

Hearing Transcript

House Oversight Subcommittees on National Security and Government Operations Joint Hearing on National Security Border Threats

March 23, 2016

DESANTIS:

The Subcommittee on National Security and the Subcommittee on Government Operations will come to order. Without objection, the chair is authorized to declare a recess at any time.

The United States confronts a wide array of threats at its borders, ranging from terrorists seeking to harm the United States to transnational criminals smuggling drugs and counterfeit goods, to foreign nationals entering illegally in order to work in the United States unlawfully.

America's borders and ports are busy places. Every year, tens of millions of cargo containers and hundreds of millions of lawful travelers enter the country, while tens of thousands of illegal cargo entries are seized and hundreds of thousands of unauthorized migrants are arrested or denied entry.

At the same time, hundreds of thousands of illegal immigrants evade detection to enter the United States unlawfully and thousands of kilograms of illegal drugs and other contraband are smuggled into the country.

Recent terrorist attacks in the United States and Europe and worldwide have highlighted the national security challenges that we face. The November terrorist attacks in Paris transformed Europe's migration crisis into a security debate, spurring calls for European nations to reevaluate their open borders policy.

Yesterday's terrorist attacks in Brussels demonstrate the strength of the Islamic State, but also highlight the policies of European nations that have facilitated the establishment and growth of Islamist communities within these countries that are parallel to, rather than integrated in Western society.

Concerns about borders are not limited to Europe. Recent reports state that the U.S. Customs and Border Protection has apprehended several members of known Islamist terrorist organizations crossing the southern border in recent years. The Texas Department of Public Safety has reported that border security agencies have arrested several Somali immigrants crossing the southern border who are known members of al Shabaab, the terrorist group that launched the deadly attack on the Westgate shopping mall in Nairobi, Kenya, as well as other Somali-based groups, including one funded by Osama bin Laden.

The Texas DPS stated that it had come into contact in recent years with, quote, "special interest aliens" who come from countries with known ties to terrorists or where terrorist groups thrive. In

all, immigrants from over 30 countries throughout Asia and the Middle East have been arrested over the past few years trying to enter the United States illegally in the Rio Grande Valley.

And now the committee obtained information from the Customs and Border Patrol that confirms thousands of Indians, Chinese, Bangladeshis and Sri Lankans have been apprehended at our borders in fiscal years '14, '15 and the first quarter of 2016. This data also shows that individuals have sought to enter the United States illegally from Afghanistan, Pakistan, Syria, Turkey and beyond.

One potential vulnerability that such individuals could attempt to exploit is our nation's generous asylum system. Aliens making asylum claims after they are apprehended by Border Patrol for entering illegally are being released into American society by the Obama administration.

The number of aliens making credible fear claims has increased exponentially in recent years. According to information provided to the committee by USCIS, the number of credible fear claims increased from 4,995 in fiscal year 2008 to 51,001 in fiscal year 2014, an increase of 921 percent. Additionally, DHS is approving those claims the vast majority of the time. In fact, the approval rate is 87 percent.

By claiming to have a credible fear, these aliens set in motion a process that can forestall their removal while allowing them to remain in the United States potentially for years. Dangerous individuals such as gang members, cartel operatives and even supporters and members of terrorist groups could exploit this system.

Such individuals could attempt to enter illegally, and if they successfully evade the Border Patrol, they can remain in the United States. And if they get caught, they can make a credible fear claim and likely be released.

During a recent visit by staff to El Paso, Border Patrol and ICE confirmed that they're seeing increased numbers of Bangladeshis, Somalis, Pakistanis and other nationals of countries of concern coming across the southern border and claiming credible fear.

These anecdotal reports are supported by information that USCIS provided the committee that states that thousands of nationals of these and other countries have claimed credible fear in recent years.

For these reasons, Texas DPS has stated that, quote, "an unsecure border with Mexico is the state's most significant vulnerability as it provides criminals and would-be terrorists from around the world a reliable means to enter Texas and the nation undetected. This is especially concerning today in light of the recent terrorist attacks schemes around the world," end quote.

I thank our witnesses for their testimony today and look forward to examining issues related to national security threats at our border and what could be done to combat this growing problem.

I now recognize Mr. Lynch, the ranking member of the Subcommittee on National Security, for his opening statement.

LYNCH:

Thank you very much, Mr. Chairman. I also want to thank the panelists for helping the committee with its work. I'd like to also thank Chairman Meadows and ranking member Connolly for holding this hearing, as well, to examine immigration and border security. I'd also like to thank our witnesses again for your expertise in this area.

As reported by the United Nations High Commissioner for Refugees, we're witnessing the largest global forced displacement of people since World War II. Conflict, persecution, violence and flagrant human rights violations have forcibly displaced nearly 60 million people worldwide, including 19.5 million refugees, 38 million internally displaced persons and 1.8 million asylum seekers. That's a 60 percent increase from 37.5 million displaced people recorded by UNHCR a decade ago.

Over 50 percent of the refugee population is now made up of children below 18 years of age, marking the highest child refugee figure in more than 10 years. In 2014, over 34,000 asylum applications were submitted by unaccompanied or separated children across 82 countries. That's the highest count on record since the agency began collecting this data in 2006.

The war in Syria and the rise of the Islamic State have been the driving factors behind the unprecedented surge in global displacement. Approximately 7.6 million people have been internally displaced within Syria alone, and more than 4 million refugees have fled the country since the start of the conflict in 2011.

The stark increase in global forced displacement, coupled with devastating terrorist attacks in Paris, San Bernardino, Beirut, Istanbul and Ankara in Turkey, and just yesterday, Brussels, Belgium, have led to ongoing policy debates in the U.S. over how best to prevent terrorists from infiltrating our legitimate immigration processes.

This is a critical and necessary examination that must entail fact-based oversight of our existing immigration and border security policies across the board. In the interests of national security, it must also be undertaken in a manner that continues to reflect our longstanding international commitment as a signatory to the 1951 Geneva Convention to protecting highly vulnerable individuals who are fleeing from persecution and violence.

And as stated in a recent letter to Congress signed by 22 U.S. national security leaders from Democratic and Republican administrations alike, and I quote, "We believe that America can and should continue to provide refuge to those fleeing violence and persecution without compromising the security and safety of our nation. To do otherwise would undermine our core objective of combating terrorism," close quote.

These leaders included General David Petraeus, the former commander of U.S. Central Command, George Shultz, the former secretary of state under President Reagan, and former NATO supreme allied commander James Stavridis, who is now at Tufts University.

In furtherance of this committee's efforts to review our national security framework, Congressman Steve Russell of this committee and I recently traveled on an oversight mission to Turkey, Jordan and Lebanon to assess and even participate in the vetting processes required for Syrian refugee settlement to the United States.

After visiting refugee camps along the Turkish, Syrian and Jordanian-Syrian borders and meeting with various refugee families, we discovered that the vast majority, between 70 and 80 percent, are not even interested in resettlement at all. Rather, they seek to stay in the neighboring host countries, Turkey, Lebanon and Jordan, in the hopes of returning home.

The overwhelming preference of these families to stay close to Syria indicated that one of our primary national security goals should be to ensure that financially strained host countries and international humanitarian agencies have the resources necessary to provide a dignified life for their refugee populations in place.

Regarding the vetting process itself, I must say that prior to our oversight visit, I had my serious doubts about the effectiveness of vetting conducted in virtual war zone environments, and I supported both the Republican and Democratic measures to enhance the vetting process.

I would note that the delegation arrived in Beirut only several months after a double suicide bombing in that city that killed over 40 people. We arrived in Istanbul only four days after a suicide bombing in a central square that killed 10 German tourists, and we left Kilis (ph) province only one day before a rocket attack fired from Syria hit a Kilis (ph) school.

However, for the small percentage of families who do seek resettlement to the United States, what we found in our oversight of vetting centers in all three host countries was a multi-layered vetting process that is robust and extensive. It is conducted by specialized U.N. and U.S. agency personnel trained to ensure that only the most thoroughly vetted and the most vulnerable, or 1 percent, of Syrian refugee applicants are admitted for resettlement.

They are also very cautious in their work, given that any misstep in the vetting process could not only pose grave danger to the American public but also effectively halt resettlement for millions of legitimate refugees. It is this type of fact-based oversight that should guide our review of this immigration and border patrol procedures across the board.

This is absolutely imperative at a time when our federal agencies are responsible for securing the homeland security (sic) to face severe budgetary constraints and every homeland security dollar must be allocated toward the most critical national security risks.

Mr. Chairman I thank you again for holding this hearing and I look forward to discussing these and other issues with our witnesses. And I yield back the balance of our (sic) time.

DESANTIS:

Thank the gentleman.

I now recognize the chairman of the Subcommittee on Government Operations, Mr. Meadows, for his opening statement.

MEADOWS:

Thank you, Mr. Chairman. Thank you for your leadership. And thank you, ranking member Mr. Lynch, for your not only fact-based willingness to look at the record but your willingness to work in a bipartisan manner to address this serious issue.

From the surge of unaccompanied minors and family units from Central America coming across our border to the ongoing Syrian refugee crisis, as well as the fiance visa that was erroneously issued to the San Bernardino terrorists, Tashfeen Malik, there seems to be no shortage of immigration issues that impact our national security.

And so today's hearing takes a closer look at the national security implications at our nation's porous borders. Now, I want to emphasize that it is a national security interest that brings us here today. There are (ph) plenty of other rhetoric and discussion that can go on as it relates to immigration and immigration policy. But indeed, this is looking at not only immigration but at border security and how it affects national security. It's been in the forefront of much of the political discussion in recent months.

The Department of Homeland Security officials have often indicated to the American public that our borders are more secure today than it's ever been. I think many of us have heard that. They tout the low number of apprehensions as proof, which seems to be a little bit counterintuitive to me.

In fact, the GAO, the Government Accountability Office, has indicated that DHS has no official metrics in place to measure whether our border is secure or not. And so those statements are very difficult to comprehend if there are (sic) no matrix in place.

Representatives from the Border Patrol tell us that the situation at the border is exactly the opposite of what the administration claims. Undoubtedly, the United States has a proud history of providing refuge to victims of persecution and will continue to be unwavering in our commitment to be that beacon of freedom and hope for those facing persecution around the world.

But when this administration fails to enforce our immigration laws or turn (sic) a blind eye to the rampant fraud and abuse while rubber stamping and -- rubber stamping credible fear claims at a rate as high as 92 percent, the integrity of our system is undermined, our generosity is taken advantage of, and our national security is at risk.

We should seek to protect the integrity of our immigration system from fraudulent claims made by those seeking to do us harm or subvert our rule of law. Individuals who seek to defraud the asylum process make a mockery of those who are truly persecuted, for those who are fleeing for fear. The United States is one of the most generous nations in the world, and our asylum system is an extension of that generosity, and yet various organizations are coaching people to claim credible fear in order to avoid deportation.

By invoking the credible fear claim, most aliens enter into a process by which they await proceedings before the immigration judge, which at the very least buys them more time in the United States. It often takes years, multiple years, before those court dates take place.

And in the meantime, the alien is allowed to obtain a work permit, go about their business in the United States, and indeed, could embed in our communities. It seems to me that the word is out that claiming credible fear is the way to go, that the numbers sure say -- say that much to me, and as we look at the credible fear claims that have grown exponentially in recent years, as Chairman DeSantis mentioned in his opening remarks, one of my biggest concerns is that nefarious actors have taken advantage of our generosity.

Gang members, cartel operators, supporters of terrorist groups can game the system and make use of credible fear to remain here in the United States. Even according to DHS, aliens with known or claimed ties to cartels and terrorist groups have been apprehended along the border claiming credible fear.

The data that this committee has received confirms that the Border Patrol is encountering migrants from Afghanistan, Bangladesh, Egypt, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Somalia and Turkey. Now, this is coming across our southern border, and these are just the individuals that were apprehended.

So what about all of those that were never seen by law enforcement at all and make it into the interior of our country? I hope to hear from our witnesses today on their assessment of the current holes that might enable these bad actors to take advantage of our system. Most importantly, I'd like to hear what should be done to address these deficiencies and help ensure the safety of the American public.

Mr. Chairman, I would like to ask unanimous consent to enter the following documents into the record. One would be a U.S. Border Patrol nationwide apprehensions for 2015 and '16. The other is the USCIS credible fear nationality reports for fiscal year 2014, 2015 and '16 -- for quarter one of '16, and the USCIS credible fear data and affirmative asylum case data. I ask unanimous consent.

DESANTIS:

Without objection.

MEADOWS:

And with that, I would yield back, Mr. Chairman. I thank you.

DESANTIS:

Thank you. I'll hold the record open for five legislative days for any members who would like to submit a written statement.

We will now recognize our panel of witnesses. I'm pleased to welcome Mr. Ronald Vitiello, acting chief of U.S. Border Patrol and the U.S. Customs and Border Protection, Mr. Steven McCraw, director of the Texas Department of Public Safety, Mr. Brandon Judd, president of the National Border Patrol Council, Professor Jan Ting, professor at the Temple University Beasley School of Law, and Ms. Eleanor Acer, senior director of refugee protection at Human Rights First. Welcome all.

Pursuant to committee rules, all witnesses will be sworn in before they testify. If you can please rise and raise your right hand? Do you solemnly swear the testimony you're about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Thank you. Please be seated. All witnesses answered in the affirmative. In order to allow time for discussion, please limit your oral testimony to five minutes. Your entire written statement will be made part of the record.

Mr. Vitiello, you're up. Five minutes.

VITIELLO:

Thank you, Chairman DeSantis, Chairman Meadows, ranking member Lynch and distinguished members of the subcommittees. It's an honor to appear before to you today to discuss the role of the United States Border Patrol in protecting national security and defending threats against our border.

During my law enforcement career of more than 30 years in the U.S. Border Patrol, the border environment has changed not only the intentions, tactics and capabilities of our adversaries but also in our resources, our capabilities and our operational approach to securing the border.

Today, we focus not only on responding to the complex and rapidly changing border conditions, but we also work to decrease the risk and potential threats. We do this through strategic and risk-based deployment of resources and by expanding and increasing our capabilities through intelligence, information sharing, partnerships and operational collaboration.

In all border environments, land, air and sea, technology is critical to security operations. Effective fixed and mobile surveillance and detection systems provide increased situational awareness of illicit cross-border activity. Advanced technology also increases our ability to identify changes in the border environment and rapidly respond as appropriate to emerging threats along and approaching our borders.

Detecting and interdicting terrorists and their weapons will always be a focused priority of the border security mission. Also, the illegal cross-border activities of transnational criminal organizations involving cross-border trafficking of guns, currency, human smuggling and drugs pose a continuous threat to border security and public safety. Responding to the continued flow of unaccompanied alien children and families across the southwest border is also a priority.

The border regions of the United States are most secure when using a whole-of-government approach that leverages interagency and international partnerships as a force multiplier. The Border Patrol is an active participant in the DHS Southern Border and Approaches campaign and has a leading role in the Joint Task Force West, an integrated operational approach to addressing the threat of transnational criminal organizations along and approaching the southwest border.

This effort directs DHS resources in a much more collaborative fashion to address the broad and complex range of threats and challenges, including illegal migration, smuggling of illegal drugs, humans and arms trafficking, illicit financing of such operations and the threat of terrorist exploitation of border vulnerabilities.

The creation of the task force increases information sharing between federal, state, local and international law enforcement agencies, improved situational awareness, enhances border-wide interdiction operations and improves our ability to counter transnational threats and associated violence.

Using a risk-based and intelligence-driven approach, the Border Patrol, and more broadly CBP and DHS, will continue to enhance our efforts, anticipate and respond to threats to national security and ensure the safety of the U.S. public.

The continued focus on unity of effort in conjunction with intelligence and operational integration, the deployment of advanced technology enhances our situational awareness, better enables us to effectively and efficiently detect, respond to and disrupt threats in the nation's border regions and approaches to the secure -- to secure the homeland.

In closing, let me state the obvious. It is the men and women of CBP and the Border Patrol agents who face the threats that we will discuss today. Agents deploy in all manner of weather and rough terrain 24/7, 365. I'm blessed to be in their leadership cadre. I'm grateful for their dedication and professionalism. The nation is safer and the communities that they serve are better protected because of their efforts. They have my unwavering support and continued effort to let them do their jobs in the safest manner possible.

Thank you for having me as a witness today. I look forward to the opportunity to testify and your questions.

DESANTIS:

Thank you. Mr. McCraw, five minutes.

MCCRAW:

Yes, sir. Steve McCraw, thank you, Mr. Chairman. Mr. Chairman, members, thank you for the opportunity to testify before you today. Steve McCraw of the Texas Department of Public Safety.

I want to echo a few of the comments that the chief made, but I would be remiss of two things if I didn't first mention the governor's comments yesterday on the aftermath of the Brussels attack, that

cowardly attack by terrorists. He had pointed out that our hearts and prayers are with the Brussels victims. Our minds must realize the consequences of open borders and our resolve must be security.

And clearly, the governor and the Texas state legislatures understand the scope and magnitude of the threat and vulnerability of Texas and the rest of the nation. And what happens on the Texas/Mexico border doesn't just affect Texas or even just the border region. It affects the entire nation, whether it's transnational crime, or if it's a national security threat.

And clearly, special interest aliens are a problem and we've recognized that. This is not a new phenomenon. As (ph) the FBI special-agent-in-charge in 2002, we learned that we were -- that Border Patrol was detaining, detecting -- detaining, apprehending individuals from countries of known al Qaeda presence at that point and time. And it's continued on.

And it's understandable why, you know, Texans are concerned from a national security standpoint. And to that point, you know, we've seen the -- talked about changes that we've seen over the years and the chief referred to. Crime is remarkably different. It's more transitory. It's transnational. It's organized. It's more discreet. And certainly, it can compromise and undermine, you know, public safety and homeland security and national security.

And from a Texas standpoint, it's been very clear in terms (ph) from the governor and our state legislature is that two things in terms of guiding principles, a sense of urgency and unity of effort. And fortunately, with the chief over here, is I know is -- when he was the sector chief of Rio Grande Valley for Border Patrol, he was a team player and we were able to do unity of effort and work closely with him.

I can tell you right now, if properly resourced, they have the leadership and the type of people that can get the job done to secure the Texas/Mexico border, and that's important. And until that time, our strategic intent by our legislature, our governor is that the Texas Department of Public Safety working with our local and other state partners -- includes Texas military forces, our game wardens -- will provide direct support to Border Patrol in the detection, deterrence and interdiction of smuggling events that occur between the ports of entry and do so very aggressively.

And every day, we deploy Texas state troopers, Texas Rangers and special agents from the Department of Public Safety from around the state down to the Rio Grande Valley, where right now is the epicenter of drug and human smuggling into the United States, and we'll continue to do so has been our direction until the border is secure. And there's a number of things that certainly can be done if properly resourced. There's no doubt that Border Patrol can get the job done. We look forward to that day when they do have the resources to be able to do that.

That concludes my comments at this point.

DESANTIS:

Thank you.

Mr. Judd, five minutes.

JUDD:

Chairman DeSantis, Chairman Meadows, ranking member Lynch, I appreciate the opportunity to testify on behalf of the 16,500 Border Patrol agents which I represent. I'm going to stick to my comments on the national security threat of the border, leave out the rhetoric and what might have led to it.

But what I will tell you is that the Obama administration, and CBP commissioner Kerlikowske have repeatedly told the American public that the border is more secure today than it's been. As a Border Patrol agent, I will tell you the exact opposite.

Commissioner Kerlikowske and the administration have pointed to the decrease -- to a decrease in arrests over the past several years, but they failed to give the American public key indicators, such as the number of arrests of persons from countries with known terrorist ties or from countries that compete economically with our interests.

In all of fiscal year 2015, the United States Border Patrol arrested 5 persons from Afghanistan, 57 from Pakistan and 1,327 from the People's Republic of China. Already in the first five months of this fiscal year, the United States Border Patrol has arrested 18 from Afghanistan -- first quarter, five all of last year -- first quarter -- 18 from Afghanistan, 79 from Pakistan -- all of 2015 again was 18 -- and 619 from the People's Republic of China.

Those numbers should alarm everyone, and we are seeing a similar trend from other key countries, like Albania, Bangladesh and Brazil. If the single factor for the litmus test is lower numbers, then compared to fiscal year 2015, one must conclude we are failing.

As someone who has been involved in border protection for over 18 years, I can unequivocally tell you the border is not secure and the situation is getting worse instead of better. Arrests are not the only factor in determining whether the border is secure. We have to look at the totality of the situation, such as violence, the number of persons evading arrest and whether organized crime continues to turn a profit.

In the context of the times, we must also look at whether persons from countries who would do us harm are able to exploit weaknesses through our policies or the lack of manpower on the border.

It is well documented that criminal cartels control the border in the same way inmates control most prison facilities. The cartels are extremely well organized, pathologically violent and have an entire infrastructure on both sides of the border.

In Mexico, it is estimated that over 150,000 people have been killed in cartel-related violence. They have killed police officers, judges, elected officials and ordinary civilians who have crossed their path. And this is the opponent Border Patrol agents face daily. It is an opponent that controls all aspects of border crimes, including narcotics and illegal immigrant smuggling.

One key way to determine whether the cartels are winning is to analyze key data of entries to arrests. Two weeks ago, I was visiting a station in the Del Rio Border Patrol sector. During that week that I was there -- well, I was there one day, but during that week in which I was there, a total of 157 known entries came into the United States through that station's area of responsibility.

Of those 157, 74 were arrested, 54 were known to have evaded arrest and further their entry into the United States, 17 were able to evade arrest and make it back to Mexico, and 12 were still outstanding and unaccounted for. That's a 47 percent arrest rate. That's not very good.

But it's not the Border Patrol agents' fault. We're just simply overmanned (sic). We don't have the resources that are necessary. In fact, yesterday, I received an e-mail from an agent in Arizona and that e-mail said that there was a 10-mile stretch for two days -- and this is documented on the reports from the Border Patrol management -- 10-mile stretch of border that was unmanned for two whole days.

Criminal cartels were able to go to the fence, cut a hole in the fence, drive two vehicles through that hole and escape. They were able then to put the fence back up and try to hide the cuts that they had made.

Border Patrol agents were able to go down and see the vehicle tracks. There was actually a camera that did catch the two vehicles on the border. They didn't see the vehicle drive through the border, but the tracks clearly indicate that it was, and there was no other vehicles coming from east, so it had to have been those two vehicles that had crossed the border.

The scariest part of those vehicles entering into the United States is we don't know what was in those vehicles. We have no idea. And of those persons that were able to evade arrest in this Del Rio station, those 54 and the 12 outstanding, we don't know where they were from.

It's unfortunate that we're currently in this situation, in which it appears that we invite what we're currently experiencing. And because we're overmanned -- and it's not that they didn't want to man the border in these two areas in Arizona that this vehicle drove through, they just didn't have the manpower to do it. And that's the unfortunate situation today.

I look forward to answering any and all of your questions. Thank you very much.

DESANTIS:

Thank you.

Professor Jan Ting, five minutes.

TING:

Well, I share the comments of my co-panelists. But thanks to the two subcommittee chairmen and all the members for inviting us here today.

I also share the concern over the statistical information that the members, particularly Mr. Meadows, have referred to. And I share the concern that Mr. Judd has just expressed about the situation at our border.

I want to talk about two issues in particular, expedited removal and credible fear, that I think bear on the concern that many of us here share. Prior to 1996, we had no expedited removal, and arriving aliens in the United States could basically stay for a long time by making an asylum claim. There was an enormous backlog, and they were put in line and released on their own recognizance.

There was also a "60 Minutes" piece where -- which showed the people were landing at Kennedy airport every single day without documentation and being released into the general population. And that, I think, pushed Congress in 1996 to enact expedited removal, which, on its face, provides a way to turn arriving aliens around who lack any documentation.

And the problem is, as I discuss in my written comments, in one of the classic bipartisan compromises for which Congress is alternately praised and condemned, Congress enacted expedited removal in a way that provides that if the -- first of all, they did -- they did two things.

First of all, they determined that the first interview would be a credible fear interview. And in the end, even though they tried to take the immigration judges out, as I discuss in my written comments, the immigration judges get back into the process anyway.

So while it looks good on its face, expedited removal in practice hasn't worked out very well, even though it has been expanded not just to arriving aliens but within 100 miles of the border. So expedited removal is potentially a useful tool, but it's hobbled by this credible fear determination and by the ultimate right to delay removal by an appeal to an immigration judge. So there are two problems.

I talked in my written comments about credible fear. And where did credible fear come from anyway? I have some knowledge about that because I know that in 1991, in the midst of the Haitian migrant crisis, when we had a lot of Haitians headed for the United States, we were trying to, kind of in a chaotic situation, manage that flow and provide asylum interviews for people.

It was very difficult. And in fact, we started operating the detention facilities at Guantanamo in an effort to cope with that migrant crisis. And we -- the Immigration and Naturalization Service invented credible fear kind of on the fly, as a way of screening out people who obviously were not entitled to asylum.

If people couldn't even present a story which, if true, would entitle them to asylum, we determined that they could be turned around immediately and returned to Haiti without a full-blown asylum interview. On the other hand, for those people who could articulate a coherent story, who seemed credible, they would be allowed to advance to a full-blown asylum interview, recognizing there was a backlog for that and it would slow the process down. But for those people, they would get the full asylum interview.

As it turns out, that credible fear practice was very short-lived because the numbers were so enormous that President Bush, George H.W. Bush, determined that we couldn't continue processing migrants from Haiti, and he determined that they would all be returned to Haiti without any processing at all.

Obviously, that was challenged by many advocates and it went all the way to the Supreme Court of the United States, and the Supreme Court of the United States in an 8-to-1 decision in a case called *Sale v. United States* (sic), which I cite in my written remarks, the Supreme Court of the United States held that that was fine, that the United States had no obligation under its own laws or under international law to conduct asylum interviews on the high seas.

So credible fear was a temporary measure that probably wasn't even necessary, in the end. It only lasted for a few months, and I was startled to see credible fear appear in the statutes of the United States and as part of our -- part of our expedited removal process.

When expedited removal came in, credible fear shows up in the statute. Where does that come from? So while it was invented as a device to screen out migrants, as has been commented on, it's being used now as a device to screen people in. So they don't have to actually prove their asylum claims. All they have to do is state credible fear, and they're basically in. They join the queue for an immigration judge so they can make their asylum claim in removal proceedings, and we know that can sometimes take a long time.

And the word is out. This is how you do it. You make a good credible fear claim, and you're in. And in this age of modern instantaneous communications, that word spreads -- that word spreads quickly.

So I'm very concerned about that, and I have a number of proposals. I'm over time already, but I do want to say I think we need to train more asylum officers. We ought to train all our immigration officers, including Border Patrol agents, in asylum law, and we ought to have them do asylum interviews.

I think we ought to, as I propose in my written comments, remove credible fear from the statute. It doesn't belong there. We should go straight to an asylum interview. And we ought to have enough asylum officers, including trained Border Patrol agents and other Customs and Border Patrol officers, to do that.

I have other recommendations, and I refer you to my written comments. Thank you.

DESANTIS:

Thank you.

Ms. Acer, you're up for five minutes.

ACER:

Thank you so much, Chairman DeSantis, Chairman Meadows, ranking member Lynch and members of the subcommittee. It's an honor to offer our views regarding national security at our borders and the importance of the U.S. commitment to protect refugees.

The horrific terrorist attacks in Brussels yesterday are yet another reminder of the terrible harms that terrorists are inflicting on innocent civilians around the world.

Human Rights First is a non-profit organization with offices in Texas, New York and Washington, D.C. We operate one of the largest pro bono legal representations programs for asylum seekers in the country, working in partnership with lawyers from some of the nation's leading law firms.

The United States can and must protect its national security and can and must do so while also complying with its human rights and refugee protection commitments, as made clear in the letter from leading national security experts of both parties referenced earlier by ranking member Lynch.

Both at the formal points of entry, as well as at our land borders, CBP has extensive tools and databases to identify individuals who present a risk to national security, including databases that contain information from various U.S. agencies and foreign sources. For cases that enter the process through credible fear, as well, DHS asylum officers also conduct a range of vetting and checks.

Before an individual can be granted asylum, they have to be either interviewed by an asylum officer or through an immigration court hearing. Only a very small portion of the world's refugees seek protection here in the United States. The increase in Central American claims from the northern triangle, including children and families, have not only affected the United States. The U.N. refugee agency has reported that the countries of Mexico, Belize, Costa Rica, Nicaragua and Panama have seen the number of asylum applications from the northern triangle countries grow to nearly 13 times what it was in 2008.

While a very small portion of asylum seekers also come from outside the hemisphere, many of those small numbers come from top refugee hosting states, as well as from China.

U.S. leadership in protecting refugees is not only a reflection of American ideals, it also advances U.S. national security and foreign policy interests.

Earlier this year, I, too, visited Jordan, Lebanon and Turkey to assess the Syrian refugee crisis. The critical infrastructures of front-line refugee hosting states are under severe pressure, and as Ryan Crocker, former U.S. ambassador to Syria, Iraq and Lebanon, has explained, U.S. efforts to share in hosting some Syrian refugees affirmatively advance U.S. national security interests by helping to protect the stability of a region that is home to some key U.S. allies.

In our policies and practices, as well as in public rhetoric, it's critical to distinguish between the victims of terror and repression, on the one hand, and the perpetrators of horrific acts on the other. As a number of leading U.S. national security experts have described, efforts to bar Syrian refugees, for example, are counterproductive from a national security perspective, as they actually help the ISIL narrative.

Former DHS secretary Michael Chertoff has cautioned that you don't want to play into the narrative of the bad guy. That's giving propaganda to the enemy. A strong asylum and immigration system that adjudicates the immigration removal cases before it in a timely and fair manner is essential both for ensuring the integrity of the U.S. immigration process, as well as for protecting refugees from return to places of persecution.

Yet over 480,000 immigration court removal cases have now been pending for an average of 667 days in the U.S. immigration courts, with projected average wait times around three years. We urge Congress to support the addition of immigration judges and additional support staff to address this backlog.

Finally, the current asylum system is actually failing to provide protection in a manner consistent with this country's commitments. Over the years, so many barriers and hurdles and technical complexities have been added to the asylum system that refugees who seek the protection of the United States often find themselves denied asylum, delayed in receiving protection, or in many cases that we see from our work day in and day out, lingering for months in jails and jail-like immigration detention facilities.

In our experience, the expedited removal system and the credible fear process, which I think has a 78 percent pass right now, is actually preventing many legitimate refugees from even applying for asylum. I'm happy to answer questions about this. Many cannot navigate this increasingly complicated system without legal counsel, and many go unrepresented because they cannot afford that.

In my testimony, I have outlined a number of additional recommendations, and I'm happy to talk about those. Thank you so much for the opportunity.

DESANTIS:

Thank you.

Chair now recognizes himself for five minutes.

Mr. McCraw, your agency issued a report saying that several Somali immigrants crossing the border who are known members of al Shabaab have been apprehended, as well as other Somali-based terrorist groups.

Can you describe the aliens of special interest you've seen coming across the border, the threat posed and how Texas is dealing with that population?

MCCRAW:

Yes. As previously testified by others here, clearly, there are special interest aliens anywhere from Afghanistan to Yemen that have been coming across the Texas/Mexican border, been detected and apprehended by Border Patrol. So that's a fact.

(inaudible) al Shabaab the connection to Somalians, it's an FBI case. It was prosecuted and it's open source information regarding the support -- a Somalian smuggling operation out of San Antonio that would bring Somalians across and help them resettle across the United States. And there had been a nexus (ph) to determine in that investigation to terrorism.

We're mindful of that. We're also mindful of other aspects in terms of it. And until we get a handle on our borders, until we're secure between the ports of entry and no one is able to cross between the ports undetected, there's no way to tell in terms of the scope and magnitude of the problem that we (sic) exist right now, frankly.

And there's no excuse not to secure the border, and it can be done. If the proper resources are applied and Border Patrol given those resources, it absolutely can be done. And until that time, you know, Texas has made it very clear, the governor and the state legislature want to spend whatever it takes to support Border Patrol to get it done because it's too important to Texans.

DESANTIS:

Mr. Judd, CBP will often say that since apprehensions are down, the border is more secure. How does that number account for those who the Border Patrol doesn't ever see?

JUDD:

It doesn't. As I previously stated, that those drive-throughs, because the agents -- there were no agents assigned in that area in which the drive-through took place, if it wasn't for a camera that actually saw the vehicles, we wouldn't have even known that those vehicles had crossed. So if we don't have the resources to assign to a specific area, then we don't know what's crossing that area.

And I would like to correct myself. I looked back at my notes. It wasn't two days that that area was open. It was open for a long stretch of period of time, but I don't know exactly how long. I know that it was at least one shift, and more than that. So just want to correct that.

DESANTIS:

We've received reports from Border Patrol agents at sectors and offices reporting lower apprehension numbers are often rewarded and that apprehensions, when they fall between jurisdictions of different offices within a sector -- those apprehensions are simply not counted.

Have you heard similar reports suggesting that CBP might be fudging the apprehension data?

JUDD:

Not only have I heard similar reports, I've actually seen it. I've seen -- when I was assigned to the intel office at one of the Border Patrol stations which I worked, there was a note that came across the desk from a watch commander, a high-ranking manager, that said, You must remove these

numbers from the got-away report because there's no entry point. And therefore, if there's no entry point, then we can't say where it entered, and therefore, we can't reconcile the numbers.

And the question was -- the question that was posed to this watch commander was, Well, we know that they got away. Where are we going to report that they got away? He says, Well, if there's no entry point, then there were no got-aways. And we said, But we have the evidence that they got away. And he said, No, there's no got-aways, remove it, and we were forced to remove it.

DESANTIS:

And I hear some of the witnesses talking about resources, and I agree resources are an issue. But Mr. Judd, isn't our functional policy basically catch and release at this point? In other words, you can have, you know, beefed-up Border Patrol, but if people know that if they just get across the border, they're most likely going to be given a citation, and said -- you know, be released and then they come back in a year or whatever, you know, to me, that's still going to be a major incentive for people to come illegally. Am I wrong?

JUDD:

Well, the resources are important, and in part -- in part, you're correct, in part you're wrong. In let's say, for instance, the Del Rio sector -- the Del Rio sector does not necessarily release a whole lot of illegal aliens because they have -- Immigration and Customs Enforcement, they have the bed space to hold onto these people.

So the main determining factor is, is, do we have the space to hold onto these individuals? And if we have the space to hold onto them, then Immigration and Customs Enforcement -- they do hold onto them. But if we don't have the space for them, then we release them. And that's where the resources come into play.

DESANTIS:

Professor Ting, CBP has confirmed aliens from special interest countries are being apprehended by Border Patrol. USCIS has confirmed that aliens claiming credible fear have been subject to terrorism bars in the INA. Do you think that the administration's policies regarding aliens who arrive at the border could encourage more nefarious actors to attempt to enter the United States illegally along the southwest border?

TING:

I think it's reasonable to assume that the nefarious actors you're referring to are constantly looking for ways to gain entry to the United States. And as I said earlier, in the age of instantaneous communications, the flaws in our border security system are known instantaneously and are carried in the media. And I think it's a legitimate concern, and I applaud the committee here for taking an interest in this subject.

DESANTIS:

So once that word gets out, as you say -- basically, if you're somebody that wants to do the United States harm, you can come to the border, claim credible fear, you'll likely be released, receive a work permit, and then you'll have a court date, when, in a couple years?

TING:

You know, yes. In the olden days, what used to happen, I believe, is that if people came to the border and wanted to make an asylum claim, we told them, Fine, we'll schedule you for an appointment. Come back to the border. But we're not going to admit you.

And indeed, there is still a code section 235b(2c) in the Immigration and Nationality Act which authorizes the return of arriving aliens to contiguous territory from which they arrived. So there's statutory authority for turning people around at the border, if we wanted to exercise it, as we used to once upon a time.

DESANTIS:

Do you think if we moved away from some of these loopholes, moved away from a more "catch and release" posture -- I mean, obviously, people that would come would be apprehended, but then wouldn't that be a deterrent for other people to realize that's probably not the best use of my time and money to try to go across the southern border if they think that there's a probable -- probability that the law is going to actually be enforced?

TING:

Yes, absolutely. I think it would help to have an administration that is really serious about defending the border and enforcing the laws enacted by Congress. But I also think there are things Congress can do to tighten up the laws -- taking credible fear out, requiring asylum officer training for more immigration officers so asylum officers are available in larger numbers so we can do processing on the border, and as I mentioned, turning around people at the border and saying, You want to make a claim, come back when we have time to interview you, and we'll interview you. There's statutory authority for that already.

DESANTIS:

Great. My time has expired.

I now recognize the ranking member, Mr. Lynch, for five minutes.

LYNCH:

Thank you very much. And I really appreciate your opening statements and testimony.

I want to drill down -- I don't want to spend a lot of time on this, but let's talk about the credible fear standard. As I read the 1951 Geneva Convention for Refugees, it says -- it says well-founded fear. That's the standard, well-founded fear.

And when I see this standard -- you know, you're talking about credible fear. And when you go to Webster's or go to New Collegiate Dictionary, "well-founded" is credible and credible is well-founded.

I don't understand what the dickering is all about. Isn't it -- isn't it really the same standard as the Geneva Convention?

TING:

No, it is absolutely not the same standard. I mean, the Geneva Convention established what has become the international standard for asylum or...

LYNCH:

But just the fear. We're talking about the fear.

TING:

A well-founded fear of persecution on account of one of five specific reasons -- race, religion, nationality, social group or political opinion. So first of all, what is persecution, right? And what is race, religion, nationality, social group and political opinion? There's a whole body of law that's developed around that standard in the United States and internationally.

LYNCH:

But we're talking about the fear that that person has regarding...

TING:

Well, credible fear is something that was, as I suggest, made up on the fly for administrative convenience.

LYNCH:

It seems very close to the Geneva Convention standard, though. I mean, when you look it up, you know, Webster's dictionary, credible versus well-founded...

TING:

Well...

LYNCH:

It's not -- it's not totally made up if it means exactly the same thing. And I know in application, it's different. And I'm not -- I'm not questioning that. Ms. Acer...

TING:

All I can say is for everyone on the ground who was dealing with that issue at the time, credible fear was a clearly different and lower standard.

LYNCH:

OK. I hear you. You said that already.

OK, Ms. Acer, could you...

ACER:

Thank you. I just want to also caution that we -- the United States has to -- not only does it have obligations under the International Refugee Convention, but we also have to think about the example we set to other states. If we are to start turning away people at our border who apply for asylum, what message does that send to Jordan, to Lebanon...

LYNCH:

Yes, but can we talk about my question, though?

ACER:

So in terms of -- I'm so sorry.

LYNCH:

Thank you.

ACER:

In terms of the credible fear process, to answer your question, it was set up -- the '96 law, instead of allowing people to actually go into immigration court removal proceedings, allowed people to be deported on the order of a CBP officer, essentially.

In order to make sure we were complying with our obligations, a screening process was set in so that the U.S., the idea was, would not inadvertently deport someone who should have a shot at applying for asylum.

LYNCH:

OK.

ACER:

And we have found in our day in and day out practice, as I said, that actually, many people who are legitimate refugees are not passing that process.

LYNCH:

OK.

ACER:

And the immigration judge review that was mentioned happens in just a couple of days, very quickly, and in rare cases.

LYNCH:

OK. I have two minutes left, and I want to get to this other issue. There are pull factors and push factors. We went down -- we did a couple -- a couple CODELs, and went down to San Salvador, we went down to Tegucigalpa and we went down to Guatemala City. And so we were at the airport when the people, who were largely -- mostly kids, but a few parents -- when the kids arrived back in Tegucigalpa, I think it was. So -- so we had stopped them at the border and sent them back.

And the plane arrived around 11:00 o'clock. By 1:00 o'clock in the afternoon, every kid had been picked up. Every child had been picked up and taken home by their families. And the deal there, in talking to the immigrants, these -- you know, these families that are trying to get into the United States illegally, they said they -- their range was \$7,000 to \$8,000 per person, and they get three tries. They get three tries to get into the United States.

So they call them coyotes. I don't like using that term because it has a romantic appeal to it. These are human traffickers, OK, and they're putting these kids at grave risk in this whole exercise here.

So what I'm getting at is, there's a push factor -- well, actually there's a pull factor by having low standards in this country for allowing immigrants to come in, but there's also a push factor because there's an industry down there in Central America that's -- that's -- it's much more profitable than smuggling drugs.

And most of these countries don't have human trafficking laws in place down there, so they can do this and there's no real dire consequences, as there would be if they were trafficking in drugs or guns.

And so, I mean -- so I'm asking my Border Patrol folks, is this what -- is this the nature of the problem? What's a greater factor, the pull factor of the United States being lax or the push factor of the industry down there that's actually pushing people up to our border? Mr. Vitiello.

VITIELLO:

Thank you, Congressman. We found in our reporting that there's a multitude of factors that drive folks away from their home country, and then, like you said, get pulled into the U.S. So smugglers have taken advantage of the situation, wherein people believe that if they came to the United States, they would be able to stay and the smugglers -- we have reports that smugglers are actually using that concept to draw more people that might otherwise not consider the trip.

LYNCH:

All right. OK. Mr. McCraw?

MCCRAW:

Congressman, clearly, the Mexican cartels have adopted, you know, people as a commodity, and human trafficking clearly is a core business now of the Mexican cartels. And (inaudible) as they want to encourage as many to come across because, unlike drugs, they don't need precursor chemicals. They don't have to grow it. They make an immediate profit even when they get to the river. They don't even have to get across the river to get a profit.

And then they further compound it by when they move them across the river, often they'll load them down in stash houses and continue to extort them for additional money. So it's an ongoing process, and clearly, the cartels get a vote in terms on (ph) that push and that pull factors going into the United States.

LYNCH:

OK. Mr. Judd, you got anything to add?

JUDD:

Absolutely. It comes down to risk/reward. There is very little risk when you're smuggling migrants. The laws of the United States -- the accountability that we hold these human traffickers when we arrest them -- it's a very -- it's a very low standard.

However, if we arrest a drug smuggler that's smuggling cocaine, methamphetamine or something like that, then the consequences are much greater.

LYNCH:

Yes. I just want to make -- now, I spend a lot of time in the Middle East, and so do a lot of members on this committee. When Angela Merkel back last August said, you know, Germany welcomes -- , you know, the Syrian refugees and we'll take them, she ended up with 1.3 million. She never expected it, and now they're sort of backing away from that. But she ended up -- and that was a pull factor. That was a pull factor.

It pulled -- and when you talk to the Syrians on the border, they all want to go to Germany because they were -- they were beckoned to do so.

And I'm just wondering if we have a similar situation here because I didn't -- we didn't see the surge -- when there was civil war in El Salvador, when there was civil war in Nicaragua, we did not see the huge -- and those people could have legitimately said, I got a civil war back home and I need to come to the United States. We didn't see the requests at the border that we're seeing now.

And it just -- I don't know. There's something else going on here, and you know, maybe we're part of it up here creating this problem.

I yield back. You've been very courteous. I appreciate it, Mr. Chairman.

DESANTIS:

Thank the gentleman.

The chair now recognizes the gentleman from North Carolina, Mr. Meadows, for five minutes.

MEADOWS:

Thank you, Mr. Chairman.

Let me follow up a little bit on what Mr. Lynch just talked about because as we start to look at this particular issue, there is a big difference between refugees and asylum seekers. And somehow, we've put those two together, assuming that they're one and the same, and indeed, they're not one and the same. We have different processes for those.

I serve on the Global Health and Human Rights Foreign Affairs committee. There is nothing that is more close to my heart in terms of trying (ph) those who are truly in need. But what Mr. Lynch was talking about really comes to mind. What are the places that are most troubled from a standpoint of people needing asylum or refugee status? What countries come to mind as being the most horrific right now? Ms. Acer? I mean, what country would you put the top two?

ACER:

Well, I guess, you know, you could look at it in terms of numbers, and then of course, you've got Syria. Certainly...

MEADOWS:

So Syria would be number one.

ACER:

I'm not going to rate them right now, but I would say, certainly...

MEADOWS:

Well, is it in the top five?

ACER:

Yes, I would say so.

MEADOWS:

OK. All right. So -- so let me -- And the reason I come there -- because what Mr. Lynch was talking about is if, indeed, the worst place in the world is Syria, what we would see is coming across our southern border this mass infiltration from Syria. But really, when we start to look at the numbers, it's not bearing that out as much.

And so Mr. Ting, I need to understand the process because Ms. Acer had talked about the fact that these asylum seekers come and they sit in jail. Now, we've been led to believe that since 2009, there was a different administration rule that would not actually put them in jail. Mr. Judd would apprehend them, they would go through and seek credible fear, and then they would be released and not sit in jail waiting for that.

Is that correct, Mr. Ting?

TING:

Well, there are two distinct programs. I mean, you refer to refugees. We operate an overseas refugee program...

MEADOWS:

Right.

TING:

... I think the most generous overseas refugee program in the world, taking well over 55,000...

MEADOWS:

State Department is involved with that, a number of other (OFF-MIKE)

TING:

But that's a pick and choose program.

MEADOWS:

Right.

TING:

We get to pick which refugees are of special interest to the United States and bring them to the United States. The asylum program allows people who are already here to apply for asylum, and there's no numerical limit on asylum.

So if you can claim that you're a refugee and you're already here, under our law and international law, we cannot return you to your home country. You qualify for discretionary asylum status in the United States, which can put you on a path to a green card and eventually becoming a U.S. citizen, along with everybody else. No numerical limit.

So it's very tempting, I think, given the fact that you may be a refugee in a displaced person camp in Jordan or Turkey, and if the U.S. doesn't pick you, you know, you're kind of stuck there. But if you can get yourself into the United States or at the border and make the claim, then you're going to get processed sooner or later.

And I think that is a great temptation. As Mr. Lynch says, that is a pull factor, to the extent that people have a realistic expectation. And I think the administration, frankly, is trying to balance expectations and is deliberately, I think, trying to deter people by imposing some consequences on their coming to the United States and making claims.

MEADOWS:

So I can tell by the non-verbal gestures to your right, from my standpoint, that she does not agree. So go ahead. I'll give you...

ACER:

Thank you.

MEADOWS:

Very short. I've got very limited time. Please.

ACER:

Thank you. We're certainly protected from a large Syrian influx at our border by our geographical location. But the northern triangle countries, you know, are incredibly dangerous, and as I mentioned before, asylum requests are up significantly in the region, as well.

And I would just say in our day in and day out, we represent asylum seekers who pass through the credible fear process and are held in very jail-like facilities, which the U.S. Commission on International Religious Freedom has said are inappropriate.

MEADOWS:

Now, Mr. Judd, you put them in jail if they have credible fear claims? Your Border Patrol put them in jail?

JUDD:

It strictly depends upon where it's at. If it's in RGV, most likely not. We just don't have the bed space. If it's in the Tucson sector, most likely not. We don't have the bed space. If it's in the Del Rio sector -- I will tell you I drove by where we put them, and it is anything but a jail. There's no fences. There's nothing around it. In fact, it's been described to me more like a country club.

MEADOWS:

OK. So we've either let them go or we put them what you would classify as a country club setting, is what you're saying.

JUDD:

From what I saw, yes.

MEADOWS:

OK. So part of the testimony here is that we deny a whole lot. Let me ask you this. It appears in 2013 that we approved 92 percent of the people coming across our border in terms of F.Y. -- this is F.Y. '13 -- 92 percent of the people who came across and said that there's a credible fear got approved.

And last -- I guess in the first quarter of this year, it's actually 86 percent. So if we're looking at approving that many -- everybody who comes across and says -- it's almost everybody who comes across who says, I have a credible fear, I want asylum.

Is that the reason those numbers continue to go higher, Mr. Judd?

JUDD:

What I can tell you is what we see on the border. Unfortunately, I don't go through the entire process. All I do is I arrest people, and then I'm supposed to...

MEADOWS:

So do they get a long interview, I guess, when you make...

JUDD:

No. No.

MEADOWS:

So what's the interview like?

JUDD:

My Border Patrol agents, when we arrest them, if they're from countries other than Mexico, it's very quick. All they have to do is claim that they have a credible fear and...

MEADOWS:

So if I'm speaking Farsi, I can come across and say I have a credible fear and I don't get a real interview.

JUDD:

No, you don't.

MEADOWS:

So the very people that may be terrorists -- and I don't want to characterize one particular group as speaking a particular language, but those are higher threat areas to us based on their past history. They get a shorter interview?

JUDD:

Well, for special interest countries, we actually turn them -- we notify the FBI immediately if they're from a special interest country. We won't even interview those individuals.

For instance, in Sonoita (ph), when we arrested the Afghans and Pakistanis, the most recent that I'm aware of, they were immediately turned over to the FBI. We didn't even interview them. But from countries that are not considered special interest, from say, China -- Bangladesh would be the same -- it's a very short interview. As long as they tell us that they have a credible fear, the interview basically ends at that point for the Border Patrol.

MEADOWS:

All right. Thank you.

I yield back. I appreciate the patience of the chair.

DESANTIS:

Thank the gentleman.

The chair now recognizes the gentlewoman from Illinois for five minutes.

KELLY:

Thank you, Mr. Chair. Welcome, witnesses.

In today's complex threat environment, effective counterterrorism and law enforcement efforts rely on sophisticated intelligence gathering and sharing capabilities. Especially because of their exponential effects, we should focus our efforts to strengthen the border on these intelligence capabilities.

Mr. Vitiello, your written testimony states, and I quote, "A whole-of-government approach that leverages interagency and international partnerships as a force multiplier has been and will continue to be the most effective way to keep our borders secure."

Which other agencies does Customs and Border Patrol share intelligence or information with to secure the border?

VITIELLO:

So all of the entities, state, local, tribal, that are at the immediate border, and then we have important relationships in the contiguous countries, Canada and Mexico, with their federal police, with their immigration authorities, their customs group. And we also -- CBP has the benefit of having a worldwide footprint.

And so in all of the places where we're active either providing services for people who are coming to the country or a liaison relationship in places like Mexico and Canada to exchange important law enforcement information. So anybody that has the common interest of securing the border, gathering intelligence to aid in counterterrorism efforts, et cetera, those are all the people that we interact with.

KELLY:

Can you further explain how these partnerships act as a force multiplier?

VITIELLO:

Well, as a simple example, with Mexico's immigration authorities, when the surge of unaccompanied minors started in 2014, several requests through the liaison and then official government requests for Mexico to do more at their southern border, and the INM group, their immigration authority group, stepped up and effectively shut down some of the more common routes of people coming to the United States.

And we're seeking now to prosecute smugglers who are responsible for some of that activity. That led to an overall reduction in people who could use those routes. We're still challenged by that, but

we were able to support their work with liaisons and mentors in Mexico to understand the challenges that they have and give them, where we could, tips and advice and mentorship so that they could do their work better.

KELLY:

That's a good example of how interagency and international partnerships can strengthen the border. Any other examples you...

VITIELLO:

So we have also a very important relationship in Canada, as well. We share information about threats that we perceive coming from the U.S. into Canada and vice versa -- lots of information exchange.

And then it is the responsibility of our leadership in the field to maintain good relationships with all of the law enforcement community so that we can identify and understand which of the threats are most important by community and then work together to abate them.

KELLY:

It seems as though when you hear about threats to the border, it's always the southern border, not as much the northern border. What are their percentages? Or is that how you would describe it?

VITIELLO:

So overwhelmingly, our resources are dedicated to the southern border. That's where the activity is represented by the large numbers, volumes of people, volumes of things because of the nature of the real estate and the differences in both economies, et cetera.

But we also have important work that we do with Canada, and we do similar things as it relates to identifying where we need to be situationally, where on the border, technology to help us patrol and monitor. And then obviously, the relationships are key in understanding the threats that are faced.

KELLY:

OK. Your testimony continues, quote, "DHS works with our federal, state, local, tribal, international partners, particularly Canada and Mexico, to address transnational threats."

What types of helpful information does Canada and Mexico provide that the U.S. would not otherwise have access to?

VITIELLO:

So at CBP -- and obviously, this is true in other federal law enforcement -- is we help identify the criminal networks that are responsible for human trafficking, gun smuggling, illicit financing. So what we do is we try to understand amongst ourselves, with them and ourselves, what the threats are and how to combat them and then help identify by network which are the most problematic criminal enterprises.

KELLY:

Do you feel these partnerships have improved over time and you're getting more and more information or there's more of a comfort level with these other agencies?

VITIELLO:

So it ebbs and flows as it relates to the international engagement. I think in Canada, it's been stable and very well used for quite some time. In Mexico, it sort of ebbs and flows with the changes of administration, et cetera. But they have been a strong partner with us, especially at the federal police level and their immigration authorities.

KELLY:

Thank you so much.

Thank you, Mr. Chair.

DESANTIS:

The chair now recognizes the gentleman from Florida, Mr. Mica, for five minutes.

MICA:

Thank you, Mr. Chairman, for holding this joint hearing. I think it couldn't be better timed with the incidents we've seen most recently and around the world relating to terrorism and our border vulnerability.

I guess you'd probably conclude that our borders are porous, a sieve, and tens of thousands of illegals are coming across the border. Would that be appropriate, Mr. Judd? Do you think that's correct?

JUDD:

That is correct. Border Patrol agents -- these are very motivated individuals. They want to do the best that they can. They do the best that they possibly can.

MICA:

You described -- you described the vehicle -- they cut the wires and came through. You don't know whether there were drugs, weapons, explosives, could have carried great quantities of that across the border.

JUDD:

It could have been anything.

MICA:

Let me ask the DHS representative. I just heard that El Chapo, the noted drug kingpin and czar, crossed the border. He bragged about it, I guess, after his capture like he was coming on some regular vacation journey to the United States. Are you aware of that?

VITIELLO:

No, I had not heard that.

MICA:

Oh. Not only were we informed that he was crossing routinely, now I have -- we have evidence that some of the weapons -- or at least one of the weapons that was found when he was captured was from the Fast and Furious collection, which was provided by the U.S. government. You're not aware of that, either.

VITIELLO:

I did see that in the media reports.

MICA:

OK. Most disturbing -- Mr. Judd, you gave some excellent testimony. You described one of the issues, and you said the Border Patrol, due to DHS prosecutorial discretion guidelines, released more than 3,800 illegal aliens who are in our custody and were subject to deportation proceedings. And you said they were released simply because they claimed to have been in the United States continuously since January 2014.

This amnesty through policy, in short (ph) the administration, this is the president's policy of amnesty? Is that what rules the proceedings?

JUDD:

If you ask Border Patrol agents, absolutely.

MICA:

So -- and so we've allowed tens of thousands -- I saw an estimate of about 50,000 criminal illegals in the United States, a guesstimate. Is that -- they are subject to deportation, aren't they?

JUDD:

Yes. Anybody that's here illegally is subject to deportation.

MICA:

OK. But again, we've allowed millions of this sort of waiver and tied your hands, which you put in your written testimony.

Not only the borders, but the airports are now our borders where people flying in, whether it's from Europe or from Central, South America, around the world. And there's a credential screening gateway system, which is outlined in an I.G. report June 4th, 2015. It says worker credentials -- and these are workers at the airport -- that, in fact, we don't have thousands of passport numbers.

These are people with, for example, no alien registration number for immigrants working at our airports, 14,000. No passport number for immigrants, 75,000. First names with two characters or less, 1,500. What is this, 87,000-something working at our -- 87,000 active, and we don't have those records.

Are you aware of that, Mr. Vitiello? This is a DHS inspector general report.

VITIELLO:

It's not particularly my area, but I am aware of the reporting on that subject.

MICA:

So the borders are a sieve. We have people working at our airports who we -- who are aliens who we don't even know anything about. We have -- we don't have confirmed their alien registration number or their passport number, is that correct?

Mr. Chairman, I'd like this page to be made part of the record.

DESANTIS:

Without objection.

MICA:

And finally, if I may, in my local community, my police chiefs who I've met with the last few weeks -- we have a big drug epidemic in Florida and around the nation. But we were talking about that, and we talked about illegal aliens.

They say they arrest them, they detain them, they call the Border Patrol, and they advise them that they can't help and they are often just escorted to the county line. Are you aware that that's going on in our local communities, our local jurisdictions and borders?

VITIELLO:

I was not, Congressman. What area is this?

MICA:

Central Florida.

VITIELLO:

We're not particularly well staffed in Florida at all.

MICA:

But they...

(CROSSTALK)

MICA:

They're just -- they're dumping them back into the community, and you all are refusing to do anything. Maybe some of it is what Mr. Judd described. You -- we've let them through presidential edict stay here and not be accountable.

Thank you. Yield back.

DESANTIS:

Gentleman's time has expired.

The chair now recognizes the gentleman from Virginia for five minutes.

CONNOLLY:

I thank the chair, and I'd ask unanimous consent my statement be entered into the record in full.

DESANTIS:

Without objection.

CONNOLLY:

I thank the chair.

Mr. Vitiello, in listening to this last line of questioning, gosh, I seem to -- I seem to think some progress has been made, but maybe I'm wrong. How many Border Patrol agents are there now on the southern border?

VITIELLO:

On the southern border, approximately 17,500 or so.

CONNOLLY:

And how many would there have been eight years ago?

VITIELLO:

Eight years ago, it would have been at least half that.

CONNOLLY:

Right. So we've doubled them.

VITIELLO:

Correct.

CONNOLLY:

And the immigration reform bill that had been worked out on a bipartisan basis in the Senate would have doubled that again, is that correct?

VITIELLO:

I believe so.

CONNOLLY:

Yes. So we doubled the patrol -- Border Patrol agents. Deportations -- they've fallen to record lows in that eight- year time period, Mr. Vitiello?

VITIELLO:

I think that our activity overall over the last several years has seen a reduction with the buildup of resources that we've had.

CONNOLLY:

No, but is it not true that in this last eight-year period, we actually had record deportations?

VITIELLO:

I've seen various reports of the numbers, and I think there was a time where those numbers were higher and now have dropped off commensurate with the reductions in...

CONNOLLY:

Because we're more effective at deterrence. At the height of deportations in the last eight years, Ms. Acer, were they higher than in the previous eight years?

ACER:

I believe they hit around 400,000, which was an all-time high.

CONNOLLY:

All-time high, in this administration.

ACER:

Yes, that's my understanding.

CONNOLLY:

Right. Not hiding by executive order, and so forth. Sounds good, but actually, there's another record to be told.

Going back, Mr. Vitiello to your point about secure borders -- so you mean to say it's harder to get into the United States, the borders are less porous because the measures we've put in place, including personnel, are in fact more effective, is that correct?

VITIELLO:

We're certainly more capable than we were as far as the number of agents, the levels of technology, the infrastructure that's now been in place and the improvements that we've made.

CONNOLLY:

And all of that combined has allowed us to catch people if they try to cross the border?

VITIELLO:

Well, we certainly have gotten much more capability.

CONNOLLY:

So we're deterring lots of people at the border?

VITIELLO:

It's hard to measure deterrents. I mean, I think we've seen -- if you look back over the historic highs in the number of arrests we were making, we've seen a reduction in that.

The panel has already talked about the insufficient measure of apprehensions along -- but we have seen reductions in activity that are commensurate with the improvements that we've made not only in sort of the physical structures, more agents, et cetera, but in other things that we're doing, post-arrest interviews, consequence delivery, et cetera.

CONNOLLY:

Mr. Mica made the point -- he used El Chapo as an example, but we hear it anecdotally -- people who are deported, including bad actors, gang, you know, activists, gang leaders, especially from El Salvador and Honduras, who multiple times, you know, they're deported and multiple times re-enter the United States. Deportation is not for them some sort of penultimate, you know, punishment, or deterrent for that matter.

Could you comment on that? I mean, what are we doing to try to make sure that repeat entrants, illegal entrants, are in fact permanently barred and deterred and we're effective at it?

VITIELLO:

So we do track the number of arrests people have, both for the criminal violations, as well as their previous immigration history. And through the things like the consequence delivery system, we target people who we know are going to be repeat offenders or re-cross multiple times, and then seek with the assistance of the U.S. Department of Justice, U.S. attorneys office locally, to prosecute those folks when we find them.

CONNOLLY:

Do you have a special division or a special targeting task force or a system with respect to gang activities? Because certainly, in a lot of our communities, we're worried about people -- bad actors who are vicious gang members, often from Central America, and we don't want them in our communities and we don't want them in this country. And we want them back home, although that causes problems too, we understand.

But are you targeting that particular subgroup in this context?

VITIELLO:

So in the context of the consequence delivery system, anybody that's a repeat offender, we seek to use the maximum effect of federal prosecutions when they're re-encountered by our officers in the United States. And then in all the cities and the towns that are represented, we work with our state, local and federal partners in the task force environment, and some of those are specifically dedicated to gang activity.

CONNOLLY:

Mr. Chairman, just -- if I could slightly follow up. I guess the -- OK, that's good, but I'm asking, can we target them and profile them as a likely repeat offender, and that's what -- I mean, you know, re-enter, and that's what we want to deter to begin with?

VITIELLO:

Yes. So what we do is we aggregate the data to understand that when that person is in front of us and the agent is doing the booking procedure, when they run the fingerprints, they'll have a complete record of their previous criminal and immigration histories. And those that tip the scale, if you will, toward gang activity or known criminal offenses inside of that kind of criminal activity, then we'll work with local U.S. attorney's office to get them prosecuted.

CONNOLLY:

Thank you.

And my time is up. Thank you, Mr. Chairman.

DESANTIS:

The gentleman's time has expired.

The chair now recognizes the gentleman from Georgia for five minutes.

HICE:

Thank you, Mr. Chairman.

Mr. Judd, let me kind of go a little different direction here for a moment. You've noted in the past some of the challenges of securing the border on federal lands. Specifically, what sort of on obstacles do agents face when access is limited, say to endangered species or wilderness designations?

JUDD:

Well, I can tell you that I started my career in El Centro, California. And in El Centro, California, if an illegal alien crossed the border, I could follow that illegal alien in my vehicle until I caught him forever. It didn't matter how long. I could go forever until I followed him.

But if you go and look at Arizona, if an illegal alien crosses the border, I have to get out of my vehicle, I have to call somebody, they have to try to get ahead of me. And there are very, very few access roads which then puts us behind the curve, and we just -- it's very difficult to apprehend those individuals on protected lands.

HICE:

Mr. Vitiello, a similar type of thought with you regarding federal lands. You're aware of the permitting delays on federal lands, whether it's for road maintenance or forward operating bases or mobile surveillance systems, what have you. What is an acceptable period of time for permitting to take place for your agency before you've lost your tactical advantage?

VITIELLO:

So in the concept of when agents are in what we call hot pursuit, when they're actively following a trail, even in a wilderness area, they have the ability to continue on that traffic.

As it relates to infrastructure and other improvements that are made in certain protected lands, we have a three-agency memorandum of understanding with the Department of Agriculture and the Department of Interior to work through things like permitting, environmental assessments for improvements that we want to make to install surveillance equipment or to access roads, et cetera.

HICE:

But at some point, your intel becomes irrelevant if permitting takes so long to where you can't -- what kind of timeframe is reasonable?

VITIELLO:

Well, the sooner -- as soon as we can do it, as soon as possible is the best timeframe.

HICE:

Are you receiving cooperation from other agencies?

VITIELLO:

The MOU provides a mechanism for us to start the conversation and then work through the expectations and milestones to get things accomplished that we need to have done.

HICE:

OK. Of course, we all know that ISIS is attempting to exploit any and all of our loopholes on our nation's national security, and in particular our borders, from infiltrating the refugee program, and

so forth. But when it comes to our borders, how high are the security risks, and how can we mitigate those?

I'll begin, Mr. Judd, with you, real quickly.

JUDD:

They're extremely high. The best way that we can mitigate these risks are resources in the field, giving us the resources that are necessary that so we're not leaving areas of the border just completely unmanned.

HICE:

OK. Mr. Ting.

TING:

I think it's very much related to the volume of border crossers that have to be processed. I mean, we're all aware that there was a tremendous border surge in F.Y. 2014, and preliminary statistics show that the border surge in the current fiscal year 2016 may exceed that number.

I think when you have a historic border surge that obviously stresses whatever resources are available at the border, and it makes it more likely that security risks can take advantage of that situation and penetrate our border, simply riding the tide of the high volume of processing that has to occur and looking at F.Y. 2016, I think a lot of us think we're confronting that situation this year.

HICE:

OK. Let me ask you, Mr. McCraw, how high are the security risks, and how do we mitigate it?

MCCRAW:

They're substantial. And until you secure it, they're not -- you can't mitigate it fully. And I know Congressman Connolly was concerned about MS-13 and other criminal aliens that come across, and how do you keep them from coming back -- the only way you do it is secure it. And the way you secure it is you provide Border Patrol additional agents, detection technology, aviation assets, and you -- and unity of effort and work the type of programs that will deter criminal activity.

That's the only way that you're going to be able to actually mitigate the risks.

(UNKNOWN)

Could I -- Mr. Chairman, could I just weigh in?

DESANTIS:

The gentleman's time has expired. We're going to have votes here, so I want to make sure that other members have a chance to ask their questions.

So let me recognize the gentleman from Michigan for five minutes.

WALBERG:

Thank you, Mr. Chairman. And thanks to the panel for being here.

Mr. Judd, a constituent of mine who's a DHS officer contacted me. He's been working on the border in California. He expressed concerns about a policy, as he puts it, with California and Mexico, where individuals who cross the border illegally cannot be sent home but are processed through and then released into the U.S. with court dates as long as seven to ten years down the road.

Are you aware of that policy?

JUDD:

Yes, I am. That's -- we dub it the catch-and-release policy. It's extremely disconcerting to all Border Patrol agents. If you ask Border Patrol agents, they believe that it's one of those driving factors that invites individuals to try to break our -- our...

WALBERG:

Is it unique to California?

JUDD:

It is not.

WALBERG:

Are all the aliens who cross the border given notices to appear before the court?

JUDD:

No, they are not. Well, let me -- let me -- let me take that back. Let me take -- I'm sorry. Not all illegal aliens that we arrest are given notices to appear, and there are different factors that go into that. I would -- I would generally say that if we see somebody cross the border, that that individual would be given a notice to appear. But not all illegal aliens that we arrest are given notices to appear.

WALBERG:

What's the typical timeframe for -- for court hearings?

JUDD:

I don't deal with the court hearings. From what I'm hearing from high-level DHS officials, I'm hearing anywhere between five to seven years.

WALBERG:

Mr. Vitiello? Did I get that right?

VITIELLO:

Vitiello, correct. Yes, I've heard the same thing. It varies by city and it varies by the capacity that the Department of Justice has to schedule and notice those hearings.

ACER:

Congressman, I'm sorry to be -- can I weigh in on the immigration courts? Because we've been recommending -- we just issued a report on the need to adequately fund the immigration courts to bring down those backlogs and delays. Just wanted to...

WALBERG:

So your contention is funding?

ACER:

Yes. That's actually a major need, is funding for the immigration courts. Thank you.

WALBERG:

Let me ask, Mr. Judd, are there any -- any efforts to keep track of the whereabouts of the individuals that are awaiting these lengthy-timeframe court hearings?

JUDD:

Not that I'm aware of. All they need to do is provide us an address, and it can be an obscure address. For instance, in -- in the mid-2000s, we were arresting a large number of Brazilians in the Tucson sector, and all Brazilians were giving us -- a large number of these Brazilians were giving us the exact same address over and over.

WALBERG:

Large buildings, huh?

JUDD:

Yes. Exactly. And we were releasing those individuals based upon the addresses that they were giving us.

WALBERG:

I assume this is frustrating to your colleagues.

JUDD:

It's extremely frustrating. But what gets even more frustrating is when we have a CBP commissioner that tells us if we don't like it, we can go find another job. That's even more frustrating.

WALBERG:

Mr. McCraw, how are the administration's efforts or enforcement priorities and release policies affecting your organization?

MCCRAW:

Well, clearly, we're concerned. The governor has expressed his concern about the potential Syrian refugees coming to Texas. There's no adequate way to properly vet them, and that's a concern from a national security standpoint. And he's made it very clear.

We're concerned that we continue to see transnational gangs, criminal aliens, cartels, cartel operatives, and drugs, heroin, marijuana, methamphetamine and cocaine infiltrate Texas and throughout Texas and really throughout the nation. And those are those -- those are the key concerns that we have, and some of the other related transnational crime that happens, when you become a trans-shipment center for cartel drug and human smuggling, including home invasions, including high-speed pursuits, including stash house, extortions, including kidnapping.

All those things that occur, we're having to address in Texas as a result of it. At the end of the day, the border is not secure.

WALBERG:

I would assume you have ideas on how to secure that and even policies that could be implemented rather rapidly. If you were allowed, as a state official responsible for securing your people's safety and borders, could you do it?

JUDD:

I could tell you that this chief right next to me could do it if provided the appropriate resources. If Border Patrol is given the sufficient Border Patrol agents, the detection technology and the aviation assets, they could do it today. There's no doubt in my mind they can do it.

WALBERG:

So this isn't a problem but for the fact you're not allowed to do what you're able to do and I would assume, Mr. Vitiello, as well.

MCCRAW:

Well, the problem is it hasn't been properly resourced over the decades. Bottom line is border security has not been a priority, not been a concern as it relates to multiple administrations. And in today's threat environment, you can't afford not to be concerned about border security. It impacts Texas from a public safety standpoint, it impacts us from a national security standpoint, a homeland security standpoint. And not just Texas, the rest of the nation.

DESANTIS:

The gentleman's time has expired.

WALBERG:

Thank you.

DESANTIS:

We're going to try to go to Ken Buck for five minutes.

BUCK:

Mr. Judd, real quickly, 2014 -- as a result of the change in the president's policy on immigration in 2014, we saw a surge of minors crossing the border, is that true?

JUDD:

That is correct.

BUCK:

And do you know the percentage of those minors that are from contiguous countries, in other words, Canada and Mexico, versus non-contiguous countries?

JUDD:

Very few. The vast majority of those that are entering the country are from non-contiguous countries.

BUCK:

And how are they treated differently? If a child from or a juvenile from Mexico enters the country versus a juvenile from El Salvador?

JUDD:

If it's a juvenile from Mexico, they're going to be treated basically the exact same. If -- if -- it doesn't matter what country you're from. If you -- if you claim a credible fear, if you say that you're seeking asylum, you're going to be treated the same by the Border Patrol. How ICE treats them, I don't know. But by the Border Patrol, it's going to be treated the same.

BUCK:

OK. Mr. Vitiello, any different treatment or process that is used for the -- for contiguous versus non-contiguous individuals?

VITIELLO:

So in the case of Mexico and then others from Central America, they're both -- both populations would be screened to make sure that they weren't victims of human trafficking. In most cases along the border with Mexico, we can facilitate their return into Mexico with the assistance of their government.

And so the logistics and the turning people over to ICE for further -- or to be placed with HHS doesn't necessarily always occur with folks from Mexico because we have a friendly neighbor, and they will facilitate bringing their citizens back, repatriating them.

BUCK:

OK. So in the case -- there is a legal distinction, though, between how individuals are treated in contiguous countries versus non-contiguous.

VITIELLO:

Well, the law requires that both -- all the populations are screened so that they're not victims of human trafficking, these juveniles. And so if they're from non-contiguous countries, then the law allows for us to do that screening, to do the booking procedure.

And once that we recognize that they're unaccompanied children, then it's our -- it's the work of DHS to transfer them to another government department, the Department of Health and Human Services, which puts them in a setting to where they can either be reunited with family in the States or cared for appropriately, given their age.

BUCK:

And that's individuals in non-contiguous countries.

VITIELLO:

Correct.

BUCK:

But many of those non-contiguous countries -- you used the term "friendly" in terms of our relationship with Mexico. Many of those non-contiguous countries, we have a friendly relationship with also, don't we?

VITIELLO:

We do.

BUCK:

And if the law changed, we could arrange -- in the situation where they're not victims of human smuggling or seeking asylum, we could arrange for those individuals to be returned to those countries without going through the five to seven-year hearing process that we now have.

VITIELLO:

Well, that would require a change in the law, as far as I know.

BUCK:

And do you see any reason, any adverse effects in changing that law?

VITIELLO:

I'm not sure. I mean, I guess we'd have to look at exactly, you know, what the contours of that. But certainly, with -- in our relationship with Mexico, this is a smaller problem.

BUCK:

And Ms. Acer indicated that all we need is more money. If we just printed more money, increased our national debt above the \$19 trillion, we could take care of this problem.

A much simpler solution, much less costly, and frankly, much more humane to the individuals that are coming into this country would be to change that law and allow those individuals to return to their homes and set a policy in this country, frankly, that doesn't attract juveniles like magnets.

And I think it would be more humane, rather than putting someone in a limbo for five years where they don't know whether they're in this country or not.

I thank the chairman, and I yield back.

DESANTIS:

Gentleman yields back.

The chair now recognizes the gentleman from Wisconsin for five minutes.

GROTHMAN:

... maybe cover some territory that we've already covered a little bit, but I want in general -- and this is a question maybe for Mr. Judd and Mr. Ting. In general, how effective do you believe the administration's commitment to border security has been?

And I also want you to compare it because I'm not a partisan person. I'm under the impression that we weren't getting a lot out of the past administration, either. So I guess I'd like to even change the question and say, How sincere has the commitment been, both in this administration and the last administration, to border security, which to me is just a basic part of being a country?

TING:

Well, I was going to yield to Mr. Judd, but -- how serious are they about border security? I think there's a lack of concern for deterrence. I think deterrence is an important part of immigration policy. I mean, I think deterrence is an important part of immigration policy. We will never have enough resources, we will never have enough Border Patrol agents on the line if we don't deter people from attempting to violate our laws.

And so I think deterrence is part of immigration policy, which has been abandoned by this administration and not been a high priority of previous administrations.

One of my colleagues said the poor people of the world may be poor, but they're not stupid. They can -- they're as good at doing cost-benefit analysis to determine what's in their best interests as anyone in this room. They can figure that out, and they're going to figure it out.

And if we don't deter people, they're going to figure out that, Hey, you know, you have a better life in the United States. Your kids go to school for free. There's better security. There are better job opportunities. You can compete with Americans for jobs in the United States. So that, you know, fits into the cost-benefit analysis.

We can overwhelm whatever resources we're willing to put on the border by sending messages that we're, you know, willing -- like Angela Merkel, willing to accept unlimited numbers of people to come and live with us in the United States. We can do that, and it's not going to matter how much money we spend on the border and how many Border Patrol agents we put up.

GROTHMAN:

OK. So I don't mean to put words in your mouth, but it seems to me that at least under the last two administrations, maybe the past three administrations, while the average American knows we have a Border Patrol and thinks we have a Border Patrol because we want to have our immigration laws obeyed, there has not been a commitment for many years in this country by powerful people who presumably ran and said that they -- that, you know, they wanted to enforce their immigration laws.

For whatever reason, past administrations of both parties don't really seem to care that much for enforcing our immigration laws. And I don't know what is going on in their head. But do you think that's an accurate statement?

TING:

This is the first election campaign that I can recall that immigration has been a major issue, that historically, I think both political parties have not wanted to raise immigration because it is such an emotional and divisive issue.

And really, for the first time this year, suddenly, immigration has popped up as an issue. Now, maybe it is the unusual situations we've seen at the border. Certainly, it's the national security concerns that we're all feeling.

But I think the American people are focused on immigration and are asking, you know, Why are we having such overwhelming problems at our borders, and wanting something to be done about it.

But I think deterrence is part of it. The administration has to send a message that we're serious about enforcing our laws and that we're going to do the best we can to enforce them efficiently. And people who are not entitled to be here ought to expect to be turned around at the border promptly, getting a prompt asylum interview on the spot -- not a credible fear interview, but an asylum interview. And if they're denied asylum, they should be turned around immediately!

GROTHMAN:

Mr. Judd?

JUDD:

Yes, if you will. What you have to have, Mr. Grothman, Congressman Grothman, is you have to have agency officials that are going to tell you the truth. You -- not the truth, they have to be open. They have to tell you everything.

I will tell you right now that you have a chief patrol agent right now that has been very open and has given you all candor, and I fear that because of that openness, because of that candor, our

current acting chief patrol agent is not even going to be considered for the permanent chief patrol agent because, quote, unquote, "he can't be controlled." And that's a problem.

GROTHMAN:

OK. Thank you. I just want to -- before my final 10 seconds, I want to correct Mr. Ting. I think there are a lot of Republicans who want to enforce the border, and I think a lot of us are very concerned about what happened under President Bush and don't want another person -- anybody like Bush representing our party in the future.

Thank you.

DESANTIS:

Gentleman's time has expired.

I want to thank the witnesses. I think that this hearing was important in flushing out really some problematic aspects of our national policy here. We're not -- we do not have a secured border. We are inviting threats to our country. And it goes from having more resources, more physical security. But as Professor Ting said, you know, you've got to have laws that are actually enforced, and people need to see that. And that will deter a lot of people coming, as well.

I will note we are going to continue in this vein on this committee. And in particular, there was a recent report that ICE had in custody 124 different detainees who were here illegally that they later released, and that after ICE released them, they got charged with murder. And so that's the type of thing that had ICE simply done its job properly, you know, maybe those people would not have been killed in our country, and I think that's an absolute tragedy that that's happened.

And with that, I'll thank our witnesses again.

If there is no further business, without objection, this subcommittee stands adjourned.