murders of women and girls have increased by 346 percent, and murders of men and boys are up by 292 percent since 2005. The governments of these countries have proven unable and/or unwilling to protect vulnerable populations, with an impunity rate of 95 percent for sexual violence and gender-based crimes<sup>1</sup>. Individuals are not just seeking protection in the United States. Asylum requests by Guatemalans, Hondurans & Salvadorans in Mexico, Panama, Nicaragua, Costa Rica, Belize increased by 712 percent since 2009, even more fleeing internally.

Many of these children are bona fide refugees and asylum seekers, and the majority of them meet criteria for international protection<sup>2</sup>. More of these children than ever before are girls, younger children and victims of trauma. It is important to note that unaccompanied children are not breaking the law when they enter the United States. Individuals have the right to seek protection from persecution and violence, both through international<sup>3,4</sup> and U.S. law<sup>5</sup>. Under current U.S. law, U.S. Customs and Border Protection (CBP) is required to take child migrants into custody, screen them for protection concerns and transfer them to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services. ORR places children in foster care or reunites them with relatives in the United States and CBP places the children into deportation proceedings, issuing them a Notice to Appear in immigration court.<sup>6</sup> After they are detained, screened and notified of their deportation hearing date, these vulnerable children are rightfully reunited with family members or sponsors in the United States. Their family members are U.S. citizens and residents who have the right to care for these children as they await their immigration hearings.

Church World Service is strongly opposed to recent proposals that would make it more difficult for children to be with their family members as they await their immigration hearings. We urge all members of the House of Representatives to reject such legislation, including H.R. 5138, sponsored by Representative Pete Olson (R-TX-22); H.R. 5409, sponsored by Representative Lou Barletta (R-PA-11); and H.R. 5129, sponsored by Adrian Smith (R-NE-3). Each bill expressly uses language that vilifies children in need of protection and adds reporting requirements that will delay the process of removing children out of inhumane detention facilities and into more appropriate care facilities. Expanding the use of detention for children will do nothing to improve the humanitarian crisis faced in Latin America or along the U.S. border, but will aggravate the already devastating psychosocial impacts that they have endured. Detention is costly and makes it harder for those fleeing persecution to apply for protection. Rather than detention, release to relatives and community-based alternatives better meet the needs of these vulnerable populations, while keeping costs low and

<sup>1</sup> "Honduras must address widespread impunity for crimes against women, girls - UN expert," U.N. News Centre, 10 July 2014.

<sup>2</sup> <http://www.un.org/apps/news/story.asp?NewsID=48241#.VlcD0DHF-px>.

<sup>3</sup> United Nations High Commissioner for Refugees, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, 2014, <http://unhcr.org/washington.org/children/>.

<sup>4</sup> Article 14, The Universal Declaration of Human Rights, [www.un.org/en/documents/udhr/index.shtml#14](http://www.un.org/en/documents/udhr/index.shtml#14).

<sup>5</sup> United Nations General Assembly, *Declaration on Territorial Asylum*, 14 December 1967, A/RES/2312(XII), [www.refworld.org/docid/3b00052c.html](http://www.refworld.org/docid/3b00052c.html).

<sup>6</sup> U.S. Code Title 8: Immigration and Nationality, Chapter 12: Immigration and Nationality, Section 1158: Asylum, <http://usc.gov/>.

<sup>7</sup> *Providing Comprehensive Services for Unaccompanied Children at Immigration Court: Kids in Need of Defense*, [https://supportkind.org/en/about-us/resources/doc\\_download/70-a-treacherous-journey-child-migrants-navigating-the-u-s-immigration-system-section-3](https://supportkind.org/en/about-us/resources/doc_download/70-a-treacherous-journey-child-migrants-navigating-the-u-s-immigration-system-section-3).



ensuring appearances at immigration court proceedings.<sup>7</sup> Recent data from Syracuse University shows that 79.5% of children released to a relative are showing up for court - and even more - 95.1% are showing up when they have a lawyer.<sup>8</sup> Congress and the Administration should increase resources for immigration courts to maintain the integrity of the U.S. immigration system by ensuring that cases can be resolved in a timely, but not rushed, manner.

These proposed pieces of legislation treat children as if they are a burden and a risk to communities rather than a vulnerable population. These bills would do nothing but complicate and delay the process of getting these children out of inhumane detention facilities and reuniting them with family members who can care for them as they await their day in court. Each piece of proposed legislation implements reporting requirements that add another layer of bureaucracy slowing the process for which an unaccompanied child is placed in an appropriate housing environment and remains in inhumane detention facilities. H.R. 5409 requires that each state where an unaccompanied child could be located is provided with documentation and certification showing the estimated risks the child will have on the community. This includes health screenings showing their expected impact on the health system, background screenings and assessments showing the child's expected level of risk to public safety, and their expected fiscal impact on the community and the education system. Many of these screenings are already conducted and reported—these bills simply add yet another layer of reporting and give Governors and county officials the right-to-refuse vulnerable children a place of safety in their state.

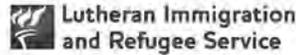
These bills ignore current policies implemented by ORR, which already notifies state and local governments of all contracts for its facilities and ensures they are appropriately licensed by each state. Before ORR facilities can even open, they undergo inspection to ensure they are abiding by state laws and regulations, and the state licensing entity has oversight over the location of the facility. ORR hires state licensed child welfare professionals who have background checks and abide by state and local professional regulations. Educational programming is provided on site and ORR hires local teachers to teach in the facilities or contracts with area school programs to implement educational programming on site, all paid for by ORR. All children, per federal government regulations, receive vaccinations immediately upon intake at an ORR facility. There is currently data compiled by state and county of unaccompanied children released to relatives and sponsors, found at [www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors](http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors).

These bills do nothing to address the needs of children who have a legal right to seek protection in the United States and who are in need of child-appropriate care. They only complicate and delay the process of getting children out of inhumane and costly detention facilities and rightfully reuniting them with family members in the United States who can properly care for them while they await their day in court. CWS urges the committee and all Members of Congress to reject these bills and to stand with these children and their families as they seek protection.

<sup>7</sup> Human Rights First, *Response to Surge of Unaccompanied Minors and Families at the U.S.-Mexican Border Must Reflect American Ideals*.

<[www.humanrightsfirst.org/press-release/response-surge-unaccompanied-minors-and-families-us-mexican-border-must-reflect](http://www.humanrightsfirst.org/press-release/response-surge-unaccompanied-minors-and-families-us-mexican-border-must-reflect)>

<sup>8</sup> "New Data on Unaccompanied Children in Immigration Court," TRAC Reports, Inc. <<http://trac.syr.edu/immigration/reports/359/>>



**December 10, 2014 STATEMENT—LIRS Statement for the Record on "The Impact on Local Communities of the Release of Unaccompanied Minors and the Need for Consultation and Notification"**

**House Committee on the Judiciary**

**Subcommittee on Immigration and Border Security**

**December 10, 2014**

Lutheran Immigration and Refugee Service (LIRS) appreciates the opportunity to submit this statement for the record. LIRS has a 75-year history of serving refugees and migrants which includes over 30 years of experience welcoming and assisting unaccompanied migrant children from all over the world. LIRS works alongside the U.S. government and with a national network of social service partners to address the needs of unaccompanied children and youth and prepare communities to welcome them. Our experience and expertise guides our policy positions and informs our advocacy to ensure that our immigration system aligns with our country's proud history as a nation of welcome.

"These boys and girls have fled situations and experiences unimaginable to even our adult minds. They have made their way to our border seeking our help, compassion and protection" said Linda Hartke, LIRS President and CEO. "When you meet a toddler or pre-teen girl who arrived alone and has been welcomed and cared for here in the United States, you realize that these are children, plain and simple, and that we must heed the biblical call to welcome and protect them in every way we can."

Current Congressional concern with the impact of unaccompanied migrant children on local communities is unwarranted and newly introduced legislation reflects a knowledge gap of the federal government's policies and procedures regarding their care and custody. Of particular concern are additional notice requirements, public hearings or pre-approval requirements for facilities contracted by the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). These facilities are already state and locally licensed by child welfare agencies and, accordingly, must undergo state and county oversight and supervision to ensure they meet all state laws and regulations. Thus, the state licensing entity already has oversight over the location of the facility and pre-authorization before a program opens it is abiding by state and local child welfare standards. As such state and local governments also have constructive notice of ORR programs in their jurisdiction.

ORR is legally responsible for the care and custody of unaccompanied migrant children. Under current law, ORR facilities must abide by state and local child welfare licensure requirements, ensuring their programs and staff comply with state and county laws and regulations for child welfare programs. ORR also abides by HHS regulations for healthcare of these children, ensuring that upon placement in ORR they receive vaccines and other health services. If an appropriate member of a child's family in the United States is identified as a caregiver, ORR reunites the child with that person for the duration of the child's immigration proceedings.

In summer of 2014, ORR had difficulty finding sufficient, appropriate facilities for unaccompanied children arriving at our borders. As a result, Customs and Border Protection (CBP) was unable to transfer children from its short-term border facilities to ORR custody within 72 hours as required by law. Thousands of children consequently spent weeks crowded in cement holding cells in CBP facilities on the border where they received insufficient food, inadequate health services and were often co-mingled with adults, violating laws on the protection of unaccompanied children. By adding duplicative requirements to the ORR process for finding qualified locations to shelter children, Congress will inadvertently cause another severe backlog of children in CBP custody. This is a significant burden on CBP, which is a law enforcement agency not equipped or trained in caring for or sheltering children.

Further, government procedures already exist to ensure unaccompanied migrant children receive health screenings and vaccinations and are placed in removal proceedings. The only contact these children have with the public is when they are being transported to ORR shelters from the border, or leaving the shelters to be reunited with family who typically live in another location. As such, there is no burden or risk to local communities. The unaccompanied migrant children in ORR custody do not pose a risk to the safety of our communities. For example, the average age of children arriving at our border is falling and we are now seeing a significant rise in the numbers of toddlers among the children we serve. Due to an increase in gender-based violence in Central America, more girls are fleeing for safety. We must not forget the vast majority of these children have fled violence, escaped trafficking and/or come to the United States to reunite with family.

LIRS works with communities and helps them prepare to receive newly released unaccompanied children. We also support families reuniting with their children. Families are the building blocks of strong communities and are the most appropriate care-givers of their children. Rather than "protecting" communities from the arrival of unaccompanied children, Congress should focus efforts on supporting these communities and ensuring they have the resources to adequately respond to their new members. As we witnessed this past summer, many communities throughout the country banded together to welcome these children with energy

December 10, 2014 STATEMENT—LIRS Statement for the Record on “Th...

<http://lirs.org/press-inquiries/press-room/12914statement/>

and compassion [1]. LIRS applauds these communities that answered the biblical call to welcome the stranger. This response reflects our values as a faith-based organization that stands for an immigration system that keeps families together, protects children, migrants, refugees and other vulnerable persons, and upholds the American value of justice for all.

We call on members of Congress to ensure that states and communities have the resources and support they require to compassionately receive and assist these vulnerable children.

[1] For example, see <http://www.ktpc.com/news/valley-mayors-lobby-washington-about-immigration-issues/> (The mayors of McAllen, Brownsville and Edinburg asked for money for aid and social services to welcome children).

For LIRS's analysis of H.R. 5138 ("Our Communities, Our Choices Act"), H.R. 5409 ("Unaccompanied Alien Children Transparency Act") and H.R. 5126 ("UAC State Notification Act of 2014"), please see <http://lirs.org/wp-content/uploads/2014/12/LIRS-BIA-Analysis-for-HJC-Hearing-on-UAC-12-10-Final.pdf>.

For LIRS's community preparedness tool that outlines what states and communities can do to receive children, please see [http://lirs.org/wp-content/uploads/2014/09/LIRS\\_PreparingforUnaccompaniedChildrenFlyer\\_0914.pdf](http://lirs.org/wp-content/uploads/2014/09/LIRS_PreparingforUnaccompaniedChildrenFlyer_0914.pdf).

If you have questions about this statement, please contact Jessica Jones, LIRS Child and Youth Policy Associate at (202) 626-3650 or [JJones@lirs.org](mailto:JJones@lirs.org).

###

Lutheran Immigration and Refugee Service (LIRS), the national organization established by Lutheran churches in America to serve uprooted people, remains firmly committed to family unity and the humane enforcement of our nation's immigration laws. In addition to serving the needs of migrant children travelling alone, migrants impacted by detention and resettled refugees, LIRS advocates for fair and compassionate reforms to our broken immigration system that welcome the newcomer, protect the vulnerable and honor family unity.



## Lutheran Immigration and Refugee Service

H.R. 5409: Unaccompanied Alien Child Transparency Act  
 H.R. 5138: Our Communities, Our Choices Act  
 H.R. 5129: Unaccompanied Alien Children State Notification Act

### Analysis

**H.R. 5409: Unaccompanied Alien Child Transparency Act:** amends the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) to create burdensome and duplicative approval by state and local officials prior to awarding a grant or contract for housing facilities for unaccompanied migrant children.

- Requires that written notification be provided to state and local elected officials regarding the location of the facility and duration of the grant or contract before such grant or contract may be awarded under Section 235(j) of the TVPRA.
  - ✓ *Under current laws, state and local governments are notified of contracts for ORR facilities because all ORR facilities are state and locally licensed. Thus prior to opening, a facility undergoes state and county oversight and supervision to ensure they are abiding by state and local laws and regulations. This also means that the state licensing entity already has oversight over the location of the facility.*
- Requires a written assessment of the impact on the community's public safety, education and health systems as well as the community's fiscal needs.
  - ✓ *Children in ORR facilities do not typically have community contact. Once they are placed in the facility, they are confined to the facility and its fenced-in grounds. They only have contact with the public when they are being transported and reunified with family. All educational programming is provided on site and ORR hires local teachers to teach in the facilities or contracts with area school programs to provide educational programming on site. Therefore, there is no burden on the community's educational resources.*
- Requires written certification that all children housed in the facility have undergone health screenings (including vaccinations) and background checks to ensure that they will not present a risk to public health and public safety.
  - ✓ *All unaccompanied children, per HHS regulations, receive vaccinations immediately upon intake at an ORR facility. All children are processed by Department of Homeland Security officials upon apprehension and are placed into removal proceedings. It is important to note that many of these children are trafficking survivors and are fleeing violence and persecution. They should not be treated as dangerous threats to public safety, but rather in accordance with child welfare standards. They require compassion and safety, not criminal background checks.*

- Requires written certification that all persons charged with care of unaccompanied children have undergone background checks and pose no risk to children.
  - ✓ *ORR hires local staff, all of whom are state-licensed child welfare professionals. State and local professional regulations require background checks, rendering this requirement duplicative.*
- Provides for a 30-day period during which State and local officials may review the proposed contract/grant as well as the assessments and certifications required above. At the conclusion of the 30-day period, a public hearing would be held with a representative of the Department of Health and Human Services present to receive public comments.
  - ✓ *These review requirements are duplicative to licensing requirements and could have devastating consequences on the health and welfare of children. For instance, in summer 2014, ORR had to contract new facilities for the unprecedented numbers of unaccompanied children seeking safety at our borders. As a result, Customs and Border Protection (CBP) was unable to transfer children from its facilities to ORR custody within 72 hours as required by law.<sup>1</sup> Thousands of children spent weeks crisscrossed in cement holding cells in CBP facilities on the border where they received insufficient food, inadequate health services and were often commingled with adults, violating laws on the protection of children.<sup>2</sup> By adding redundant requirements to the ORR process for finding qualified shelter locations, Congress will inadvertently cause another severe backlog of children in CBP custody. This is a significant burden on CBP, which is a law enforcement agency not equipped or trained in caring for or sheltering children.*
- Following this hearing, is a 7-day period during which a Governor may submit to the IHHS Secretary an affirmation of the contract/grant and during which a majority of the governing body of the county may submit to the Secretary an affirmation of the contract/grant. If a majority of governing officials in the locale do not affirm, the contract/grant is not approved.
  - ✓ *This provides exceptional veto powers for state governors and local elected officials. The correct bodies to provide oversight and assessment of a child shelter are the state and local child welfare licensing authorities, who have the expertise and knowledge of state and local regulations to assess public interest and child welfare.*

**H.R. 5138: Our Communities, Our Choices Act;** amends Section 235(j) of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) by adding an additional layer of consultation with State and local elected officials before grants or contracts for housing facilities for unaccompanied children are awarded. The consultation would cover the location of the facility, the duration of the award, and the safety, security, and funding of the facility. Once an announcement of a potential location for a new facility is made, a public hearing must be held within 90 days.

- ✓ *State and local governments are currently notified of contracts for ORR facilities. All ORR facilities are state and locally licensed. Thus, before a facility can open, it undergoes state and county oversight and supervision to ensure it is run according to state and local laws and regulations, which include safety and security. The state and local licensing entity also has oversight over the location of the facility.*

<sup>1</sup> *Hlores v. Reno*, No. CV 85-4544-RJK(Px)(C.D. Cal. Jan 17, 1997) (“*Hlores Settlement*”); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044 (2008) (“TVPRA”).

<sup>2</sup> *Hlores Settlement*.

- ✓ *These review requirements are duplicative to licensing requirements and could have devastating consequences on the health and welfare of children. For instance, in summer 2014, ORR had difficulty finding sufficient, appropriate facilities for unaccompanied children arriving at our borders. As a result, Customs and Border Protection (CBP) was unable to transfer children from its facilities to ORR custody within 72 hours as required by law.<sup>3</sup> Thousands of children spent weeks crowded in cement holding cells in CBP facilities on the border where they received insufficient food, inadequate health services and were often co-mingled with adults, violating laws on the protection of children.<sup>4</sup> By adding duplicative requirements to the ORR process for finding qualified shelter locations, Congress will inadvertently cause another severe backlog of children in CBP custody. This is a significant burden on CBP, which is a law enforcement agency not equipped or trained in caring for or sheltering children.*

**H.R. 5129: Unaccompanied Alien Child State Notification Act** amends Section 235 of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) to require the Secretary of Health and Human Services or the Secretary of Homeland Security to notify the Governor of a State no later than 48 hours prior to placement of a child in care of a proposed custodian in that state.

- ✓ *As a child-welfare agency, ORR is authorized and equipped to make care and custody decisions on behalf of children. When making these decisions, ORR experts are informed by the best interest of the child standard.*
- ✓ *ORR already compiles state by state and county data of unaccompanied children released to those communities. This data is posted on the website and available to the public. The website is accessible at: <http://www.oas.samhsa.gov/1471/1471a.htm>*
- ✓ *ORR must protect the child's privacy; personal details cannot be released to state officials.*

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<sup>3</sup> *Voices Settlement, TVPRA.*

<sup>4</sup> *Voices Settlement.*



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#### REFUGEE ARRIVALS – HISTORY, BACKGROUND, & CURRENT STATUS

Ruben L Garcia  
 Annunciation House

The first two planes arrived on Saturday, June 7. Their cargo was a host of families, most from Central America, a total of 280 people, primarily mothers with their children. They had fled what is known as the "triangle" of Central America - Honduras, El Salvador, and Guatemala. Overwhelmingly, the families were destitute, literally with nothing more than the clothing they had on. Some of the children did not even have shoes. The planes continued arriving intermittently through the rest of the month of June and into the beginning of July. In total, approximately 2,500 refugees were flown from South Texas to El Paso and released on humanitarian parole or Own Recognizance.

#### BACKGROUND

The "trigger" for the refugee "crisis" was the arrival in significant numbers of mothers with their children and unaccompanied minors at the U.S.–Mexico border. These arrivals have been going on for years. But what made this different was that in a relatively short period of time, the numbers arriving significantly increased. The shortest distance between Central America and the U.S. is the South Texas border where cities like Brownsville, Harlingen, McAllen, Del Rio, etc. are located. This is why South Texas saw the highest increase of refugees. It's important to keep in mind that the increase was also seen along the entire breadth of the U.S.–Mexico border, but not in the numbers received in South Texas.

Refugees arriving in South Texas outstripped the processing capabilities of Border Patrol (BP) personnel. For BP the issue was NOT that refugees were getting passed them but precisely the opposite, that they were apprehending them in numbers that surpassed their capacity to handle and process them. There were even instances where mothers with children literally turned themselves over to BP agents. The hysteria that the South Texas border was "out of control" or that the National Guard was needed to gain control was misplaced and even political grandstanding. What BP needed was the capacity to detain and process the refugees being apprehended and in their custody. On some days, BP apprehended upwards of 1,500 refugees.

To cope with the numbers, BP decided to place entire groups of families – mothers with children – on buses and planes and transport them to other geographical border areas so that BP personnel in those areas could assume custody, process the refugees, and then turn them over to ICE. This is why planes with 140 people on each plane started arriving primarily in El Paso. BP made attempts to also send refugees to border cities in California and Arizona but protesters blocked the arrival of buses and caused planes to be diverted away from these states. Many of you no doubt saw the news videos of protests like those in Murietta, California.

When the planes arrived in El Paso, BP met the planes at the airport, took custody of the refugees, and transported them to BP field stations along the El Paso-Mexico border – there are 11 or 12 of these field stations along the El Paso border. There the refugees stayed until they were fully processed – finger printed, photographed, biographical information obtained, initial declaration taken, and screened through computer databases to check for any criminal history. They were also officially charged with the crime of Entry Without Inspection, a potential

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felony, and placed in Removal (deportation) Proceedings. As BP finished processing the refugees, they would then turn them over to Immigration and Customs Enforcement (ICE) because ICE is who oversees or operates all detention centers in the U.S. ICE actually has 34,000 detention beds in its system of detention centers all across the U.S. But there are two significant limitations with all of these beds. First is that several years ago, Congress passed a law that obligates ICE to maintain quotas whereby it is obligated to keep most of these beds occupied. So when an event like this one happens, it is difficult for ICE to handle spikes in refugee arrivals because many of their detention beds are actually occupied. The second significant limitation is that all of these beds can only be used to detain single adults - men and women. ICE has no detention beds for families - women with children. As BP turned over families that they had finished processing, because ICE had no detention facilities for these families, the families were released on parole or recognizance. Once released, because these families were basically destitute, knew no one in El Paso, had no place to stay, eat, shower, etc. ICE asked Annunciation House to receive all of these families.

The number of refugees being flown to El Paso was significant and the houses of hospitality that Annunciation House has historically operated lacked sufficient space. In order to handle the numbers, Annunciation House organized the opening of additional hospitality sites. The sites included the church facility of St. Ignatius Catholic Church, the Border Mission Center operated by the Columban Fathers, Houchen Community Center operated by the Methodist Church, an unoccupied wing of a nursing home on the grounds of the Sisters of Loretto, the church facility of Immaculate Heart of Mary Cathedral in Las Cruces, New Mexico, the church facility of Tobin Park United Methodist Church and Megoffin Hall operated by Paseo Church. What these sites had in common is that they all had a big hall where cots could be set up, a kitchen for meal preparation, dining room, restrooms with showers, classrooms that could be converted into clothing rooms, medical consultation rooms, travel planning, etc. When all of the additional sites were operational, we were able to accommodate upwards of 400 refugees at any given time.

The refugees flown to El Paso from South Texas came overwhelmingly from 3 countries, Honduras, El Salvador, and Guatemala. The refugees taught us a great deal. We learned that they made the journey from their home country in many different ways. For some the trip was quick and uneventful. For others it was long and traumatic. Some made the journey with the use of buses and cars while others talked about the infamous *tren de la muerte* (train of death) that many Central Americans ride on top of as they cross through Mexico. Others spoke of walking through mountainous areas for days, of being kidnapped and held for ransom and in some instances of having been raped. As they arrived at our hospitality sites, they told us that they had not showered for many days, had been wearing the same clothing even longer, that food had been limited to nonexistence, that they had been detained for many days in overcrowded BP holding cells - sometimes so crowded that they took turns standing at night because there was not enough room for everyone in the holding cell to lay down on the floor at the same time. They were destitute.

#### REFUGEE OR IMMIGRANT

An important aspect of the current national refugee debate has been the lack of understanding as to why these families and Unaccompanied Children (UAC) have come and why there has been a "sudden" increase. The distinction between *refugee* and *immigrant* is important because refugees are accorded additional protection under the UN Convention on Refugees to which the U.S. is a signatory. An immigrant, for example, is almost never accorded a Credible Fear Interview (CFI), which is a critical first step in the asylum process, a relief that is specifically designed to provide protection for an individual or family who fears for their safety, well being, and or life in their country of birth.

Presently, the most dangerous country in the world - as determined by the number of people killed per 100,000 population - is Syria in the Middle East. The second most dangerous country is Honduras in Central America and not far behind is El Salvador and Guatemala. The danger in these countries stems from a confluence of factors that have created a perfect storm. First is

that of drug cartels who have incredible fire power and huge amounts of money fueled by drug consumption in the U.S. Second is that of gangs like *Mara Salvatrucha* (MS) and *Barrio 18* (M-18) that govern large chunks of geographical territory. Third is the endemic corruption of police and security forces that make protection of the populace nonexistent. Fourth is an economic reality that is so severe that it constitutes a form of violence in and of itself.

Interviews we conducted with refugees arriving at our hospitality centers told us that their greatest fear was that of the danger to their children, especially pre-teens and teenagers. Mothers told us that they paid a "tax" (extorted) for the right to live in their own house. They paid a tax for the right to keep their daughters from being taken to "service" gang members. They paid a tax for the right to not have their teenage son forced to become gang members or cartel drug runners. They paid a tax for the right to be employed. Going to the police to report what was happening was considered suicidal because of the collusion between the gangs and cartels and security forces. So they flee.

To arbitrarily send back these families and UAC is unconscionable. As a nation and as a people, we cannot say that we're for human rights so long as it does not inconvenience us. We cannot say to countries like Jordan and Turkey who are dealing with 2 million refugees from Syria that they have a humanitarian and moral responsibility to help all those Syrian refugees while we lock up and deport the ones arriving at our borders. As a people of faith, to say to the refugee, "You are a stranger, you are not welcome, so go away," is a categorical contradiction of the most fundamental tenants of the scriptures on which our faiths are built upon.

Particularly disconcerting has been ICE's decision to open new detention facilities specifically for mothers with children. The first of these detention facilities was opened in Artesia, New Mexico, a town of 12,000 people located 210 miles from El Paso. With a capacity for almost 700, mothers and children have been sent there and locked up so that they can be quickly deported. A second facility was opened up in Kames, Texas and a third, very large facility is due to become operational in December in Dilley, Texas.

#### PRESENT STATUS

The planes have stopped arriving in El Paso and the reasons for this are several. First is the opening of the detention centers for mothers and children. Secondly, groups of mothers with their children as well as UAC have been deported in high profile ways so as to garner media coverage in the home country and drive home the message that "if you attempt to enter the U.S., you will be detained and you will be deported." Third is the diminishing number of refugees arriving in South Texas.

But the El Paso border corridor continues to see the arrival of families with children who either present at Ports of Entry or cross illegally into the U.S. along the El Paso/Las Cruces and Mexico border area. ICE continues to release on recognizance between 50 and 100 refugees per week who, upon release, are sent to Annunciation House. The need for support for these families continues and so long as ICE releases mothers with children, they will need basic humanitarian support. Annunciation House is categorically opposed to the detention of refugees who pose no risk to the safety and security of communities or the national interest.

The refugees presently arriving in the El Paso/Las Cruces border corridor are primarily from Mexico and more specifically from the states of Michoacán and Guerrero. Almost 100% of these refugees are family units and almost without exception, they are being scheduled by ICE for Credible Fear Interviews. A majority of these family units have other family in the U.S. and are thus able to leave El Paso and travel to other cities in the U.S. and be reunited with family.

It is difficult to predict future refugee flows. Conditions in Mexico and Central America are such that it is literally impossible for many families to maintain basic human security and normalcy.

**Upholding Child Protection Law and Principles in  
Opposition to H.R. 5409, H.R. 5253, H.R. 5138, and H.R. 5129**

The Women's Refugee Commission (WRC) and Kids in Need of Defense (KIND) appreciate this opportunity to submit the following statement for the record.

The Women's Refugee Commission is a research and advocacy organization that has been working on behalf of unaccompanied children for over 25 years. KIND was founded to create a pro bono movement of law firms, corporations, nongovernmental organizations, universities and volunteers to provide quality and compassionate legal counsel to unaccompanied refugee and immigrant children.

While the rise in the number of unaccompanied children seeking refuge in the United States has garnered a great deal of attention this past year, it is not a new issue. Protecting children is historically a core value for the United States.<sup>1</sup> In fact, the United States has a long history of systematically receiving these children and processing their protection claims. The current care, custody, and placement law and policy implemented by the George W. Bush Administration for unaccompanied children has been in place for over a decade. The current system reflects state child welfare practices to protect children's privacy and confidentiality, while ensuring their safety and well being. We are concerned that H.R. 5409, H.R. 5253, H.R. 5138, and H.R. 5129 undermine our country's core child protection values, and compromise the safety of the children seeking protection in the United States. Specifically, these four bills do not foster constructive channels for the sharing information between federal and local authorities. They also undermine effective and existing collaborations among local authorities such as the New York City inter-agency task force<sup>2</sup> to assist unaccompanied children.

**Federal usurpation of traditional and important state law function:** Under current law, the Department of Health and Human Services' Office of Refugee Resettlement (ORR) must abide by state and local child welfare licensure requirements when awarding grants or contracts to house unaccompanied children. Historically, states and localities have occupied the regulatory and legislative space for child welfare issues, including oversight and supervision of facilities that house unaccompanied children. Each state's licensing entity provides critical oversight pertaining to the location of a facility and pre-authorization before a program opens. Existing federal law recognizes this important state law function by requiring federal programs, such as ORR's unaccompanied migrant children program, to comply with state and local laws and regulations for child welfare programs. Specifically, federal law defers to a state or locality's determination on what is required to safely house children. H.R. 5409 imposes additional requirements on the Secretary of HHS to award a contract or grant to house unaccompanied children in a particular state. These additional certifications and notifications undermine a state or locality's jurisdiction to decide what is necessary to protect a given community while simultaneously protecting a child's well being.

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<sup>1</sup> David B. Thronson, *Kids Will Be Kids? Reconsidering Conceptions of Children's Rights Underlying Immigration Law*, 63 Ohio St. L.J. 979, 988 (2002).

<sup>2</sup> NYC.gov, "NYC Immigration Commissioner: New Task Force to Help Unaccompanied Minors," July 22, 2014.

***Unwarranted and increased burden on the Department of Homeland Security:*** After apprehension of a child by Customs and Border Protection, that child is held in a CBP processing facility until they can be transferred to a longer term detention facility run by ORR. CBP does not have capacity to hold children in these facilities for longer than 72 hours. By adding duplicative requirements to the ORR process for finding qualified locations to shelter children, Congress will inadvertently cause another severe backlog of children in CBP custody. If, due to over burdensome and lengthy review process at the locality where the child is being sent, there is a delay in transferring a child out of the facility, CBP will be overrun with children like they were this past summer. This would mean CBP officers and agents, instead of being able to get out and protect our borders, would be required to stay in facilities to monitor and care for these children while they wait for local processing before their transfer. This is an expensive, unnecessary, and possibly even dangerous situation.

***Confidentiality and protection of children's information:*** The placement of unaccompanied children with family members is a child protection decision. The need to maintain confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied children is critical to the role of ORR in assessing the best interests of the child and to the integrity of the system so that children will trust them and provide accurate information. Our state child welfare systems rightly prioritize confidentiality and privacy in their work serving children and the communities in which they reside, such as through the Child Abuse Prevention and Treatment Act (CAPTA). We must maintain the same elements of protection in all decisions regarding care and custody of children in both our federal and state systems.

***U.S. Congress Has an Important and Unique Role to Play:*** The U.S. Congress has a unique and important role in the response to the increased number of children seeking protection in the United States. Specifically, Congress should be providing robust oversight to the agencies charged with the care and custody of unaccompanied children to make sure these children are housed in safe and appropriate facilities and conditions while they are in federal custody. The Prison Rape Elimination Act requires reporting on specific information about juveniles detainees, as well as minimal levels of care and safety. Congress should be making sure that these requirements are being met. In addition, Congress should be appropriating funds to, and monitoring the Justice Department to guarantee that all claims are fairly and timely adjudicated and that these children are provided with pro bono or government funded counsel if they cannot afford counsel.

H.R. 5409, H.R. 5129, and H.R. 5138 are not the solution to these needs. We must remember these refugee children are *children* first and foremost.

For more information, you can contact:

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Aryah Somers, Director of Advocacy, Kids in Need of Defense, [asomers@supportkind.org](mailto:asomers@supportkind.org), 202-824-8684

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### House Hearing UIC Case Stories

Note: All names are pseudonyms

#### Alex

Chicago, IL (Gutierrez)  
17 years old, El Salvador

Alex is a 17-year-old boy from El Salvador. When Alex was nine years old, his older brother was forcibly recruited as a member of the Mara Salvatrucha gang, the most dangerous and powerful gang in El Salvador. Alex's father, Eduardo, accompanied Alex's older brother to the United States to escape the gang. After their escape, Mara Salvatrucha began threatening and attempting to recruit Alex to take his brother's place. The gang repeatedly threatened to kill Alex and beat him on three separate occasions. Eduardo told one of the gang members that if he did not leave his son alone, he would go to the police and press charges. **The gang retaliated and robbed and beat Eduardo at gunpoint due to Alex's refusal to join the gang.** They told Eduardo that they would kill Alex if he reported the incident to the police. After the gangs attacked Eduardo a second time and threatened to hurt the family, he decided to send Alex to the United States for his and the family's safety. Alex was fifteen when he fled and **even after he left El Salvador, the gang continued to threaten Alex's family and told them they would kill Alex if he returned.** In 2013, Alex was granted asylum.

#### Carlie and Esperanza

Near Peru, IL (Kinzinger)  
15 and 16 years old, from Honduras

Carlie and Esperanza are two sisters who came to the United States after experiencing severe sexual trauma. **Carlie and Esperanza were only 12 and 13 years old, respectively, when their uncle raped and beat them.** He threatened to kill them and their siblings if they told anyone. After Carlie and Esperanza told their grandmother what happened, she reported the crime to the police, but their uncle was never arrested or convicted. The two sisters experienced further abuse from their step-grandfather who was angry at them for accusing his nephew of raping them, and would beat the sisters. After the rape, Carlie and Esperanza's mother decided to bring the girls to join her in the United States where she had been living since 2008. NIJC represents the girls in their asylum cases. The girls continue to work with therapists to overcome the trauma they experienced in Honduras.

#### Ahmed

Chicago, IL (detained)  
17 years old, Somalia

Ahmed's family was persecuted in Somalia by Al-Shabaab. His father and two sisters were trained in medicine and were targeted for working with aid organizations, including Médecins Sans Frontière and the Somali Red Crescent Society. Ahmed has not seen his father since 2008.

For more information contact Royce Murray, NIJC's Policy Director at [rmurray@heartlandalliance.org](mailto:rmurray@heartlandalliance.org)  
Phone: 312.718.5021 | [www.immigrantjustice.org](http://www.immigrantjustice.org) | Facebook: [immigrantjustice](https://www.facebook.com/immigrantjustice) | Twitter: [@NIJC](https://twitter.com/NIJC)

when his father fled their home upon a late-night visit from Al-Shabaab. Al-Shabaab murdered Ahmed's uncle and sister the same night his father ran away. In 2008, Ahmed went to Kenya to avoid being recruited as a child soldier by Al-Shabaab. After violence between Al-Shabaab and Kenya escalated, Ahmed was increasingly persecuted in Kenya because some associated him with Al-Shabaab. The police beat and extorted money from him. Initially, Ahmed wanted to return to his family in Somalia; however, after both of his sisters were targeted during an attack at the health center where they worked, his mother sold the family's house to raise money to help Ahmed flee to safety. Consequently, Ahmed embarked on a long, arduous journey to seek asylum in the United States. He requested asylum upon entry to the United States, and is currently detained at a shelter for children. Ahmed continues to have nightmares from his past persecution, but is able to meet with therapists at the shelter who are helping him recover. NIJC is representing him in his asylum claim.

**Regilio**

Chicago, IL (Schakowsky)  
15 years old, Honduras

While living in Honduras, Regilio was targeted by the Mara-18 gang. The gang attempted to recruit him, but when he refused, gang members beat him. For approximately five months, Regilio was attacked by members of the gang for refusing to join. **Shortly before Regilio left Honduras, the gang threatened to kill his aunt and cousins if he would not join them.** Regilio knew of other people who disappeared after refusing to join the gang, and one of his cousins had been killed by the gang. Mara-18 controlled the neighborhood where Regilio lived, and police never responded to reports of violence or gun shots. Regilio came to the United States in March to seek refuge from violence and reunite with his mother in Chicago, Illinois.

**Elisa**

Simi Valley, CA (McKeon)  
18 years old, El Salvador

Elisa was victimized and extorted by gangs in El Salvador. Students had to pay the gangs "rent" in order to attend school, and if they did not pay money, they would have to pay in another way. When Elisa did not have money to pay one day, the gang members grabbed her, pressed a gun to her head, and began to force themselves onto her. Classmates defended her, and she was able to escape, but she stopped going to school. Whenever she left her house, gang members threatened that if she did not have sex with them, they would kill her and her sister. Elisa's sister received similar threats, and also stopped attending school. Elisa's father also hit her and her sister, and the girls had to live with an aunt as a result of the domestic violence. Elisa fears the gang violence and her father, should she have to return to El Salvador.

**Monica**

Miami, FL (Wasserman-Schultz)  
17 years old, El Salvador

Monica was threatened by the Barrio 18 gang while living in El Salvador. Members of the gang told Monica that they wanted her to be their girlfriend, and threatened her with knives and guns.

Gang members also threatened Monica's brother because Monica refused to be the gang member's girlfriend. The gang approached Monica's father and made him pay them rent, and threatened him when he could not afford to make payments. Monica stopped going to school because of the threats against her and her family. Her parents made the heartbreaking decision to send her to her aunt in Miami. She fears returning to El Salvador because of the gang threats.

**Daniel**

Houston, TX (Gene Green)

13 years old, El Salvador

Daniel is a 13-year-old boy from El Salvador. Daniel lived with his grandmother and cousin. He never knew his father, who left his mother while she was pregnant with him. His mother came to the United States when he was a little boy to better provide for his needs, and has since married an American citizen. Early this year, a gang began demanding "rent" money from his grandmother and forced Daniel to leave school. **They wanted Daniel to join the gang, and told him they would kill him if he refused.** Consequently, Daniel and his grandmother left to find safety in the United States. Daniel may be eligible for several forms of relief, including asylum and Special Immigrant Juvenile Status due to his biological father's neglect and abandonment. Alternatively, his U.S.-citizen step-father may be able to petition for him.

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**Unaccompanied Alien Children Encountered by Fiscal Year**

Fiscal Years 2009-2014; Fiscal Year 2015 to date (October 1, 2014 - December 31, 2014)

<b>Country</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
El Salvador	1,221	1,910	1,394	3,314	5,990	16,404	1,564
Guatemala	1,115	1,517	1,565	3,835	8,068	17,057	2,746
Honduras	968	1,017	974	2,997	6,747	18,244	506
Mexico	16,114	13,724	11,768	13,974	17,240	15,634	2,787

<http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children>

Ms. LOFGREN. I yield back.

Mr. LABRADOR. Now I will recognize the gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. Thank you, Chairman Labrador.

I am interested to hear from the associate director of the bishops' services a little bit more about some of the misunderstanding that I—I hear different statements, assertions of fact from different witnesses, and maybe we can get a little more clarification on that.

What about the causes of the current migration? You have talked to lots of those people coming in, young people and others. But how did we get into the situation that brings us all here today? I would like to hear your ideas on that, please.

Ms. PECK. Thank you.

As I mentioned, we have been providing family reunification and foster care services to these children for 20 years. And we began to see that children were reporting increasingly violent trauma histories over the past 5 years or so.

And what children are reporting is that at very early ages they are being targeted and recruited by gangs. They are being recruited on the buses as they are on their way to school. This is quite graphic, but when young girls are approached by gang members to be their girlfriends, they are gang-raped. And if they don't consent to the rape, there have been noted stories of gang members putting dismembered body parts of girls on the buses so the girls know what will happen if they don't comply.

When we were at a return center for deported migrants in San Salvador in November of 2013, I was speaking with the mother of a 16-year-old girl. The 16-year-old girl had been repeatedly harassed by a neighborhood gang. And this mother was so ashamed that she had let her child migrate to the United States. She understands the dangers very well. And what she said to me is, "I know it is not the best solution, but what else can we do?" She said, "We have no place to go."

She told me that she tried to work from home and cut hair so that she could supervise her daughter during the afternoons. School in El Salvador lets out at 12 noon, so children are unsupervised in the afternoon. She said the gangs demanded that she pay rent money, and she wasn't able to make the payments. And she saw what happened when you don't pay the rent to the gang members. You get killed.

And so she closed her business and began working in a nearby town, and that left her child vulnerable to harassment by the gangs. And so she said to me, "It is an intolerable situation. I know the journey is dangerous, but it is dangerous here."

Mr. CONYERS. Goodnight.

Now, about whether these children enroll in the public schools as soon as they get here, is there some modification of that assertion so that they don't end up in public schools right away?

Ms. PECK. Yeah. Let me clarify that.

Children who are placed in the Federal custody of the Department of Health and Human Services in their network of shelters are not enrolled in public schools. Health and Human Services provides, through its cooperative agreements through agencies such as

the one I work for, funding for education to be provided on site at the agency.

Mr. CONYERS. What about the costs of the food, clothing, and shelter? Isn't that shared? Isn't there some government responsibility there?

Ms. PECK. Likewise, that is also paid for under the grants that Health and Human Services has with its subcontractors, such as the U.S. Conference of Catholic Bishops. And they provide sub-contracts through the agencies to provide food, shelter, clothing, education, and case management services.

Mr. CONYERS. Now, what advice, finally, would you leave with this Committee, this Subcommittee, which has a great concern about these young people, the dangers that they are in if they stay. They are in danger if they leave; it is a very risky flight.

Are there some things that we might focus on more particularly that will give them aid and comfort?

Ms. PECK. First, let me say I have been working on behalf of these children for 10 years, and I am inspired each time I talk with these children by their resilience and by their hope and their faith and their gratitude despite what they have been through.

And I learn so much more from these children than they learn from me. And I find that when I speak to the communities that we work with and our partners that they find the same. And when they have the opportunity to serve these children, they, too, are inspired and touched by the resilience and the hope of these children.

And so what I would encourage us to do is ensure that any decisions that are made don't repeal the protections we have put in place for unaccompanied children, that we allow them to have a safe space while they are able to articulate their protection claims, and that that space is in the least restrictive setting, such as a shelter or foster care placement through Health and Human Services, and that we do invest in providing more resources to the immigration process so that these cases—

Mr. LABRADOR. Your time has—

Ms. PECK [continuing]. Do go through the court system more quickly.

Mr. LABRADOR. Your time has expired.

Mr. CONYERS. Thank you very much, Chairman Labrador. And—

Mr. LABRADOR. Thank you.

Mr. CONYERS [continuing]. The witness is very inspiring yourself.

Mr. LABRADOR. Thank you very much.

Just a quick follow-up to that question. Why don't they apply for refugee status at home? If 58 percent of them are eligible for refugee status, they—if they all qualify, they would all be able to come, and they wouldn't have to go through that harrowing trip to the United States.

Ms. PECK. Representative Labrador, I would agree with you, and I think that would be great if there were in-country refugee processing. And I know that there has been—that has been passed and is starting to be implemented. And I would like to see what comes out of that, because we would like for children to be able to get here safely.

Ms. LOFGREN. Would the gentleman yield on that point?

Mr. LABRADOR. Yes.

Ms. LOFGREN. Because it is just actually just been started, the refugee application process, in Honduras only, not—it is not possible to apply in El Salvador, Guatemala now, but there is a new pilot effort. And I am hopeful that that will work, because none of us think it is a great idea for these kids to be traveling by themselves thousands of miles.

And I thank the gentleman for yielding.

Ms. PECK. Right.

Mr. LABRADOR. So I now recognize the gentlelady from Texas.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Let me welcome the mayor of my neighboring city, the mayor of Stafford.

Thank you, Mayor, for being here. We see each other often. And thank you so very much for your service to our community and to the Nation.

Let me, if I might, we use these hearings to educate ourselves and certainly to educate our witnesses as we exchange important ideas, because that is what this process is all about.

So I do want to follow up on your testimony, Mayor, and just want to make sure you feel comfortable that, in the State of Texas, if unaccompanied children are to be housed, you would have no fear, because every facility, whether they were in Stafford or Houston, would have to be licensed, and so, during that, you would be notified.

Are you aware of any licensed facilities in Stafford that have the unaccompanied children?

Mr. SCARCELLA. We do not have a licensed facility in Stafford, Congresswoman.

And let me just say this. What my fear is and what we have had a couple of situations, which, fortunately, didn't materialize the way we anticipated initially, but we would have situations where the police department got calls in the early morning about having to do something in regard to a particular individual who they thought might be an unaccompanied alien.

Ms. JACKSON LEE. But it didn't turn out to be that.

Mr. SCARCELLA. It did not.

And I want to say one thing, since you brought up about Houston and Stafford. We in Texas and our emergency services director and our emergency services coordinator have a great relationship with ICE and with the CPS. And that is something that we feel very comfortable with, in communicating with them. We would just like to make sure we have the best communication—

Ms. JACKSON LEE. And we will.

And so, could you just answer this “yes” or “no”? Do you think it is important to fully fund Homeland Security and fund it for an entire year? Would you say “yes” or “no”?

Mr. SCARCELLA. Yes.

Ms. JACKSON LEE. And I am glad that you said that because we are in the midst of a debate about partial funding of Homeland Security, and we have one of the major city mayors saying that that would not be the right direction.

Let me ask the sheriff, Sheriff, do you know what the population of Massachusetts is?

Sheriff HODGSON. I don't know the population of Massachusetts—

Ms. JACKSON LEE. Can you just give me a guesstimate maybe?

Sheriff HODGSON. Not off the top of my head, Congresswoman. I can tell you my county is 650,000.

Ms. JACKSON LEE. Okay. And I understand that the population in the last census was 6.6 million.

Do you know how many, in the last fiscal year, unaccompanied children that you may have had?

Sheriff HODGSON. In Bristol County, we had 90 in—just between January and August, we had 90 placed in our county. We had 1,400 placed in Massachusetts.

Ms. JACKSON LEE. In actuality, the number was 1,372 between 2013 to 2014, and you just recently got 33.

So juxtapose that number against 900,000 in your county and then 6.6 million. When we look at the numbers, it doesn't appear to be a crisis.

Are you trying to suggest that the youngsters who are in your jurisdiction, are these the ones that walked across the border and walked to Massachusetts? Is that what you are saying?

Sheriff HODGSON. Well, we don't know that all of them walked across the border. We know they are being placed there, but there is a number that are—

Ms. JACKSON LEE. Yeah, but did they—

Sheriff HODGSON. Congresswoman—

Ms. JACKSON LEE [continuing]. Did they just randomly walk across and then randomly get to Massachusetts?

Sheriff HODGSON. We have some in our county that aren't accounted for in the numbers you are referring to, absolutely.

Ms. JACKSON LEE. And how do you know they are unaccounted for?

Sheriff HODGSON. Because we have far more illegals. We have—we have got—

Ms. JACKSON LEE. But we are talking about unaccompanied children.

I guess the question I am asking is, in particular, you know there is a process—and, by the way, I introduced legislation for more immigration judges—there is a process. They are processed at the border. There is a proceeding. We need more immigration judges; we agree with you on that. And then they are placed.

And they may be placed with parents, who are paying taxes in your community. And they may not be paying income taxes, but they are paying the local taxes because, by their very existence, they have to pay taxes on food, on utilities, on rent. They are doing that.

So juxtapose against 900,000. I am trying to understand what your burden may be for 1,400 children.

Mr. LABRADOR. The gentlelady's time has expired, and we have two more people who need to question, and we need to go vote. So if—

Ms. JACKSON LEE. Mr. Chairman, I think you went over your time, and I—

Mr. LABRADOR. I know, but we have to go—

Ms. JACKSON LEE [continuing]. Would like the gentleman to be able to answer the question.

Ms. LOFGREN. Well, the problem is that Luis and Mr. Garcia will not be able to ask their questions at all—

Mr. LABRADOR. Yes.

Ms. LOFGREN [continuing]. If we don't stick to the 5-minute rule.

Ms. JACKSON LEE. Well, let me—with that acknowledged, I will thank the gentleman for his answers.

I yield back.

Mr. LABRADOR. Thank you.

I now recognize the gentleman from Illinois.

Mr. GUTIERREZ. Thank you, Chairman Labrador.

Well, I guess we have once again the, kind of, tale of two cities here. We have one person that sees children in need of protection fleeing such harm in Central America, Honduras in particular, the murder capital of world. That is how she sees them. She sees them as human beings. And then we have other people who have come to testify, and they see them as criminals, drug dealers, rapists, murderers, and people who show up never having touched a pencil.

I am in such fear of anybody coming to America with not having touched a pencil. The last time I thought about somebody having not touched a pencil, I think of my own two daughters when they were infants and little girls, and I assure you, they inspired no fear in me. One day, they did touch a pencil. And one day, all of those children, because they arrived in America, will learn not only about a pencil but they will learn about the goodness of this Nation, the United States of America.

I mean, how can we come here and talk about studies for immigration? There are 1-million-plus refugees right now in Jordan. There are 1-million-plus refugees right now in Lebanon; in Turkey, 1 million that left and fled the Assad regime. If we were to take your practices, I guess they would all be sent right back to Assad to be murdered by that regime. That is what you are saying.

Sheriff HODGSON. No, I am not.

Mr. GUTIERREZ. And don't shake your head. That is exactly what it is.

The problem that you have, sir—let me tell you what the problem—

Sheriff HODGSON. If you would let me respond, Congressman. I would like to respond.

Mr. GUTIERREZ. No. I am speaking.

Sheriff HODGSON. Okay.

Mr. GUTIERREZ. I am speaking.

The problem that you have is that when you see, you see children, you see criminals, you see demonization. But let me just share something with you. When my mom and my dad and approximately a million Puerto Ricans came to this country as American citizens, as American citizens to the United States of America, the same thing you say about the immigrants and the children crossing the border were said about my mom and my dad, and they came as American citizens. They said, could you only stop them from coming from that tropical island, bringing tropical diseases? It wasn't like my mom and dad, as American citizens, when they

came here—but they were seen as different. They were seen as somebody who was threatening.

But it wasn't only my mom and my dad. Let me tell you, the same assertions that have been made here today were made about Italian immigrants, were made about Irish immigrants, were made about Chinese immigrants to the point that we had a Chinese Exclusion Act.

Look, what we should be doing here is not demonizing and criminalizing children. We have one standard when it comes to what the countries of Lebanon should do and then another one, what we should do with people fleeing violence.

I think the real problem here is, when we look at our immigration policies, if it is, like, from a tyrannical dictator, we say, oh, okay, maybe we should accept those people. But let me tell you, the tyranny that exists, the life which is lost in Central America? It is our border. It is our border.

Now, it seems interesting to me that—what is it that fuels all of this? The police kind of said, the sheriff said it was the drug dealers and the drug cartels. Let me think. The drug cartels that use American dollars, American weapons, because of the consumption of the drugs right here in the United States of America? Those drug cartels?

Then what is our responsibility, as the main provider of funding and arms in Central America that have a destructive and corrosive effect on those societies, that then make little girls coming with never having touched a pencil in their life? What fear it brings into my heart and to my soul as an American that I would see such a child. You know what I say? I say, then let's give them a pencil so they can learn how to write, so they can be educated.

That should be—we should be a country that understands the tradition. I mean, I could understand if there were three Native Americans there saying, "What are you doing in my country?" But this is a Nation of immigrants.

And the same kind of testimony—but here is the good thing. Your arguments have been rejected in the past time and time again. They are not new. There is nothing novel that you are saying here today. They have been rejected in the past by America, they were rejected today by America, and they are going to be rejected, because that is the greatness of this Nation.

What we should be doing is we should be having a conversation about comprehensive immigration reform and reforming our immigration system.

Last thing I am going to say. Nothing here today has put one more Border Patrol agent on the border to secure us against the border, not one thing you have said—or E-Verify to make sure that Americans are the first ones in line for American jobs. Nothing you have said has made us safer.

What it has is—

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

Mr. GUTIERREZ [continuing]. It just repeats a history that we have heard before.

Mr. LABRADOR. Thank you, Mr. Gutierrez.

And now I will yield a couple of minutes to the gentleman from Florida.

Mr. GARCIA. Thank you, Mr. Chairman. I appreciate it.

Sheriff, I know you are trying to do your job, and I appreciate you have a tough job to do.

Sheriff, I would suggest to you you read a—there is a wonderful piece called “The Myth of the Deceased Immigrant.” As Mr. Gutierrez points out, this is nothing new. It exists, and it is a human reaction to what they fear, to what they don’t know.

I will give you just one fact of that. Sheriff, do you know what percentage of American children are vaccinated?

Sheriff HODGSON. Vaccinated?

Mr. GARCIA. Vaccinated. Just general vaccination.

Sheriff HODGSON. I don’t.

Mr. GARCIA. Well, it is about 92 percent. In Texas, it is much lower, but—in big cities, it is much lower. But the average nationally is 92 percent.

However, do you know what the average is of the three countries—El Salvador, Guatemala, and Honduras—for children? It is 93 percent. All right? They are vaccinated in a more regular—probably because there is a program just set up to do that and requires people to do it.

I am sure in Massachusetts you have all sorts of parents that decide they don’t want their kids vaccinated, all sorts of reasons, and we have a sort of ability to exclude that.

You mention about these children coming to the United States not having parents. Sheriff, do you know what percentage of these children were going to be reunited with one or both parents, just as a ballpark?

Sheriff HODGSON. Don’t know the percentage, no.

Mr. GARCIA. Fifty-five percent of these children were reunited with their parents.

And then, finally, Sheriff, do you know what the two safest cities, large cities, in America are?

Mr. HODGSON. I don’t.

Mr. GARCIA. They are San Diego and El Paso, Texas, right there on the border, right there where all these drug trafficking children—

Sheriff HODGSON. May I respond to that, Congressman?

Mr. GARCIA. Absolutely, sir.

Sheriff HODGSON. Well, that would have a lot to do with the fact that the illegals that are coming across don’t stay there. They migrate their way into our communities across the Nation. And that is why we are becoming border States.

Mr. GARCIA. Sheriff, they migrate to my community, too.

Sheriff HODGSON. Okay.

Mr. GARCIA. And they are a resource and a—

Sheriff HODGSON. But that would be the reason why, Congressman, that they aren’t having—

Mr. GARCIA. No, I understand your point.

Sheriff HODGSON [continuing]. The crime problem in those communities.

Mr. GARCIA. I understand your point, Sheriff. But the reality is that—you scream at the border, but the reality is that—do you know, for example, in the last decade if we are spending more on the border or less?

Sheriff HODGSON. I can assure you——

Mr. GARCIA. The Chairman has called——

Sheriff HODGSON. I am sorry. I thought you asked a question. I am sorry.

Mr. GARCIA [continuing]. My time here, but I appreciate you all being here. Thank you.

Sheriff HODGSON. Thank you. Thank you, Congressman.

Mr. LABRADOR. Thank you very much, Mr. Garcia.

Ms. LOFGREN. Before we close——

Mr. LABRADOR. Before we close, I just want to give Mr. Hodgson just 30 seconds to respond.

There were a lot of allegations coming your direction. Do you have anything to say, just for 30 seconds?

Sheriff HODGSON. Other than the fact that the sheriffs in this country have—we have our boots on the ground, we know exactly what is going on on the border. I know there are a lot of people who sort of surmise what is happening and hear different arguments, but we know exactly what is happening, and we know what is happening with ICE in regards to not being able to enforce border security.

Mr. LABRADOR. Thank you.

Ms. Lofgren?

Ms. LOFGREN. I would just like to say briefly what a pleasure it has been to serve with Congressman Joe Garcia. I think this is probably Mr. Garcia's last meeting of the Immigration Subcommittee. He has a fine mind and is a very diligent person and has really represented his district with tremendous distinction and grace and hard work.

And we wish you well in the future.

Ms. JACKSON LEE. Would the gentlelady yield? Would the gentlelady yield?

Ms. LOFGREN. I will yield, but we have to go because——

Mr. LABRADOR. We have to go.

Ms. LOFGREN [continuing]. We are running out of time on the vote.

Ms. JACKSON LEE. Let me add my appreciation to Mr. Garcia. I have seen him work both in Washington and out of Washington. He is an asset to this Nation.

And let me thank U.S. Catholic Charities for your distinctive work and your humanitarian work and the particular work you do in Houston, Texas.

I yield back.

Mr. LABRADOR. Thank you.

With unanimous consent, I would like to enter into the record a press release by the Brunswick County, Virginia, Sheriff's Office dated June 20, 2014, and a National Review article entitled, "The Obama Official Responsible for Sending Unaccompanied Illegal Minors Across the Country Is Resigning," dated December 9, 2014.

[The information referred to follows:]

**Brunswick sheriff responds to filing**

*Statement released by Brunswick County Sheriff Brian K. Roberts, Friday June 20 after HHS and HUD dropped plans to house UAC's at St. Paul's College in Lawrenceville.*

As the sheriff of Brunswick County, I have been quite troubled with the process and manner in which the federal gov't has mishandled their plan to place unaccompanied alien children (UAC) at St. Paul's College.

On June 2, 2014, I was in a meeting with the college president in which I was informed that this was being considered. I expressed to him dozens of questions or concern and requested to see one of these sites so that I could be more informed. I was never provided answers to any of my questions and never got to see any other similar sites so I could gather intelligence on the proposal.

On Tuesday, June 10, I received a call from the Richmond Times-Dispatch informing me that the college president had stated that I was in favor of the proposal, and the reporter wanted to know why. I responded and was quoted in the paper that I did not have a position because I have not been provided any answers to my dozens of questions and my request to do a site visit. I went on to say that at that time I did not think St. Paul's College was the correct fit but I would need more information so that I could make a fair public safety decision.

On Friday, June 13, the local gov't received email notification, after hours, from the federal government that a contract had been signed and implementation had been started. It was further stated that it was a "done deal" and that they would start unloading the (UAC) on Thursday, June 19. I, along with most of the government leaders, was outraged that this was being shoved down our throat by the federal gov't without any information or dialogue. I immediately contacted my U.S. legislators, Congressman Robert Hurt and Sen. Mark Warner, and begged them to please slow this process down so that the community, along with me, could be informed on what we were getting in our community. Over Father's Day weekend, these legislators forced the applicable federal agencies to have conferences calls with me so that I could ask my questions and start to get informed.

On Monday, June 16, the legislators forced the applicable federal agencies to hit the pause button on implementation and to meet in person with the community so that they could be informed and educated on the program. I asked the gov't agencies for a community forum, and I facilitated the location so that the community as a whole would have the opportunity to be informed and ask questions. I took every means possible to get the message out to all of the Brunswick County citizens to attend the forum.

I sat in the first meeting on that Monday morning for three hours getting briefed on the proposed (UA) plan. That meeting, as well as every meeting that I had with the federal agencies throughout the week, made me become more and more concerned about the federal government's consistency in the information that they provided me. The last meeting I sat in on Thursday, June 19, was a security assessment briefing by the Department of Homeland Security. That briefing led me to believe that historical St. Paul's College was going to be transformed into a military detainee installment of sorts. All buildings would be fenced, gates installed and multiple guard shacks placed with armed guards. In addition, there would be no traffic allowed onto the campus unless it was pre-approved. This would make difficult all visits to the campus by alumni and the citizens who love this historic campus. At the end of the briefing, I told the federal officials, it appears to me that we already have a vacant prison in town, and I think you should go there versus converting St. Paul's into a prison.

On Thursday, June 19, the community forum was conducted and the applicable federal agencies did a presentation of the program. After the presentation, every attendee was afforded the opportunity to ask questions or make a statement and get a response from the federal officials. After three hours of Q&A, it was quite apparent that the overwhelming majority of the people in attendance were adamantly opposed to the UAC program coming to St. Paul's.

On Friday morning, June 20, some county and town officials met with the representatives from the federal government to discuss the dialogue from the previous night's forum. We also had the opportunity to express our individual positions as it relates to this matter. The officials from the federal government made it clear that they understood that the citizens and the local officials present were overwhelmingly opposed to the project. We were told that they would be returning to Washington, D.C., to report our position to the Secretary of Health and Human Services. (The plan to house UACs at St. Paul's College starting in June of 2014 was subsequently aborted).

I have tried to be open minded and to ask the questions as it relates to my job as the sheriff so I could be more informed, I found so many inconsistencies in the information. The most alarming situation that I noticed was that the answers that were provided to me by the federal government were inconsistent with my knowledge and experience. I had, and still have, doubts about the ability of the federal government to thoroughly process these UAC at the border as it relates to their true identities, criminal backgrounds, gang involvements and medical issues. That they could do this in a seven-day period and that they could evaluate 9,000 UAC per month caused me to have little faith in the validity of their claims.

The answers were never clear, and they continued to evolve into what appeared to be an attempt to appease me or whomever the federal gov't was talking to at the time. I also found many problems with the five month lease plan and their longterm intention that would hand the facility over to a private company to operate with federal oversight.

In conclusion, it is my job as the elected sheriff to uphold the public safety for this county. Based on the above information that I was provided and the mishandling and inconsistencies of information given to the people by the federal government, I oppose the implementation of this program at St. Paul's College. I gave them the recommendation that if they are in need of a prison, then they should consult with the State of Virginia on getting Brunswick Correctional Center, but the citizens of Brunswick County want St. Paul's College to be an institute for learning, not a UAC detention center.

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## The Obama Official Responsible for Sending Unaccompanied Illegal Minors Around the Country Is Resigning

By Ryan Lovelace

[December 9, 2014 9:54 PM](#)

A top Health and Human Services Department official responsible for the release of thousands of unaccompanied alien children into communities across the country announced his resignation Tuesday without much notice. Eskinder Negash, director of the Office of Refugee Resettlement, which oversaw the [placement](#) of more than 53,000 illegal immigrant children in all 50 states in fiscal year 2014, announced his resignation on Tuesday.

The announcement of Negash's resignation comes one day before a House Judiciary Committee hearing on how the release of unaccompanied alien children who flooded across the border in large numbers this summer has impacted local communities.

In his statement, Negash provided a list of personal accomplishments, including his office's decision to release across the country 95 percent of the unaccompanied alien children served by HHS. Local communities are bearing the costs of caring for the illegal minors, and plenty of them are feeling serious strain, as NR [reported recently](#). The cost of just educating the unaccompanied alien children could exceed \$761 million, [according](#) to the Federation for American Immigration Reform.

The Office of Refugee Resettlement did not respond to NRO's requests for comment about Negash's resignation or the timing of his announcement. His resignation [statement](#), in which he wrote that he does not view himself as a political man and called his resignation a "difficult decision," did not otherwise explain his decision to resign.

The crisis Negash handled began with the more than 68,000 unaccompanied alien children who [crossed](#) America's southern border in Fiscal Year 2014, mostly from Central America. At the border, they [received](#) flawed medical screening from federal officials, which

allowed contagious illnesses to spread. Soon after, the Department of Homeland Security released the minors into custody of HHS, Negash's department, which placed them with family members, friends, or other sponsors across the country.

In advance of Wednesday's hearing on the children's impact on local communities, House Judiciary Committee chairman Bob Goodlatte (R., Va.) released a statement criticizing President Obama's "self-made border crisis."

"As tens of thousands of unaccompanied minors from Central America have flooded our borders, the Obama administration has refused to take the steps necessary to return them home quickly and safely," Goodlatte said. "Because there is no procedure in place to notify state governments when these minors are dropped off, states have been forced to pick up the pieces and clean up the Obama Administration's mess."

Negash will remain as director until his resignation takes effect on January 31, 2015.

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Mr. LABRADOR. With that, this concludes today's hearing. We thank all of the witnesses for joining us today.

Without objection, all Members will have 5 legislative days to submit additional written questions for the witnesses or additional materials for the record.

And this hearing is adjourned.

[Whereupon, at 4:43 p.m., the Subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

Jessica M. Vaughan, Center for Immigration Studies  
 Response to Questions for the Record  
 From Rep. Lamar Smith  
 Immigration Subcommittee Hearing on Unaccompanied Alien Minors' Impact on Local Communities  
 Wednesday, December 10, 2014

**Your testimony cites an Immigration and Customs Enforcement (ICE) figure that 97.9% of unaccompanied minors who are other-than-Mexican nationals were released to immediate family members. By definition doesn't this mean that these minors are not unaccompanied?**

Yes. The law that applies to this situation, known as The William Wilburforce Trafficking Victims Protection Reauthorization Act of 2008 (8 USC 1232) refers to the following definition of unaccompanied minor, found in 6 USC Section 279:

- “(2) the term “unaccompanied alien child” means a child who—
- (A) has no lawful immigration status in the United States;
  - (B) has not attained 18 years of age; and
  - (C) with respect to whom—
    - (i) there is no parent or legal guardian in the United States; or
    - (ii) no parent or legal guardian in the United States is available to provide care and physical custody.” [emphasis mine]

If the apprehended minor's parents or guardians are in the United States and available to serve as a sponsor and take custody, then clearly the minor does not meet the definition of an “unaccompanied” alien child.

**Does the government check the immigration status of the family members and individuals to whom these illegal immigrant minors are released? Criminal background checks – crimes against children, drugs, gang affiliation?**

According to the Office of Refugee Resettlement (ORR), which takes over responsibility for these cases from DHS agencies, family members and other sponsors are questioned about their immigration status and asked to provide Alien Registration Numbers and other types of identification. However, this process is not exhaustive or necessarily thorough. Family members could refuse to provide the information, and ORR would not necessarily verify all claims and statements.

ORR states unequivocally that illegal aliens are allowed to serve as sponsors for UACs. Furthermore, my understanding is that illegal aliens who sponsor a UAC are considered immune from immigration enforcement, under the dubious logic that they are “needed” to ensure that the UAC will appear for deportation proceedings (it is unclear if the alien sponsor's own compliance with immigration proceedings is considered, or if a record of absconding from proceedings or multiple immigration violations would disqualify a sponsor). Its purpose in asking for immigration status information is only to determine if it needs to consider alternative sponsors, should the family member be removed (an unlikely event unless the sponsor is a convicted felon) – not to hold individuals accountable for immigration violations or to alert or assist other government agencies in enforcing laws.

It is by no means certain that any derogatory information on the parents or sponsor would be discovered by ORR unless the family member or sponsor voluntarily divulges all relevant information. According to ORR, occasionally some family members are asked to provide fingerprints that could reveal their criminal or immigration history. Only non-parental sponsors are routinely asked to provide fingerprints. The fingerprints of parents are checked only if “there is a *documented risk* to the safety of the child, the child is especially vulnerable, or the case is being referred for a mandatory home study.” [emphasis mine].

As for criminal background checks, crimes against children, drug crimes and gang affiliation – this kind of derogatory information would often be discovered as a result of a fingerprint check or in-depth home study, but neither type of screening is required for family member sponsors. Non-parental sponsors are asked to submit fingerprints. However, as the sub-committee is probably aware, not every jurisdiction in the United States collects the fingerprints of all criminal offenders and provides them to the national electronic fingerprint repository. For example, in many jurisdictions, fingerprints are submitted only for felons, or for certain misdemeanors. It is possible that individuals who have been convicted of or charged with domestic violence, impaired driving, drug possession, or other charges relevant to their suitability as a sponsor would not be identified through a basic fingerprint check. Information on offenses committed in an alien’s home country might not be discovered through a basic fingerprint check either.

Moreover, ORR has not disclosed exactly what kind of derogatory information would disqualify an individual from serving as a sponsor.

**So if the minors are not unaccompanied and the family members to whom the kids are given custody are in the United States illegally, shouldn’t the family unit be deported under the law?**

Yes, under the law these family units should be deported if they do not qualify for the forms of relief that the law provides. Moreover, the government should use the most efficient form of due process that the law provides, including non-judicial processes, in order to resolve the cases quickly so that aliens do not languish in limbo-like status while in protracted, costly immigration court proceedings.

**Does the government verify that these immigrants who illegally enter the country are in fact minors? You stated that almost half of these minors are 15 to 17 years of age. Are these immigrants checked to ensure that they do not have a criminal records or gang affiliations? Or that they have previously been deported from the United States?**

No. It is extremely difficult for the government to verify that all of the UACs are actually minors. Sometimes this can be established with reasonable certainty by observation, but in the case of older teenagers, it can be more difficult to determine, and the government has to rely on the claims of the alien and the sponsors. In the past, before the number of illegal entries of minors overwhelmed the DHS agencies, Border Patrol or ICE could order a dental or skeletal examination to determine age, but such a procedure is not possible for the tens of thousands of UACs arriving in recent years. I have included as an attachment two examples of UAC paperwork with photographs, which illustrate how difficult it can be to positively conclude that the alien is a minor. In both cases, the aliens claimed to be just one or two months under age 18 at the time of release from custody as a minor. The school district of Lynn, Massachusetts, which has enrolled hundreds of UACs in its high schools in the last few years, has reported several cases of suspect UACs. For example, a Lynn truant officer investigating the school absence of an alien claiming to be a UAC was told by a neighbor that the alien was actually about 35 years old.

My understanding is that only older teenagers are fingerprinted. Border Patrol and ICE agents also can try to pick out gang members through observation, and have identified some in the recent influx, but there is no systematic or foolproof way to make such a determination.

According to ORR, some parents and all non-parent sponsors are checked for prior immigration violations, including any prior deportations, and teenaged UACs also would be checked. However, there is no indication from either ORR or DHS that prior immigration violations would trigger any action against the UAC (or sponsor). Prior deportation orders would not necessarily be reinstated, except perhaps if the alien happened to have serious criminal convictions. I contacted two offices in ORR's Unaccompanied Alien Services division and also ICE to discuss this particular question, but did not receive a timely response.

**Now that President Obama has granted amnesty and work authorization to approximately five million illegal immigrants currently in the United States, won't we see another border surge that will cripple the resources of local officials to the detriment of Americans and legal immigrants who played by the rules and followed the law?**

If past experience is any guide, it is very likely that we will see another border surge if the President is able to carry out his plan to issue work authorization to millions of illegal aliens who are parents of U.S. citizens and green card holders. Once these illegal aliens gain status, they would have a powerful incentive to arrange for other children, relatives, or friends to be smuggled to the United States, because they would be realistically confident that these new arrivals would be allowed to stay, just like those who came before them. Such a surge would be enormously costly for taxpayers, disadvantage Americans and legal immigrants, distort labor markets, and further undermine our immigration laws, not to mention serve as a powerful incentive for others to follow illegally.

Jessica M. Vaughan  
Director of Policy Studies  
Center for Immigration Studies  
January 8, 2015

Sheriff Thomas M. Hodgson  
of Bristol County, Massachusetts  
Answers for the Record in Response to Questions by Congressman Lamar Smith  
Immigration Subcommittee Hearing on the Unaccompanied Alien Minors' Impact  
on Local Communities  
Wednesday, December 10, 2014, at 2:00 p.m.

When 70% of illegal immigrant family units (some estimates are as high as 90%), and over 40% of immigrant minors fail to show up for their notices to appear before immigration courts, the problems of effectively policing our communities are adversely impacted in significant ways. For example, one major concern is that we have little, if any information about the criminal history of these illegal immigrants prior to their entering the United States. Many of the young men have been associated with gangs, such as MS 13 and the 18<sup>th</sup> Street Gang which have international notoriety as being some of the most violent and vicious gangs in the Country. In fact, the 18<sup>th</sup> Street Gang is made up of individuals from Honduras, El Salvador, and Guatemala and is occasionally referred to as the "Children's Army" because of its recruitment of elementary and middle school-aged youth. Having individuals in our communities with established patterns of criminal behavior raises the risks of criminal victimization of our citizens and legal residents, and creates additional burdens on the manpower needed to prevent crime.

Additionally, illegal immigrants make fertile an environment whereby criminals target them due to their obvious vulnerabilities. The fact that many illegals carry cash, likely won't report crimes against them for fear of being identified as illegal, and do not have a command of the English language, makes them likely victims and the reason criminals who target them become emboldened to commit even more crimes. Because many of these crimes may go unreported, Law Enforcement and members of the community address public safety initiatives based on false pretenses. In other words, statistical data does not reflect the true public safety threat to our communities making us more vulnerable than we otherwise believe.

The President's decision to weaken the Secure Communities Program by changing the criteria for detaining illegal immigrants, who have existing immigration warrants, means that illegals who are known to have committed crimes after arriving in the U.S. will not be detained for deportation hearings. Also, those who have no criminal history, but may be planning a national security threat, will not be detained for an initial inquiry, which otherwise may have provided some clue that ultimately may prevent an attack against innocent people. Of course there is also no way of knowing if these same individuals may commit domestic crimes as a means of surviving without an ability to earn a living.

When local law enforcement notifies federal immigration authorities that an illegal immigrant who may qualify for deportation, is about to be released, there is a real possibility that immigration agents will not take custody.

There are essentially two reasons this could happen.

Since regional offices vary in the number of enforcement personnel, it is possible no one would be available to respond within the 48-hour holding period, and this individual would be released back into the community. Once that occurs it is likely the individual would flee the area, making it more difficult and costly to locate and re-apprehend, and as well, would create a potential threat to citizens of the community where the individual re-located.

The second factor to be considered is that under the President's recent Executive Order a new criteria has been established, making it more difficult to arrest/detain illegal immigrants.

Illegal immigrants, whose records were once considered priority status for arrest, are no longer. For example, a recent case involving an illegal immigrant with seven driving-related arrests was not considered under the new formula a priority. When we begin to enact policy that raises the risks of harm to our citizens so that people in our country illegally can increase their chances to remain in our country, we fail to fulfill our fundamental responsibility of protecting the safety and security of our citizens we are sworn to serve.

If the ongoing efforts to manipulate our system so that Immigration Enforcement Agents cannot be guaranteed their 48-hour detainees will be honored, then we need immigration judges to be on call to issue warrants to guarantee illegals who should be held remain in custody. Finally, when illegal immigrants fail to appear and then there are neither consequences nor an immediate response, ICE demonstrates to illegal immigrants that compliance with American law is optional, and not mandatory, in the United States.