

Hearing Transcript

Senate Judiciary Committee Hearing on Unaccompanied Immigrant Children Border Crossings

February 23, 2016

GRASSLEY:

Before I read my statement, I would like to give a summation. Our hearing is meant to serve a dual purpose. It is oversight not only for protecting innocent children and making sure that they're in safe hands but also to ensure that some of these bad actors are not carrying outgang activities and harming the public.

Fiscal year 2014 saw a record number of unaccompanied minors illegally crossing the border. Customs and Border Protection apprehended over 68,000 minors in that year. This year, we are seeing another surge of minors illegally crossing the border of 20,455 were apprehended as of January 30th, this year.

If these trends continue, we can expect to see an even greater number of minors crossing the border this year than in 2014. Recent reports have brought to light the Obama Administration's major inadequacies in dealing with the 2014 border surge.

In 2014, I, along with Senators Hatch, Coburn and Johnson, asked the Government Accountability Office to review HHS's policies and procedures in caring for and monitoring these minors and finding appropriate sponsors. This report was released yesterday. And I its findings are troubling.

The report found that the HHS responded to the 2014 surge by expanding its bed capacity. However, at the time of the report, the Department quote, "had not yet updated its plans to meet future needs," end quote. There was no capacity framework for 2016, nor a systematic approach to update the capacity framework on an annual basis going forward.

The report further found that the Department was not consistently monitoring its grantees.

Grantees perform most of the responsibilities of the Department, which include housing minors, vetting sponsors, and providing post release services to a small percentage of minors. The report found required documents missing from case files, and that some grantees had not been visited by the Department for seven years. The report also noted that the amount of time minors remained in the Department's facilities had decreased from 72 days to 34 days.

This was accomplished by taking shortcuts such as allowing for copies of birth certificates and foregoing the fingerprinting of sponsors. Because the Department cut corners, several minors were placed by human traffickers.

We have this example in Ohio. Unaccompanied minors were forced to live in unsanitary and degrading conditions while working seven days out of the week at an egg farm without pay. Others

were pawned off to people who abused them or forced them into sex trafficking. And those are only the cases that are public. How many more minors have been released into the care of others who claim to be their parents or family friends who do not really care about their well-being?

These reports led to an investigation by the Homeland Security and Government Affairs Permanent Subcommittee on Investigations. The Subcommittee issued a report last month that laid out numerous problems with the Administration's care and monitoring of minors in its custody.

An example, the report found that the Department was unable to determine whether a sponsor was already sponsoring one or more minors and that some parents were being coerced into endorsing a sponsor. The Subcommittee also found that no agency is taking responsibility for children once they are placed with a sponsor. Each agency points to the other to take responsibility for the minors while they are released to a sponsor. And while the Department attempts to call each minor 30 days after placement, many times there is no answer, or it reaches a wrong number. The result is that this group is not showing up for its immigration hearings, and consequently is hiding in the shadows.

For the record, I would like to submit a letter from the Chairman of the Permanent Subcommittee on Investigations to this committee.

According to the Executive Office of Immigration Review, over 40 percent of the unaccompanied minors are not showing up for immigration hearings. Yet no one is following up on these individuals when they skip their immigration hearings, unless they are receiving post-release services. They are also not enforcement priorities for this administration. This means a lot of these minors are nowhere to be found.

Not only is this a problem because these minors are not being properly cared for, but because some of them are committing serious crimes. Over the past year, I have written numerous letters to this Administration and its officials on this very topic.

October 2015, I asked Secretary Johnson about a 17-year-old from Loudoun County who was murdered by minors, with ties to the MS-13 gang, several days after the suspects failed to appear for their immigration hearings.

The next month, I received whistleblower information that minors were being released to sponsors with criminal records that included domestic violence and child molestation.

Senator Cornyn and I asked the Department of Homeland Security as well as HHS to explain why minors were being placed with these criminals, and how they planned to resolve this troubling issue.

Several days ago, we asked for additional information about the possibility of fraud schemes among sponsor placement and questioned them on post release services.

In addition, I wrote to Secretary Johnson after learning from a whistleblower that unaccompanied minors were being smuggled into the United States with adults. Foreign smuggling organizations

were allegedly pairing these children with single women in an attempt to create a family unit to avoid detention and removal when crossing the border. This type of fraud presents significant safety concerns.

On November 2015, I wrote again to Secretary Johnson concerning an individual who beat up a Deputy Sheriff who was doing nothing more than sitting in his patrol car, filling out a report to an unrelated traffic incident. This individual came into the country in 2014 as an unaccompanied minor, but was caught by Customs and Border Patrol a week before his 18th birthday. He was released on his own after being handed over to the HSS for only a few days.

And after multiple run-ins with the police, he is still waiting for his immigration hearing which isn't scheduled until March. I have written several other cases. We are still waiting for responses.

We need to be prepared to take care of these unaccompanied minors crossing the border, while at the same time ensuring their safety, and the safety of the community, when placing them with sponsors. This will require the administration to stop shirking its responsibility and monitor these individuals after placement. They need a plan, they need to learn from their mistakes, they need to ensure that the minors are quickly and safely returned to their home country, and they need to be held accountable.

Senator Leahy, thank you for being here.

LEAHY:

Thank you very much Mr. Chairman and I apologize, after my opening statement, I'm going to have to leave but I have read statements of the others.

Today's hearing on the treatment of unaccompanied children in the United States is extremely important. These children are fleeing horrific, heartbreaking violence in El Salvador, Honduras and Guatemala.

They actually face murder rates many times higher than children in Iraq and Afghanistan. Their governments are unable, many times unwilling to protect them. They come here seeking safety and refuge. And too often, we fail them.

We have placed these children in homes with people who often have not been appropriately screened. We are pushing them through a fast track immigration process, often without lawyers. And now we are picking them up in raids and deporting them back to the dangerous conditions from which they fled. The deterrence approach is wrongly. It is not working. It's actually not going to work.

These children are fleeing for their lives. They are children. They have a mind of children (ph). They are going to be deterred. As Pope Francis said last week, this is a humanitarian crisis and he urged us to open our eyes and our hearts to those suffering violence and show them mercy.

Now the Administration has acknowledged the violence in the Northern Triangle as a humanitarian crisis. I routinely hear about how devastated and dangerous these Central American countries are.

There should be some broad consensus that the risks faced by these vulnerable children are life threatening. They need legal protection. They need care. Instead, we are failing these kids.

Let me tell you a story. It's about Mario, a teenager from El Salvador.

The armed group that controls his neighborhood -- remember this, the armed group that controls his neighborhood repeatedly threatened to kill him. They assaulted him five separate times. They killed his friend. He twice reported this to the local police, they did not take.

So when he finally fled to the United States he brought a copy of the police report with him. A U.S. immigration official took it from him, threw it away, and said it wasn't going to help him in this country.

Mario and children like him, face violence and possible death if they are returned to their home countries. We know because some like Mario who have been sent back, they were then quickly killed.

I commend the Administration for recently announcing it will establish a new refugee screening process in Central America. I am encouraged by some of the recent changes at the Department of Health and Human Services that will help ensure these children are safe and protected even after they have been placed with a sponsor. But, overall, I'm deeply disappointed by the access to humanitarian crisis.

I am heartened to hear concerns over the wellbeing of these children expressed by Republican and Democrats. I hope that this concern extends beyond expressions of outrage and actually results in the additional resources necessary to actually protect them. It's one thing to say we're outraged, but gee, sorry, we can't do to help. An important place to start is approving the contingency fund aimed at supporting these children.

We spent \$3 trillion in war in Iraq that was failed miserably. We can't protect children who come across our border. These children should not become pawns in some larger immigration debate. They are, by and large, victims of terrible violence. They come seeking help and protection because we are a great nation with a long history of protecting those who cannot protect themselves. We must stand with these children. I don't want to see them used in political games, right now what is happening.

It would be wrong not to face up our own responsibility to do something about it. Thank you, Mr. Chairman.

GRASSLEY:

Thank you.

LEAHY:

I want to place my whole statement on the record.

GRASSLEY:

Yeah. Thank you. Your entire statement will be on the record.

I'm going to introduce you before I swear you and then we'll go according to the direction or the order in which I introduced you.

Ms. Kay Brown, she's a director of the Government Accountability Offices, Education, Workforce, and Income Security Dean. Through out her 30 years career at GAO, she has focused on improving governmental performance in delivering benefits and services to low-income and vulnerable children, families and individuals.

Before joining GAO, Ms. Brown worked for the Erie County government Pennsylvania as a Caseworker and a manager in Human Services Department.

Ronald Vitiello served as Deputy Chief of U.S. Customs and Boarder Protection. He leads the daily nationwide operations of the Border Patrol. And over 30 years of service, he has served as Chief Patrol Agent of the Rio Grande Valley and Swanton Sectors and Senior Associate Chief of Management Division.

Mark Greenberg is Acting Assistant Secretary for Administration for Children and Families. Previously to joining the Department of Health and Human Services, Mr. Greenberg was Director of Georgetown University Center on Poverty, Inequality and Public Policy as well as a Senior Fellow at the Center for American Progress as Director of Task Force on Poverty.

Juan Osuna has served as Director of the Executive Office for Immigration Review since 2011. He previously served the Department of Justice as Associate Deputy Attorney General and Head of Civil Immigration Litigation in the Office of Immigration and Civil -- in the Office Immigration Litigation.

Before that, Mr. Osuna was Chairman of the Board of Immigration Appeals and Senior Manager of legal publishing West Group.

Mr. Osuna is also, currently, a professor of Immigration Policy at George Mason University School of Law.

Thomas Homan is Executive Associate Director for Enforcement and Removal Operations of U.S. Immigration and Customs Enforcement. Throughout his 30-year career as a special agent with ICE, Mr. Homan has held positions as Deputy Assistant Director for Investigations, Deputy Special Agent in Charge and Assistant Director for Enforcement.

Prior to joining the Department, Mr. Homan was a member of the New York Police Department and the U.S. Border Patrol Agency.

I would ask you to stand if you would please and ask you, do you affirm that the testimony you're about to give before the committee will be the truth, the whole truth and nothing but the truth, so help you God.

Each has affirmed. Thank you very much.

So Ms. Kaye Brown, would you please start.

BROWN:

Chairman Grassley and Members of the Committee, I am pleased to be here today to discuss our work on HHS's Office of Refugee Resettlement and how it responded to the rapid increase in unaccompanied children.

I'll cover four key questions from my report which was released yesterday.

First, how did ORR respond to the increase?

Initially, it was unprepared to accommodate the large influx of children and the increase in 2014 overwhelmed its capacity.

In response, ORR more than doubled the number of grantees that operate residential facilities to temporarily house these children and quadrupled the number of beds available.

In addition, it updated policies and procedures to reduce the number of days children spend in its care and expedite their release to sponsors from an average of 72 down to 34 days.

Second, how are these children cared for well in ORR facilities?

ORR relies on its grantees to provide care for unaccompanied children including housing and educational, medical, and therapeutic services.

However, when we reviewed 27 randomly selected case files, we found that documentation of certain required services was often missing.

This is worrisome because ORR, system of on-site facility monitoring has not or displanned.

Until recently, some facilities had not been visited for seven years or longer. Without on-site monitoring, ORR cannot know whether children are receiving required and needed services.

Third, how does ORR identify and screen sponsors?

Grantees are also responsible for assessing the suitability of potential sponsors who can care for the children after they leave the facilities.

Potential sponsors must complete application and provide documents to establish their identity and relationship to the child and grantees are to conduct background checks on potential sponsors and the type and rigor of these background checks depends on the sponsor's relationship to the child.

In the small percentage of cases, a more detailed home study must also be conducted.

According to ORR records, for more than 50,000 children from El Salvador, Guatemala, or Honduras nearly 60 percent were released to a parent and under nine 9 percent went to unrelated sponsors.

Finally, what about the children after they are release to the sponsors?

Little is known about the status of these children. Slightly less than 10 percent received post-release services and these services are limited in nature and typically a relatively short time.

Recently, ORR has taken steps to allow more children to receive these services and it has begun requiring grantee staff to check up on the children 30 days after they are placed with their sponsors.

In our calls to local communities, we found that services available through there to unaccompanied children are typically the same as those available through other children without lawful immigration status.

However, some communities devoted specific resources to help this group of children. With the respect to these children's immigration proceedings, the outcomes for many children have not yet been determined.

Some have been guaranteed asylum but most are still waiting final disposition.

In our report, we raised concerns and made three recommendations to ORR about its plans for coping with the ebbs and flows of unaccompanied children, the need for tighter grantee monitoring and enhancing the information that collects children after they are release to sponsors.

HHS has agreed with this recommendation and has already begun to take action on some.

This concludes my statement. I'm happy to answer any questions you may have.

(OFF-MIKE)

BROWN:

Yes, I did.

GRASSLEY:

Mr. Vitiello.

VITIELLO:

Vitiello. Thank you, Chairman Grassley, Distinguished Members of the Committee, thank you for the opportunity to appear today to discuss the role of U.S. Customs and Border Protection in addressing unaccompanied alien children crossing the southwest border.

During the spring and summer of 2014, the U.S. government experienced an unprecedented increase in the number of unaccompanied children crossing the southwest border, mostly from El Salvador, Guatemala, and Honduras.

The result in humanitarian situation challenged the existing facilities, resources, and capabilities of CBP and other federal agencies with responsibilities to process, transport, and care for unaccompanied alien children.

During the following years, CBP apprehended 40,000 unaccompanied alien children crossing the border, a decrease of 41 percent from the more than 68,000 encountered in 2014.

As of January 31, this fiscal, CBP has apprehended more than 20,000 unaccompanied alien children compared to approximately 10,000 apprehended during the same period last year.

We are closely monitoring this trend and working with our partners to ensure that resources and capabilities are in place to accommodate the increase number of unaccompanied alien children in accordance with the Trafficking Victims Protection Reauthorization Act without disrupting CBP's vital border security mission.

CBP recognizes that unaccompanied alien children are particularly vulnerable population and must be treated with special consideration and care.

While in CBP custody, the children are supervise separated from unrelated adults and provide a drinking water, meals and snacks.

Since the sharp increase of 2014, we have made several changes to improve our ability to process unaccompanied alien children efficiently, contributing to their overall well-being and enabling agents to perform other border security duties.

We are implementing new training components for agents focus on improving processing with topics including interview and techniques, human trafficking awareness and transfer procedures.

We have also been developing and implementing enhancements to our automated systems to provide better documentation of agent decisions and records of care provided to unaccompanied alien children.

These system enhancements will also improve CBP's ability to track the length of time these children remain in CBP custody.

We will continue to work closely with our federal partners to ensure the availability of any personnel, facilities and equipment and supplies that maybe needed to quickly, safely and humanly process unaccompanied alien children and to fulfill our critical border security mission.

Let me close by commanding two groups before we move on.

The work of the Unified Command Group, lead by Administrator Fugate and his Deputy Joe Kramek, the Unified Command Group got us out from under the crisis in 2014 and provided us a plan for working through the issues of logistics and transfer custody for unaccompanied alien children. They did a great job.

I also want to commend the men and women in the Rio Grande Valley who also were in that situation with these family groups and unaccompanied children and they did a wonderful job caring for these children in some urgent conditions.

They handled it with the professionalism and the compassion that I expect of them but I want to commend them for that.

Thank you.

GRASSLEY:

Thank you. Now, Mr. Greenberg.

GREENBERG:

Chairman Grassley and Members of the Committee, thank you for inviting me to testify today.

The unaccompanied children, who make the dangerous journey to the United States, come in search for the better life.

Many of the children are fleeing from poverty and violence, or seeking to rejoin their parents or close relatives.

I've been to a number of our shelters. I've talked directly with children. I've heard their stories of what they faced in their home countries and on their journeys.

These are vulnerable children that are caught in extremely difficult circumstances and they need our unwavering commitment to their safety and their well-being.

The Unaccompanied Children Program began as a relatively small program that it grew nearly 10 fold in the years leading up to the surge in 2014.

We faced many challenges during the 2014 surge and we learned important lessons. And when the surge was over, we identified two priorities that have guided our work going forward since then.

First, we wanted to ensure that we took all needed steps to maximize our preparedness in line of unpredictable fluctuations in arrivals and second, we wanted to further strengthen our policies around children safety and well-being.

Since that time, we brought a new leadership and we've added 70 new staff to our Office of Refugee Resettlement.

We've significantly improved our capacity to respond to the large and unpredictable fluctuations and in last year, we have made five key changes to strengthen our policies around children safety and well-being.

We've tighten background checks for potential sponsors. We've expanded when we use home studies. We've expanded post-release services. We've instituted 30-day safety and well-being check, check and calls, after children leave our care and we've expanded our help line so the children and sponsors can call it whenever they have safety related concerns or need help access in community resources.

There are more details about these and other new projection in services in my written testimony but we are committed to doing more and we continued to looking -- look for ways to improve.

Despite our best efforts to place children with appropriate sponsors instead of deeply dismaying cases occurred in Ohio in 2014. Dishonest people exploited the system and they broke the law to take advantage of unaccompanied children and their families.

We're outraged for the children who were hurt. Whenever we learn a fraud or exploitation, we immediately begin to work with law enforcement agencies and state child welfare agencies so that criminals can be brought to justices and children and families are protected and we did that here.

We've sought to learn everything we can from that Ohio experience and we've strengthened our screening processes and follow up services as a result.

While the changes we made over the last year, established the important new safeguards, we're stopping there. Since receiving the report of the subcommittee, we've created a new senior advisor position in the Office of Refugee Resettlement for child well-being and safety. We further revised our home study policies so that professional staff can always ask everyone when think it's needed and we're working with experts in the Department of Homeland Security to strengthen verification of sponsor documentation.

Finally, I want to emphasize that for 2017 as in 2016, the Administration urged that Congress provide a contingency fund for the unaccompanied children program.

In a program with large and unpredictable fluctuations in arrivals, having such a fund is essential for both ensuring that we can provide shelter for arriving children and having the stable funding that's crucial to efforts to provide services to children in and after they leave our care.

We appreciate the feedback to the recommendations we receive from Congress and our stakeholders. We are proud of the progress we made, we're committing to continuing to improve and further strengthen the program.

Thank you for the opportunity to discuss this with you today and I'll be happy to answer questions.

GRASSLEY:

Thank you Mr. Greenberg. Now, Mr. Osuna.

OSUNA:

Thank you.

Mr. Chairman, Senator Leahy, and other Members of the Committee, thank you for the opportunity to speak with you today about the Justice Department Immigration Review, our role in the border search and the work we continue to do with regard to accompanied children.

The EOIR's role in the removal proceedings is to hear the cases of individuals charged who are violating our immigration laws and to decide which of those individuals should be removed from the United States and which are eligible for some sort of relief from removal.

We carry this out through our system of immigration courts around the country and our appellate tribunal with the Board of Immigration Appeals.

Like our federal partners, we took steps to respond to the unprecedented transfer directive in 2014 to address the border influx.

The EOIR shifted immigration judge and court resources to focus on the border cases, and we added new case priorities to our court dockets. Specifically, among the cases we added to our priority list were those cases of unaccompanied children. We are adjudicating these cases as quickly as possible consistent with due process.

When we set these priorities in 2014, the -- the immigration courts were instructed to hold the first hearing for an unaccompanied child no later -- no later than 10 days and no later than 21 days after the case is filed in immigration court. We have been monitoring this process and getting continuous feedback from our judges, our Federal partners, and other stakeholders.

We recently decided to adjust those timeframes in the interest of efficiency. Now, the immigration court has been instructed to hold that first hearing no earlier than 30 days and no later than 90 days after the case is first filed in immigration court. We believe that this then -- that this change will

benefit all parties and will provide the courts with the possibility that they need while keeping these cases as a priority.

We have put several initiatives in place to provide children and their custodians with information about the importance of appearing for their court hearings and to assist the children with obtaining legal representation to increase the efficiency of proceedings. An example of this is our legal orientation program for custodians of unaccompanied children, under which custodians of such children are provided with important information on pro bono resources, the immigration court process and their roles and responsibilities, including how to protect the children in their care.

We know that children that appear in immigration court may require special care and modifications to normal court room procedures. The EOIR has -- has -- has in place guidance for him in cases where the respondent is an unaccompanied child, and we actually have that guidance since 2007.

Further, circumstances in a particular court room may require specialized dockets for children's cases. Following the 2014 surge, all immigration courts are now equipped to handle a juvenile docket and 39 courts currently have active juvenile dockets. Judges also receive specialized training, most recently in April and August of last year, regarding the unique challenges posed by these unaccompanied children's cases.

Finally, we are taking steps to do what we can to protect vulnerable children from traffickers and others that seek to exploit them. In addition to enhancing our legal orientation program which I referred to earlier, last year, we updated our protocol to assist with identifying and referring potential traffickers and their victims, and we're currently evaluating ways to enhance that protocol to include additional resources for court personnel when they encounter suspected victims of child abuse and neglect.

Mr. Chairman, Senator Leahy, the border surge pose significant challenges for all Federal agencies including ours. We responded by taking steps to work towards hearing these in priority cases as quickly as due process allows, and we are in continuous and frequent contact with our Federal partners on how we can do these -- this process faster and -- and -- and more efficiently to prove our collective handling of these challenging cases.

Thank you. I'm pleased to answer any questions you might have.

GRASSLEY:

Thank you. Mr. Homan?

HOMAN:

Chairman Grassley, Ranking Member Leahy, and members of the Committee, thank you for the opportunity to appear before you today to discuss the role of U.S. Immigration and Customs Enforcement in addressing the ongoing challenges surrounding unaccompanied children arriving in the United States.

In my 30 plus years in law enforcement, I have served many roles including border patrol agent, assistant district director for investigations, deputy special agent in charge, and assistant director for enforcement. I currently serve as the executive associate director for ICE Enforcement and Removal Operations, ERO, where I oversee, direct, and coordinate the operational activities of the approximately 6,000 law enforcement officers throughout the nation's ERO field offices and sub-offices, including the transportation and removal of unaccompanied children to further agency goals and ensure compliance with agency policies.

As you know, in 2014, there was an unprecedented influx of unaccompanied children from Central America to the United States. Through the whole-of-government, we continued to address this border security issue in a manner that is comprehensive, coordinated and humane. As part of its unified effort, ICE is responsible for quickly and safely transporting unaccompanied children from the custody of the border patrol to the custody of the Department of Health and Human Services, Office of Refugee Resettlement, ORR; and for the removal of UACs following the conclusion of immigration proceedings.

While UAC are not housed in ICE's detention facilities, their short-term care and transfer requires use of agency resources and the time and attention of ICE officers. During the limited time ICE maintains physical custody of the UAC for transport and pending his or her transfer to ORR, such minors are separated from adult detainees for their safety. Unaccompanied minors are provided with regular access to snacks, drinks, counselor officials, telephones and other resources. In addition, our health care providers perform prescreening as soon as possible on all arrivee UAC to ensure they're emergent and urgent health needs are identified and appropriately addressed.

ICE transports UAC via ground, commercial air, and ICE charter flights. All 24 ICE ORR field offices have primary and back up juvenile coordinators, each of whom receives annual specialized training with respect to the unique vulnerabilities of children. These field office juvenile coordinators serve as local subject matter experts on the proper processing, transportation and placement of UACs, monitor operational practices for compliance with regulations, standards and policies. And they're on-call 24 hours a day, seven days a week.

Currently, due to immigration court backlogs, immigration process can take months or even years. However, once removal proceedings have been concluded and a final order of removal issued, ICE takes appropriate enforcement action based on the department's state of priorities. For those that remain in ORR custody for the duration, ORR would transfer custody of the UAC to ICE, and ICE removes the UAC in cooperation with ORR and in full coordination with a host of government authorities.

The majority of UAC repatriations conducted by ICE occurs via commercial and charter air. We have taken a number of steps to prevent future surges. First, the president and secretary have reiterated that recent arrivals and those attempting to cross the border are priorities for apprehension and removal. Second, ICE has implemented procedures for efficiently obtaining travel documents and transferring UACs that have streamlined the process and allowed our officers to continue to perform their other law enforcement responsibilities. Third, Secretary Johnson, Director Saldana, and I have also personally met with high level El Salvador, Honduras, and Guatemala to secure their cooperation in stemming the flow of their citizens into United States.

With the committee's support, we continued to work closely with our sister agencies to address the care and processing of unaccompanied children arriving in the United States in unified manner.

Thank you again for the opportunity to appear before you today, and I welcome your questions.

And I would like to also add, I want to commend the men and women of EOIR who choose to strap a gun to the hip every day to seek out criminal aliens to protect this country and, yes, arrest UACs and family units who have received a final order of removal from the EOIR. Not popular, but the men and women are doing their job and they're doing it very professionally. Thank you.

GRASSLEY:

Thank you, Mr. Homan. Yes, I'm going to start with Mr. Greenberg. The GAO report that Ms. Brown discussed is troubling. I know it doesn't surprise you that I'd say that. Based on the findings, it's no wonder that children are being mistreated or simply falling off the grid once they're turned over to sponsors.

You testified a few weeks ago and said, quote, "Our view that we don't have -- our view that we don't have continuing custody after release -- we release the child is a long-standing HHS," end of quote. So that makes it appear that your agency wants to wipe its hands clean after a child's placed with a sponsor

The GAO report also sheds light on how much authority the grantees have, including interviewing the child and sponsor background checks, decisions about releasing children. Children are being placed quicker in non-Federal facilities in part because sponsors are not being fingerprinted. There are more waivers for abuse and neglect checks and allowing 40 copies of birth certificates.

So allow me to ask you a number of questions related to those statements, and I hope that we could have a "yes" or "no" answers to this.

Does your agency, rather than the grantee, ever interview the child?

GREENBERG:

The grantee does the initial review of the child's circumstances. There's then a further review. There's then a final review by our staff before the child is released.

Senator, I want to emphasize to you that our entire focus in the release process is wanting to ensure the safety and the well-being of the child, and it's guided by that.

GRASSLEY:

OK. Does your agency, rather than the grantee, ever interview the sponsor?

GREENBERG:

The basic work, again, is done by our grantees, but the review -- there is that three-step review where grantees, the independent review, then our agency review. And, again, to reiterate, Senator, it is all focused on wanting to ensure that it is a safe and appropriate placement.

GRASSLEY:

Does every sponsor undergo finger printing?

GREENBERG:

All sponsors -- every sponsor undergoes criminal records check. All sponsors, other than parents, undergo finger printing. Parents will undergo finger printing if there is any circumstance or case that suggests that's needed.

GRASSLEY:

Child abuse and neglect, again, do you -- child abuse and neglect checks are an important tool used to vet potential sponsors to ensure children are not placed with a sponsor who may abuse or harm the child. How long can these checks take?

GREENBERG:

Senator, we agree that the child abuse and neglect check is a important part of the process, and in the last year, we've expanded when they are used. They will -- the specific amount of time that they take really depends upon the individual state because it is up to the state in responding to us. But we absolutely agree about the importance of the child abuse and neglect checks.

GRASSLEY:

Well, would it be fair for me to say it could take months?

GREENBERG:

We hope it doesn't, but in some circumstances, the checks, again, it's -- it depends upon the state in responding to us.

GRASSLEY:

But in some instances then, it could take months? I think I heard you say that.

GREENBERG:

Senator, I'd -- I'd want to confirm with staff.

GRASSLEY:

OK. What happens if these checks come back with derogatory information?

GREENBERG:

If they come back with derogatory information, that will be used in making the determination as to whether or not the child should be released to the sponsor. Again, the guiding principle throughout is wanting to be sure that the transfer is safe and appropriate, and we've tightened our procedures about when something is just a factor to be considered and when it should be absolute disqualified.

GRASSLEY:

Does HHS place children with sponsors while these checks are pending?

GREENBERG:

Senator, I -- I would want to confirm that with staff for ...

GRASSLEY:

OK. Then answer in writing.

GREENBERG:

I will do so, Senator.

GRASSLEY:

Now, how often are child abuse and neglect waivers used?

GREENBERG:

Again, Senator, I will confirm that with staff, and we'll get back to you.

GRASSLEY:

OK. Then in -- and this will have to be my last question. In what situations are they used, and are they used to increase efficiency and discharge?

GREENBERG:

We would not do a waiver to speed a discharge in any circumstances ...

GRASSLEY:

Yeah.

GREENBERG:

... where we believe that it presented a risk ...

GRASSLEY:

Yeah.

GREENBERG:

... to the health or safety of the child.

GRASSLEY:

Before I go to Senator Durbin, sometime in the next few minutes, if I can get a seat to ask questions at the finance committee, I'm going to go, and I may come back or I may not come back depending on the work of that committee. But I want to thank you all for this very important thing where we're trying to bring out that we have to have compassion for these people, and we also have to have enforcement of the law.

Senator Durbin?

DURBIN:

Thanks very much, Senator Grassley. If you drove past it in Chicago, you would never ever believe what was going on in this house near a major university. It's a quiet neighborhood, straight, and there's nothing that stands out about this house. But for over 10 years, this has been the place where Heartland Alliance, one of the grantees -- agencies has been receiving unaccompanied children from the border, and the children stay at this house -- there's about 70 of them when I visited -- until they're placed. And I went there two years ago. I heard a lot about unaccompanied children, I wanted to see them.

And three of those kids still stick in my mind. One -- in fact, two brothers from Guatemala, young kids, didn't speak Spanish. They had a tribal language from Guatemala. And if you can imagine the challenge that faces everybody in that circumstances to try to make sure that you understand their circumstances and to treat them fairly. Another was a 10-year-old girl who had been sent with a smuggler on a bus and her 6-year-old brother who had Down Syndrome. And she, clearly, had been instructed by whoever sent her, "Never let that little boy out of your sight." But that was what that 10-year-old girl was up against. And the other one who still sticks to my mind couldn't have been more than 6 years old, little girl, sitting by herself at the dining table.

And when I think about this issue, I think about groups of kids. And I would say that when we visited, the folks at Heartland said, "We are worried about the very subject of this hearing today. We are worried that we are so overwhelmed with these kids, we cannot do the appropriate

background checks on sponsors. We cannot monitor these situations to make sure these kids are not placed in the wrong setting."

And so the administration came forward and asked for more money to deal with this. The price to be paid was that we had to agree to expedited removal for those unaccompanied kids from El Salvador, Guatemala, and Honduras. And that would mean, of course, that, at the border, as with Mexican unaccompanied children, they could be turned away on the spot, sent back, "Go back to wherever you came from". It could happen.

Many of us thought that was a bad outcome. And to get more money to help these children and yet create a situation where so many would be turned away without any question was not a good outcome. So we meet today, almost two years later, and what I heard in Heartland two years ago, we're hearing again today. The resources weren't put in to meet the challenge.

Let me ask two things. Mr. Osuna, you talked about legal representation, and you were very careful in the way you said it because there is no requirement under law -- if I'm correct, no requirement under law that we provide legal representation for these children.

OSUNA:

That's -- that's correct, Senator.

DURBIN:

When I read the New York Times article on this subject last year, there were a lot of volunteer immigration lawyers who were coming forward and trying to meet this need, and they were being overwhelmed. Has that changed?

OSUNA:

No. I mean, I think that the -- I think we have done quite a bit better collectively as a system since December of 2014. The numbers have been overwhelming, and there's no -- I think all of the agencies up there would -- would -- would acknowledge that the numbers have been beyond what anybody has expected.

On the legal services front, we have put a number of initiatives in place to assist with the legal representation of children, working with our partners at HHS with their programs. But clearly -- and -- and I think we made some progress, by the way. I think ...

DURBIN:

So let me -- let me just say, I think of those three kids in that circumstance going through an administrative hearing on asylum. Can you imagine what that's like for a 6-year-old little girl who speaks only Spanish? Can you imagine what it's like for that little girl with her Down Syndrome brother, or the two little kids from Guatemala who didn't even speak Spanish? Can you imagine that?

Let me tell you what the odds are, what we're told is. Between Fiscal Year 2012 and 2014, unaccompanied children represented by lawyers had a 73 percent success rate in immigration court allowing them to stay in the U.S. By contrast, only 15 percent of unrepresented kids succeeded in their cases. So it seems to me, and I've introduced legislation along these lines, representation for these kids is the right thing to do, the humane thing to do.

Now, let me ask you. One of the things that Senator Grassley said as he closed was, "We want to make sure that these kids are returned to their countries quickly and safely." Those are loaded words but they're important words. "Quickly," I think, under the circumstances I have seen, I'm not sure this is an easy, quick thing to do under -- under any situation. "Safely" is key.

And here's what we also know. One report found that at least 83 people sent back to these countries from United States in January 2013 were killed, often days after their deportations.

What efforts do we make, if any, to make sure that when they do return to their home countries, these children, that they're safe?

OSUNA:

Let me take that from the immigration court system, Senator. Our responsibility -- our immigration judges' responsibility is to hold a fair hearing and make sure that all of the evidence is presented relevant to the particular case. We do that for all respondents, but, of course, unaccompanied children have particular challenges that our judges then have to take into consideration.

Our responsibility is to hold that fair hearing. We have put procedures in place in court to make sure that we have a court room setting that is appropriate for children to elicit their stories. We have our programs that we have put in place to try to provide some guidance and instruction and information for the custodians of children, to make sure that they have as much information as possible before they go into that court hearing.

DURBIN:

The disparity between those represented by counsel and those not represented tell a big part of the story. I happen to think we should be giving temporary protected status to the people coming from those three countries. We know what's going on down there. It is not deadly, violent, exploitive and, sadly, the United States, in returning 83 of these kids has to answer the question, "Did you send them back to their death?" We never want that to happen if we can avoid it. Thank you.

SESSIONS:

Thank you, Senator Durbin.

While children raise great, sensitive issues, and we need to do the right thing about how we handle this subset of illegal immigration, most immigration, illegal, is adults. But we're focusing on this

particular area and particularly this dramatic alteration of the immigration flow from Central America where large numbers of unaccompanied children are -- are arriving in our country.

Senator McConnell answered the question like most Americans believe and like the law contemplates, they should be -- if caught, they should be treated fairly and sent home. That's what needs to be done. That's what the law says. That's what the American people want. But we had an administration that's undermining every day the ability of that system to work. American people are not having their will enforced.

It cannot be that every young person that appears from Central America is entitled to asylum or entry into United States, contrary to our laws. It just cannot be. Doesn't anybody in this government not understand that? That's what people are upset about. We're having an increase. Now, it looks like the first six months of this year, twice as many unaccompanied minors are entering the country as last year because there's no effective response to this.

The president's answer is to assume, basically, that every child is victim of -- of an asylum type danger and is entitled to enter into the United States. And it cannot be that all of these cases turn into multi-trials, two or three trials, and people would be taken to Chicago and kept pending trial.

All right. So I have offered legislation on -- yesterday that would be the same legislation that's cleared the House on Judiciary Committee that would make the system work in a reasonable way. It would eliminate laws that make -- subject -- have different standards for our Mexican children and Canadian children from Central American children. If you're going to fly them home as Mr. Homan says we do, the people -- children who are here illegally really doesn't make any difference whether you return them right across the border or flown back home to Guatemala or Honduras or Nicaragua or wherever the -- most of the -- the children are coming.

So I feel real strongly about that, and I believe that that's what the American people would like to see happen. It cannot be that every country that has a high crime rate, everybody can enter the country illegally. Give me break. What -- who's running this country? Don't -- aren't we entitled to have a system of laws? I think so.

OK. Mr. Homan, the number of apprehensions is up more than doubled from last year. In the last two and a half years, we've had 127,193 apprehended unaccompanied minors in the United States. That -- that number has risen, in my opinion, because the word got out in Central America, if you came, you could be successful. I understand is it not so that, of those actually apprehended, only about 4,680 have been returned to their country?

HOMAN:

Well, I have different figures here. It depends on what fiscal year you're talking about. Between F.Y. '12 and '15, there's about 7,600 been returned.

SESSIONS:

'12 and '15. I'm talking about two and a half years, so that's less period of time. So would you dispute that number's not outside the realm of reason, is it?

HOMAN:

I wouldn't say it's outside the realm of reason at all.

SESSIONS:

I believe it's correct as a matter of fact. Exactly correct, OK? So, now, what if 90 percent of the people, you catch them right across the border, this isn't a matter of difficult proof. You know, you catch right at the border unlawfully here. What if 90 percent of them were returned? Properly, insightfully, and carefully fly them home to where they came from. Wouldn't we have a dramatic reduction in the number of attempts to come to the United States unlawfully?

HOMAN:

But I -- I think if you -- if you consider the Homeland Security Act of 2002 ...

SESSIONS:

No, no, no. I'm not asking about that. You're an experienced person. I'm just asking, if ...

HOMAN:

If ...

SESSIONS:

... if people are immediately caught and properly sent back home, would we not have a dramatic drop in the number of people attempting to come to America? Wouldn't the word get out?

HOMAN:

I don't disagree with that. I think if there's no consequence ...

(CROSSTALK)

SESSIONS:

So the answer to that is "yes"? The answer to that is "yes"? I think you ...

HOMAN:

What I'm saying ...

SESSIONS:

I mean, you're paid for by the taxpayers, Mr. Homan. I asked you a simple question. If 90 percent were properly and insightfully returned, wouldn't the number be reduced?

HOMAN:

I think if you have a consequence or deterrence to illegal activity, the illegal activity will slow down.

SESSIONS:

I don't think there's any doubt about that.

HOMAN:

No.

SESSIONS:

And so what we've done is we only have about 3 percent -- 3.5 percent of people apprehended being returned home. What message does that send? It sends them -- and Mr. Vitiello -- or maybe Mr. Osuna would be the right one to ask. If a person -- unaccompanied minor, a 17-year-old, or maybe he's 19 and says he's 17, and he's brought into the country from a Central American country -- I don't want to go over my time -- and if they're brought here and they're sent to Chicago or to an uncle in St. Louis or someone in Los Angeles to stay with, they don't have to come back to court, do they?

OSUNA:

Senator, they -- they -- they actually do. If they don't show up at -- in court, they are -- the immigration judge can issue an order of removal in absentia.

SESSIONS:

A messed up scene (ph). The judge can issue an order, but is anybody going out and picking up the persons that have entered the country unlawfully? You don't even know who it is basically or where they are being housed.

HOMAN:

I'll defer to my colleague at ICE, but ICE regularly picks up people that the immigration judges issue removal orders for.

SESSIONS:

Well, so we've got, in the last two and a half years, only 4,680 have actually been removed out of 127,000. So the minute of truth, Mr. Homan, that these individuals that are released on bail and they go into the country, if they don't show up at court, nobody goes out and looks for them.

HOMAN:

I wouldn't say that is -- I wouldn't say that is accurate. They're difficult to find. If they're not showing up in immigration courts ...

SESSIONS:

No, no, no. How many ...

HOMAN:

... it would be difficult to locate them.

SESSIONS:

... officers are dedicated to going out and looking for people who -- who are -- who -- who don't show up for court?

HOMAN:

They look for people who have final orders of removal. Whether in person or in absentia, we do look for them.

SESSIONS:

But I'll tell you -- my time's up -- nobody's looking for them. The system is not working. All you have to do is come into the country unlawfully, be released into the country, and if you don't show up for court, you're never looked for and are deported. And that's why the numbers are only 3 percent are -- are being returned. It's just -- it's causing these children to take undue risks and it violates our law and it's not the end.

Senator Franken, I believe you're next.

FRANKEN:

Thank you, Senator. I think Senator Sessions framed it in a certain way, but we have a conundrum here. We want to make sure that we're not sending back people to their deaths too, so I just think it's important to remind everyone that many of the children coming into our country as well as those who come here -- come alone or come with their mothers and other family members are fleeing unimaginable life threatening violence in their home countries. So what we're facing here is -- is a humanitarian crisis, not just a matter of border security or immigration enforcement, and

that's why I joined a group of 22 senators in expressing concern about the administration's targeting of children and families in its recent aggressive removal operations.

Now, I recognize that ICE's role is to identify and remove individuals who enter our country without legal authorization and that HHS is responsible for the care of unaccompanied children. Nonetheless, it's important that the children and families swept up in these raids, including raids in my state of Minnesota, are afforded meaningful access to counsel.

It seems to me that the fast tracked removal proceedings that many of these individuals face give a short shrift to due process and doesn't allow for the most of honorable of them to present claims for protection. I continue to hear reports, some as recently as early this month, of unrepresented or inadequately represented kids, children who are designated as UACs, being targeted by these raids shortly after they turn 18. They are arrested and held in detention facilities as ICE continues to pursue removal, in some cases, without regard for whether they have outstanding asylum petitions or other valid claims for protection.

So, Mr. Homan, I'm sure you'll agree with me that no one should be removed from this country and sent back to violence and conflict before for their claims for protection can be fully heard. The dangers are too great and especially acute in the case of children, so we should take special care.

Mr. Homan, will you work with me to make sure that we are doing everything we can to get vulnerable individuals a full and meaningful opportunity to pursue their protection claims?

HOMAN:

Yeah. I think -- I think it's our responsibility to make sure they have their -- their legal rights protected -- to due process protected, but let me say that the -- the -- the UACs that we're looking for and we're apprehending such in your EOIR, they have a final order from the EOIR, the immigration judges. They've been through due process. If they made their political asylum claim, they lost, which means they have a final order. And my job is to effectuate that order and remove them.

FRANKEN:

Well, in cases where former UACs and their families did not initially have adequate legal representation and so were not able to be properly screened for asylum or other forms of relief, what additional steps should be taken to ensure that people with valid claims have a meaningful opportunity to pursue them?

HOMAN:

When we book somebody in one of our detention facilities, they have a legal orientation program. They're provided a list of legal representative pro bono organizations. They can claim -- if they haven't had a claim of fear unfounded, if they've never made a claim of fear, they can certainly make that claim all the way up to boarding the flight. If they make such claim, we'll -- we'll do as we're required to and make sure they see an immigration judge.

FRANKEN:

Many have described the situation in Marion, Ohio as a system's failure, and I think that's an understatement. The children at the center of the -- of that scandal managed to escape violence and unrest in their home countries, only to be turned over by our government to criminals within our own borders who sought to exploit them. We've heard today about the reforms that HHS has put in place to guard against this type of system's failure from -- from occurring again. But I -- I'd like to ask any of the witnesses here today whether children like the victims in Marion would be less vulnerable to exploitation if we did a better job of ensuring that each child was meaningfully represented throughout the process by a -- a zealous advocate who has their best interests at heart. Anybody?

OSUNA:

I -- I'm happy to respond to that. The -- I -- I believe the answer is yes. And the -- for -- for us, one key is being sure that when a child is in a dangerous circumstance, that they've got an ability to communicate out, and one way that can happen is through our helpline. But another crucial way in which that can happen is if they're represented by counsel and they have a relationship with someone that they can communicate with if they're in a circumstance of distress. We hope it never happens, but if -- if that is happening, having the ability to have a relationship with counsel could be crucial.

FRANKEN:

Well, my time is up. I think that Senator Durbin put it well in terms of the difference between the results when children have -- have a counsel and don't have counsel.

Thank you, Mr. Chairman.

SESSIONS:

Senator Cornyn?

CORNYN:

Mr. Greenberg, as you sit here today, can you tell this committee under oath that none of the 127,000 unaccompanied children who've been placed with sponsors in the United States have been sexually abused, have been trafficked, or forced into -- into coerced labor?

GREENBERG:

Senator -- Senator, thank you for the concern that you're raising. We share that concern ...

CORNYN:

I'd like to -- I'd like an answer. Can you tell us that none of these 127,000 unaccompanied children that have been placed by your agency with sponsors in the United States, that none of them have been sexually abused, trafficked, or forced into coerced labor?

GREENBERG:

Senator, I could not make a statement like that. What I can tell you is that ...

CORNYN:

So the answer is that you cannot -- you cannot assure -- you cannot testify under oath that that's not happening, because you know it is happening, right?

GREENBERG:

Senator, what I can tell you is that we are committed to putting in place and having in place the protections and safeguards that -- that are crucial for these children. And the one that I talked about is ...

CORNYN:

Mr. Greenberg, I have no -- I have no doubt that you're doing the best you can -- you think you can under the circumstances. You've been asked to do an impossible task because the failed policies of this administration, by attracting all of these unaccompanied children across our borders and then flooding our court system and the back lag that makes it impossible for immigration judges to properly adjudicate these cases, so they're now being placed with sponsors that are not necessarily even citizens, not necessarily even family members, and you have humanitarian disasters like have been described by the permanent subcommittee on investigations, among others.

Let's go back to where this -- how this got started. Back in 2014, there were interviews, 230 interviews, taken by, I believe, it was a border patrol, asking people why they were flooding across the border and causing this huge spike and surge in unaccompanied minors. And it was reported that a high percentage of the subjects interviewed stated their family members in U.S. urged them to travel immediately because the United States government was only issuing immigration permisos, a.k. free passes, until the end of June 2014. It states that the issue of permisos was the main reason provided by 95 percent of the interviewed subjects.

So the impression is that the notice to appear is, in effect, a permiso when, in fact, many of the children don't show up in court at all and simply melted into the great American landscape. Mr. Osuna, do you know how -- what percentage are no-shows?

OSUNA:

About 40 percent.

CORNYN:

What percent?

OSUNA:

Forty.

CORNYN:

40 percent. And do we know what happened to those children?

OSUNA:

We don't, Senator. We don't ...

CORNYN:

The government -- the government doesn't track them.

OSUNA:

We don't -- we don't know what happens to them until we have some interaction with them. So if -- if, you know, ICE picks them up and then they file a motion to reopen, then we will have, you know, interaction with them through our immigration court system.

CORNYN:

And I understand, Mr. Homan, you're doing the best you can with the resources you have, but you can't possibly deal with a volume like this when you're going after criminal aliens, and you're prioritizing other folks. You said when you have an order of removal, that you feel it's your legal obligation to remove them, and I appreciate that. That is your legal responsibility, but you don't have the resources to deal with the volume of cases do you?

HOMAN:

With more resources, I could certainly do more of this work. What I can tell you -- I want to set the record straight here, we -- we have sent out thousands of leads of UACs who have final orders issued by the immigration courts, some in absentia, some in person, and we are -- we are out looking for those leads. I have 129 few jobs (ph) teams out there every day.

Many are hard to locate. Number one, they don't have much of a footprint. And so the -- they -- they don't have much of a record, so we try -- trying to find a child is hard especially when they're not where they're supposed to be. So we're out looking. We've -- first quarter of this year, we've arrested more UACs and -- and family units than we have in prior years. We've got some enforcement. They're clearly an enforcement priority and executive action, but you're right. It's --

they're difficult cases. They're hard to find because a lot of these folks don't show up in court. We don't know where they're at.

CORNYN:

Well, it strikes me that you've been asked to do an impossible task. I -- I trust you're doing the best you can, but an impossible task.

Mr. Vitiello, Senator Durbin -- and I wish he was still here -- was asking about returning children back to these countries in Central America, for example, where, admittedly, circumstances are very difficult or else their parents wouldn't have put them on this perilous journey up through Mexico, on the back of the beast, into the -- into the United States.

But current U.S. government policy has it that if a child comes across from Mexico, that they can be returned immediately by border patrollers, isn't that correct?

VITIELLO:

With -- with minors, there are safeguards in place to -- to identify where they would be going back to and if they are, in fact, juveniles, et cetera. But, yes, the large majority of unaccompanied minors from Mexico are -- are usually returned, facilitated by our agents and the consuls in their area.

CORNYN:

And Mexico is not necessarily the safest of places -- not every place in Mexico is necessarily the safest of places either. In other words, just -- it's a under current policy -- I'll -- I'll withdraw that question. Just to ask you though, there is a difference between the policy of the federal government when it comes to children coming from noncontiguous countries like Central America and -- and children who've come from countries like Mexico?

VITIELLO:

Well, our agents are required to -- to treat them differently, but I believe -- I believe that's matter of law.

CORNYN:

And I would ask you, when your border patrol agents are processing all of these children and then ultimately turning them over to Health and Human Services, who's minding the store? In other words, I'm wondering whether the same border which these criminal organizations used to penetrate for illegal drug transportation and the like, whether this diverts your border patrol agents to dealing with these children, this flood of unaccompanied minors, that makes it harder for you to do your other assigned tasks like interdict illegal drugs.

VITIELLO:

So it's a fair point. As you know, this is a problem that's most acute in the Rio Grande Valley. So beginning -- before 2014, we started resourcing the Valley in a way that understood this problem coming our way. And we've -- it's a trend that we monitor. We want to make sure that all of the other interdiction and capabilities that CBP brings to securing the border are maintained. And so we watched the -- we watch the levels of effectiveness. We watch the levels of arrests day -- day by day.

It is, in fact, true that there are more people in the Rio Grande Valley processing both these populations and others because they are the busiest place along the southwest border, but we are using other resources. Central has -- has helped -- we call it virtual processing -- to release some of the burden, so our central sector helps in that way. San Diego sector has helped us in that way. In the beginning, El Paso was helping us as well. So we try to spread that part of the work out so that we can maintain our capability along the line in the valley.

CORNYN:

And my last question, do you agree with Mr. Homan, and I -- I don't mean to put words in his mouth, but I think he said deterrents actually work. In other words, if people believe that they're going to be consequences associated with their illegal entry in the United States and they will be returned to their country of origin unless they have a legitimate claim, do you believe that an impression on the population that's coming across illegally that they will be returned if they don't have a legal claim, that that actually acts as a deterrent and slows down the flow?

VITIELLO:

We spent a lot of the last several years talking about consequences and their import to the post-arrest consequence delivery system, and so, yes, I believe that that -- that matters.

CORNYN:

Mr. Chairman, I don't think we're sending the message yet that -- that there will be those consequences. Thank you.

SESSIONS:

Thank you, Senator Cornyn. And now, Senator Klobuchar, I believe you're next?

KLOBUCHAR:

Thank you very much, Chairman Sessions. Thank you to all of you. I have another hearing, I'm glad I could come back. Ms. Brown, in your report, you mentioned how a number of children has been increasing in the past month. What are your concerns? And is everyone, the agencies, ICE or CBP, is everyone ready for this increase?

BROWN:

Well, I can say that HHS has made great progress in their planning for the possible increases in the number of kids. And the last time we looked at this, they had bed capacity and some empty beds.

Now, I don't know where they are on that now with the numbers growing, but my most immediate concern would making sure that the controls were in place to keep the -- the monitoring and the checks on the grantees that are both taking care of the kids and helping -- helping select the sponsors.

KLOBUCHAR:

And along the lines, Mr. Greenberg, you mentioned the possibility of erecting temporary beds if the number of children in the Office of Refugee Resettlement custody increases beyond the permanent beds. Although Ms. Brown said, right now, that's not an issue, how would those kinds of services be provided? How would a child in a temporary bed be treated differently than a permanent bed?

GREENBERG:

Thank you, Senator Klobuchar. We are very concerned about the importance of being prepared. The -- it's a challenging situation because there are so many fluctuations. So we are learning the lessons that we learned from 2014 focused on how do we ensure that we're prepared going forward. That involved both expanding our number of what I refer to as standard beds that are there year round, and then having the ability to go to temporary beds if we need them because there's a sudden increase in the -- in the number of children.

We hope to not need the temporary beds, but it's important to have that have that capacity there if it turns out that there's a sudden increase.

KLOBUCHAR:

OK. And both of you and Mr. Homan -- both of you described the procedures for taking care of a child in your custody, unless there are, quote, "exceptional circumstances," end quote. What would those exceptional circumstances be, and how would the care for those children change in those circumstances?

If you want, Mr. Homan, to answer it.

HOMAN:

For any child that either us or the border patrol become aware they have a significant medical issue or they're victims of trafficking, we certainly let HHS know about that, and they'll follow the procedures. And the other side of ICE, HSI, will become involved in the investigation of any sort of issue with trafficking or abuse. So under those two circumstances, HHS will still have responsibility for the care and custody, but I believe they will handle them differently once they've been identified as a victim of trafficking.

KLOBUCHAR:

And that includes -- OK. As you know, I've done a lot of work with the sex trafficking and worked with Senator Cornyn in leading this bill and actually went down to Mexico with Senator Heitkamp and Cindy McCain a while back before this had become such an issue, but we were starting about it then, of the kids coming up from Central America. So the kids that you find out have been trafficked, how are they handled exactly? Like, what help do they get?

GREENBERG:

So -- so for us, when children come to our -- our care, there is trafficking screening that occurs as part of the basic assessment. And then all the time that they're in our care, there's ongoing involvement with case managers and clinicians to work with the children because you don't always hear everything the first time we have a conversation. So we have what we believe is a strong protocol around identifying circumstances where a child has been a victim of trafficking.

If they are identified as a victim of trafficking, they can both qualify for the benefits and services that are available to trafficking victims. In those circumstances, the child would not be released with -- without a home study before the -- the release occurred. So that -- and the -- in the -- in those circumstances, there would be additional services and supports provided for that child.

KLOBUCHAR:

OK. And I have some questions about legal services but I understand my colleagues have asked those. And I just have one last question. I'm co-chair of the Congressional Coalition on Adoption, and so we have a bill that we're trying to work on senator sessions that's helped a lot on adoption issues as well. And this is about post-adoption support and the kind of help as we're looking more and more at, sometimes, what happens when a child's adopted and the adjustment.

And like adopted children, some of the young people who are released from ORR custody are being introduced to new families, and then they may struggle to find a transition, obviously. Are there any post-release services that you've considered to help those kids or any going on right now?

GREENBERG:

Senator, you're raising a really important issue. Our experience right now is, most children do go to their parent. About 55 percent go to their parent, but there's a big range. That can be a situation where the parent arrived six months ago. It could be a situation where the parent arrived here 15 years ago. And in the 15 years ago situation, if -- you know, if the last time they saw each was when the child was two and now the child is 17, it's -- you know, it has a lot of similarities ...

KLOBUCHAR:

Adjustment.

GREENBERG:

Right.

KLOBUCHAR:

Right.

GREENBERG:

... to some of the issues that are faced around adoption. So I can tell you I visited a program last year that talked about how -- you know, how they make use of Skyping so that the parent and child can get to reknow each other or how they encourage the parent to come to the shelter so that they can spend time together. And then in those circumstances, they absolutely will benefit from services after the child is released.

KLOBUCHAR:

Thank you very much.

COONS:

Thank you. Senator Sessions, I'd just like to thank all the witnesses for your testimony today on this important and difficult subject matter that raises a lot of serious policy questions, and not just issues of border security but also, I think, profound humanitarian concerns. We, as a nation, in my view, have a responsibility to protect vulnerable children when they enter our custody, and I believe we're all here today in -- in hopes of finding a more positive path forward.

Mr. Greenberg, if I might, it's just an initial question that I think is not dissimilar from what Senator Klobuchar was just asking. In July of 2015, ORR began a pilot project to assess the implementation of expanded post-release services to all unaccompanied children who had been released not to their immediate family but to a nonrelative or a distant relative as sponsor

Can you give us any update on how that pilot program's fared? And have you been able to extend post-release services in anyway, and what have you learned from that?

GREENBERG:

Thank you, Senator. We did extend post-release services last July because we think post-release services are really important and that they can be of tremendous benefit to families when -- when they receive them. So we expressly extend the post-release services in situations where the child is going to a nonrelative or going to a distant relative. Those are particularly important situations to be sure that those services are there. And they focused on things like ensuring that the child is going to school, determining if there are health or mental needs because these are often children who have faced severe trauma either in their home country or on the -- on the way here, whether they need connections to community resources, whether there are safety issues for them. So we're

still learning from the -- the pilot project, but we are committed to the importance of post-release services.

COONS:

Well, thank you. Prior to children's release from custody, if I understand correctly, sponsors have to sign an agreement that stipulates the requirements of -- of their care for the child which include providing physical and mental well-being support as well as ensuring that the child later reports back for immigration proceedings. But in 2015, at least 6,000 children were ordered removed in absentia. How does ORR respond to cases where children are not being brought to their proceedings? Because that would seem to me to be an indication that the sponsor is failing to comply with other requirements in terms of providing support and care for the child that's in their custody.

GREENBERG:

Senator, thank you. First, we very much understand the importance of children going to their immigration proceedings. That's crucial for them to be heard on what claims they have, so we emphasize strongly with sponsors how important it is for the child to attend the hearing.

We've -- in addition to the work that DOJ has done, we've done work in -- also in expanding legal services for -- for children. And a big part of post-release services does involve seeking to connect children to legal representation or legal services in their community.

COONS:

But the administration, as I understand it, has requested funding for expanded legal representation for unaccompanied minors and for expansion of the legal orientation program which offers some help for children in terms of navigating our very complex asylum and human trafficking claims process.

Mr. Osuna, if you might, of those 6,100 children in the last year who didn't make any appearance in court, wouldn't the assistance of counsel help more children not only qualify for protections if they do but ensure that they understand when and where they're meant to appear for this important proceedings?

OSUNA:

Senator, we -- we do believe that a counsel helps the system function more efficiently. We hear that from our judges all the time, that having a lawyer involved, especially for an unaccompanied child, just helps the judges do their jobs better. It helps the system work more efficiently.

In terms of getting children to their hearings, we -- we are primarily focused on our legal orientation with -- for that regard. We're expanding that next month to a divisional location, and that program has been successful in the sponsors to understand that children do need to go to -- to their hearings.

COONS:

This is my last question. As the GAO report notes, removal orders aren't necessarily final. They can be appealed as was referenced in response to an earlier question. And in the case of an in absentia order, a motion to reopen properly filed can result in a stay. But without an attorney, wouldn't it be extremely difficult for a child to even understand the requirements for filing a proper appeal or motion to reopen or what the grounds would be to do that? Even practice attorneys can get these issues wrong. How is it possible for children and their nonrelative sponsors to grasp the difficulties of our process without access to counsel?

OSUNA:

Again, we do believe that counsel does help the system work better. We have been successful through legal orientation program in getting sponsors to understand the rules for, say, motions to reopen including in absentia orders. And -- and -- and some of them have been found to think through that -- through that process.

COONS:

I'd like to thank the whole panel for your testimony today in this very complex and difficult subject. Thank you.

SESSIONS:

Thank you, Senator Coons.

Senator Blumenthal?

BLUMENTHAL:

Thanks, Mr. Chairman, and I want to thank you and Chairman Grassley and Ranking Member Leahy for holding this hearing to discuss the critical issues faced by unaccompanied children. I have met with those children in Connecticut. I have visited the Mexican border to more fully understand the scope and scale of this humanitarian challenge.

There are tens and thousands of immigrants who've made the difficult and dangerous journey, and I was moved during my visit to the border to see a group of those children in a tent having recently arrived saluting the American flag, hoping for the kind of relief that only the United States of America can provide people and particularly children who seek refuge and safety and security and a better life here. And many of them -- I can't say all, but many certainly are escaping conditions that most of us in this country would find absolutely intolerable, the persecution, threats of physical injury, even death, that they and their families face.

I want to salute all of the professionals who labor every day in those points of refuge in this country, seeking to do more with the kind of resources that they have. And I am dismayed by recent reports

that had detailed nearly 30 cases in 2014 where unaccompanied children have been trafficked after Federal officials released them to sponsors. The unconscionable placement of unaccompanied children with traffickers on American soil is an intolerable and foolish offence.

As the co-chair of the senate caucus to end human trafficking and a member of the Judiciary Committee -- Subcommittee on Immigration, Refugees, and Border Security, I'm determined to work with my colleagues to address these abuses. And I am sure that all of my colleagues join me in these sentiments, and many of them have been expressed this morning.

I want to ask Mr. Greenberg about the letter that was sent yesterday to Senator McCaskill stating that HHS does not have legal or physical custody of unaccompanied children after those children are placed with sponsors. It's clear that HHS has the authority to provide post-placement services and even take children back into physical custody under certain circumstances. Who does have legal custody of these children after they are placed with sponsors?

GREENBERG:

Thank you, Senator. First, I just want to say that I strongly agree with all of your statements about trafficking. We were also horrified by what happened in Ohio. We are committed to learning everything we can from that incident, and we've strengthened our policies in lots of ways in the last year, and we are committed to doing more to fully address that. So -- and -- and we welcome working with you.

BLUMENTHAL:

Thank you.

GREENBERG:

So ...

BLUMENTHAL:

Your question is ...

GREENBERG:

Yes. Yes.

BLUMENTHAL:

... who has custody and what is the practical importance of HHS ...

GREENBERG:

Sure, sure.

BLUMENTHAL:

... either having or not having ...

GREENBERG:

Right, so ...

BLUMENTHAL:

... legal custody?

GREENBERG:

So when we release a child to a sponsor, then we no longer have legal custody of the child. We -- the -- and in the majority of cases, the child is actually going to their parent, and their parent has legal custody. They may be going to a legal guardian. If they're going to someone else, we encourage them to take the steps to get legal custody. What we want to emphasize is that we no longer have legal custody after we release the child, but that doesn't mean that we don't have a continued commitment to help the child and help their sponsor. And so ...

BLUMENTHAL:

Do you -- do you ever have legal custody?

GREENBERG:

So my -- my understanding from the lawyers is that we have legal custody during the time the child is -- is in our shelter. When we release the child to their parent or legal guardian, then they have legal custody. If we're releasing them to someone otherwise, they have physical custody and they're encouraged to get legal custody.

But -- yeah, but I also just want to emphasize that even though we no longer have legal custody, we are committed to helping the child, committed to helping the sponsor. And the expansions of services that we've done around post-release services and follow up calls and our helpline are all part of that commitment.

BLUMENTHAL:

If I understand you, your -- your point is that you may not have formal legal custody, but you still feel an obligation -- a moral obligation to keep track, to monitor, to make sure that that child is given a safe and secure home.

GREENBERG:

Senator, the -- it's correct that we -- we don't have legal custody but we still have a strong sense of commitment to wanting to help that child and wanting to help the sponsorship succeed.

BLUMENTHAL:

I -- I don't want to put you on the spot, but I'd like some analysis from your lawyers as to what the process is in the transfer of legal custody because it has to be more than just a physical movement of the child. There has to be some process, I would think, in either state court or Federal court, more likely in state court, because I don't know how guardianship is determined in Federal court. But I think this question is an open one, and I -- I'd like the guidance from your department as to what the legal process is.

GREENBERG:

Thank you, Senator.

BLUMENTHAL:

Thank you.

Thanks, Mr. Chairman.

SESSIONS:

Thank you, Senator Blumenthal. And speaking of children, I'm happy to announced that I have a tenth grandchild, Nicholas Montgomery from Birmingham, Alabama.

(APPLAUSE)

SESSIONS:

All right.

UNKNOWN:

Congratulations, Mr. Chairman.

SESSIONS:

Senator Flake? I'd be glad to call on you.

FLAKE:

All right.

SESSIONS:

Thanks for your support.

FLAKE:

Well, thank you. I'm sorry to have missed most of this. My other hearing's going on and I apologize if this has already been covered. But of the 10,142 orders of removal, 8,912 or 88 percent were in absentia, and 70 percent overall were no shows.

How -- what -- does that make sense or -- or whatever? What -- what do we -- how is that happening, and what are we planning to do going forward that we have a better sense of who's not coming or who's not showing up?

OSUNA:

Senator, those numbers are accurate. The -- it's -- you know, it is of concern. I mean that we -- we do -- do what we can to get in absentia rate down. We think that one of the reasons for that and -- for large numbers of -- of children not showing up for their hearings is lack of information about the process. So what we're trying to do is insert more information through our legal orientation program that provides information to the sponsors of the kids, the custodians of the kids, to make sure that they understand their obligations to come to court.

The recent change that I discussed with providing more time initially for the hearing, we think, will help with this because it will allow the child and the sponsor to settle into their destination city, get that legal orientation program presentation and -- and more time to get counsel as well. All of these things, we think, will bring that rate down.

But while some of the news reports about, you know, the 90 percent of kids are not coming to court are very inaccurate, the -- the number is closer to 40 percent, that's still too high. And we are trying to do what we can to try to get that number down.

FLAKE:

All right. I appreciate it. Anybody else have any thoughts on that?

SESSIONS:

Senator Flake, you -- you mentioned absentia and -- and 88 percent. What do you -- how do you define that? Would you also just explain that? I won't take your time.

FLAKE:

No, please, that's fine.

SESSIONS:

I'll give you back your time, but what does absentia mean when you said the 88 percent of the decisions were rendered in absentia?

OSUNA:

So the -- the 88 percent number, I think I know which news reports you're -- you're referring to, Senator. It referred to the total number of removal orders issued by immigration judges for unaccompanied children. And when you look at that number of total removal numbers -- number of removal orders issued, 88 percent are rendered in absentia, meaning that the child didn't show up. It is not an accurate representation, though, of the larger group of cases that immigration judges have adjudicated since the summer of 2014 for immigration -- for -- for unaccompanied children.

When you look at that larger group of cases, the in absentia order is actually not -- the absentia rate is not 88 percent. It's actually close to the 40 percent number that Senator Flake mentioned.

FLAKE:

OK, all right. Mr. Homan, there -- are there any changes in the current process that of allowing and -- or, I'm sorry, the supervising these UACs which would make it easier to locate them later in the process?

HOMAN:

When HHS releases a UAC to a sponsor, we get the sponsor's information, address and so forth. I would say, as a law enforcement agency, the more information we have on that sponsor, the -- the -- the better luck we will have in locating him.

There's several things going on right now. Since early January, we've sent a lot of leads out on UACs and most of them have aged out because the most -- now, most UACs are between ages 14 and 17. Many times, by the time they get a final order, they're already aged out. It makes it easier for me because I can detain those over 18, but the issue is a couple of things.

For the -- for the number of UACs we arrested since January, three times as many weren't at the address they're supposed to be, never were, or weren't there any longer. There's a -- there's a -- there's Spanish media, Spanish newspaper, live angels (ph) are educating these folks on how not to comply with law enforcements, so there's been many situations where we've been at the residence, we know they're there, but they won't open the door. And my officers don't have the authority, of course, to -- to go into the house.

So it's -- it's getting more difficult. So even if we're out looking for them, there's -- it's getting more difficult based on everything I just told you to actually apprehend this people and put them -- and remove them.

FLAKE:

The president -- President Obama has, in the past, thanked that Mexican government for the efforts that they've made to stem the tide of UACs coming across. Can you describe some of those efforts and are they still undertaking them if they continued?

HOMAN:

I'd like to defer to Ronald Vitiello of Border Patrol. I know that we have assets in Mexico that are working with the government -- Mexican officials to try to determine what's coming and -- and I know the government of Mexico has -- has -- has taken enforcement actions against Central Americans transiting their country. I think Border Patrol probably have more information than I do about that.

FLAKE:

OK. Please.

VITIELLO:

Yes, Senator. Thanks for that question. The immigration authorities in Mexico have a humanitarian mission, and the forces of what they call the INM, the immigration authorities there, have stepped up their patrols to eliminate the -- the routes from the Guatemalan border to through Mexico at that -- at their southern border. And that has made a big difference in the numbers of people who are successfully making it toward the -- to the U.S.-Mexico border.

FLAKE:

What more could the Mexican government be doing with regard to this kind of transit and how could we help them?

VITIELLO:

Well, that's one effort and I think we're -- we, at the department level -- and this is ICE, the Homeland Security investigations group, along with ourselves were in conversations at the liaison level. And then ICE Investigations is also present in Mexico helping understand where they can help Mexico and where we can help each other. And then, obviously, at -- at CBP, we're working with them closely to understand the criminal networks that are responsible for this human trafficking and then do what we can both on the U.S. side, within Mexico, and in -- in this other countries as well to prosecute smugglers that are responsible.

FLAKE:

All right. Thank you. And thank you, Mr. Chairman.

(CROSSTALK)

HOMAN:

Senator Flake, if I could add to that. Just HSI is not only -- is working in Mexico investigating these smuggling organizations. We also have attache officers in the -- the triangular states, you know, the Guatemala, Salvador, Honduras, and -- and they're with embedded units there also to investigate the organizations. And HSI has been pretty successful in the past year with conducting many prosecutions.

FLAKE:

All right. Thank you, Mr. Chairman.

SESSIONS:

Thank you. Mr. Homan, it's a criminal offence to enter the United States unlawfully. Is that correct?

HOMAN:

Yes, it is, 8 USC 1325.

SESSIONS:

Well, Mr. -- Senator, you say the reason they're not showing up is they have a lack of information about the process. I sincerely doubt that. I sincerely -- and if we're not giving them a date and time to appear and making sure somebody is responsible for making them appear, then the system is totally broken. You also said we take steps to settle them in their destination city. I don't that's the job of law enforcement officers, to take somebody who enters the country unlawfully and our job now is to settle them in the place they'd like to go illegally when other make applications to enter the United States, wait their turn, and get admitted or not admitted. So I feel like we're really in a -- we're through the looking glass in this discussion. The focus needs to be on reducing the crime.

Colleagues, friends, American people, how do you reduce crime? You create certainty of punishment and -- and consistency in law. Then we'll have less people come. And then we have more HHS people, we have more law officers per violator, and they can lead out with even more effectively. What we have done is just the opposite. Instead of a virtuous cycle, we've created a pernicious cycle where we basically said not in our words but our actions that if you come to the United States, you will be to stay here and we've got to take care of you and we are responsible for who you live with but you get to basically choose who you like to live with but it's our responsibility and we're going to spend more money.

So what is the president (ph) want? More money to deal with the growing problem. We got twice as many people these first six months of fiscal year entering the country unaccompanied minors as before.

Now, this to me is so basic as hardly worth discussing unless you just don't believe America has a right to set a legal system to determine who enters our country. And if you ask your position, American people don't agree.

All right, now, Mr. Homan, you said that you all have taken on a new action the first quarter to try to identify people who have been ordered by the judge to be deported, to go actually find them so they can be deported. Is that correct?

HOMAN:

Yes.

SESSIONS:

And I understand that you found about 120 people and that these one of a group of people are out of 1800 that you looked for. You started out looking for about 1800 and you found so far 120. Is that right?

HOMAN:

I don't recall 1800 but it's right around that number or something.

SESSIONS:

Is that about what you target?

HOMAN:

Yeah.

SESSIONS:

Well, did people say, "Good work Mr. Homan, you're doing a good job," or did the political crowd start attacking you for say but actually going out to take this small number 1800 out of my 127,000 that they say you're doing a good job or they say you -- that they attack you for thinking to trying to enforce the law that the judge had ordered?

HOMAN:

I'm glad that you asked me that question because it's frustrating. As I said in the beginning of my testimony, the men and women at EOIR are simply doing their jobs.

These folks enter to 1114, family units oversees (ph) their priorities on this Administration. The 121 people we went looked for that we actually arrested of it over a thousand we looked for, they had their due process. They had a hearing in-person and they got final order removal.

You know, if we do an analogy, if any of us drive home tonight get arrested for, you know, reckless driving, you won't get a summons to imperial court. If you don't...

(CROSSTALK)

SESSIONS:

... appear what happens?

HOMAN:

Someone is going to arrest you. Also, if you go to the court and you're ordered by the court to make restitution to pay child support, if you don't follow the court order, you get arrested.

With the immigration context, the men and women at EOIR go and enforce the law do what normally -- enforcing laws that Congress enacted what you'll appropriate (ph) me to do enforcing the law, they get ridiculed by the media and by NGOs as violating civil rights and the men and women at EOIR are doing a fantastic job.

If you look who we have in detention right now, 99.6 percent of those in detention fall within a priority.

We had a record last year of those who removed United States' criminal history of 59 percent. It's a record for this agency. So they're executing their mission almost perfectly but they ridiculed and vilified for doing -- for enforcing law of these under books.

To the law enforcement officers who are doing their sworn duty, they're enforcing the law and we're not going to apologize for doing it.

SESSIONS:

Well, thank you for saying that.

The Homeland and Security, I regret to say it has a lowest morale of any group, any federal agency.

The Federal ICE officers filled a lawsuit a couple years ago against their supervisors saying they were being ordered not to do what they took an oath to do which is to enforce the law.

And that's why people are upset and while their agency has so much difficulty, every time they try to do something, somebody objects and the politicians take the side of the objectors and American people are watching this in amazingly. I don't think they fully understand how dramatically we have acted to undermined law in America and these are dangerous thing.

You'll never know when you knock on one of those doors. Maybe this person that came and said, "I'm an uncle (ph)," when they were there drag digger or maybe they're involved in prostitution.

So it's just I appreciate the law officers and the work that they do and we and the Congress and this administration has not honored them sufficiently in the work that they do.

Let me ask you a little more. What about unaccompanied alien children who do receive removal orders, are they required to report in? Is anybody required to maintain address or maintain contact with the court, Mr. Homan?

HOMAN:

After they receive a removal order?

SESSIONS:

Yes.

HOMAN:

Once we had notified a removal order has been issued then we'll add that to the list of folks that we need to execute the orders on and based under their priorities, we'll go look for them.

SESSIONS:

Are you -- but they don't -- once they are released initially, before the final order of removal, they can disappear. Isn't that correct and that's a problem you face?

HOMAN:

That's a problem because we don't have the authority for caring custody of the UAC and so we can't impose reporting procedures because they're not on custody there with HHS, so yes. I mean, the answer is once we get a final order, many of them are no longer at the residents and we have to...

SESSIONS:

Yes. And basically on the honor system, is that correct?

(CROSSTALK)

HOMAN:

... I can tell you that many of my orders (ph) supposed to be.

SESSIONS:

Well, there is no ability. You don't have the ability to monitor them all and make sure that they are returning so you just say, "I tell you to return when ordered," and a lot of them are not returning and they are not -- and when ordered remove they are not there.

Now, as I understand it about half of people that make application to stay in the United States about half of those are denied initially. Is that right?

And then some are delayed for other reasons but not that many are being found justified in asserting that they have an incredible fear and therefore, they are entitled to stay in the United States. Isn't that true?

HOMAN:

I claim for claims of political asylum and fear I think that the rate of approvals on CIS is much higher than what's finally decided by immigration judge.

SESSIONS:

So but anyway, not that many are being approved. There are a lot of these claims -- lot of these entrants send to the country are convince, a teenage would like to come to the United States. They are coming because they have -- they are about to big shot in the neighborhood isn't that true?

HOMAN:

Based on my experience, I think there are some that are skipping fear but I think there are many more that are taking advantage of the system.

SESSIONS:

I don't think there's any doubt it and that's why the judges are not approving and half percentages, they use claims.

So the -- so my -- our colleagues and the president, our Democratic members, they want to suggest that everybody that comes from some of those situation in which I have this real fear of being killed or injured in some way.

But for the most part, I think most of these people are making a choice. They prefer to live in the United States as all poll several years ago that a substantial majority (inaudible) so they'd come to the United States if they could.

Well, I don't doubt that but you just -- we were unable to do that.

Did you want to, Mr. Homan, follow up?

HOMAN:

It's our job to make sure they can due process it many who made claim for asylum but at the end, the immigration judges make a decision so many of them do not get a fear claim. They get order removal and that's what I'll execute.

So not everybody claims in fear obviously gets through. I wouldn't have thousands removal orders backing up.

SESSIONS:

Well that's correct and wouldn't it be better if instead of a 20,000 somewhat more than 20,000 unaccompanied minors have attempted to come to the United States in the last -- the first six months of this fiscal year, wouldn't it be better if it was 5,000? Wouldn't be easier for you to make sure that people are treated fairly and properly dismissed if they need to be deported?

HOMAN:

I think yes.

(CROSSTALK)

HOMAN:

... it's always having (ph) better country conditions but yes, I think everybody has (ph) due process. But once that due process been had and an order has been issued then let's not vilify the law enforcement officer executing that order. That is their job and that is the law. The law is a law. We need to stand by the law.

SESSIONS:

That's what I'm thinking. I think the American people share that view and so colleagues, I don't know.

Witnesses, I thank you for your attendance and testimony. We are out of sink here. This suggests one part of the failure of this government to create a rationale system of immigration that serves a national interest that's fully complied with.

We will have a hearing this afternoon on the abuse of the H-1B where workers are brought in by the hundreds entire Information Technology Department to Disney and California Madison are just dismissed and foreign people take their jobs and they have to train them.

These are the most highly-skilled people. You know, they're going to do all these, the right things but they're not but just routine computer operators who will work for less.

That's not what that the H-1B system was all about. So you should go step by step by step through out the entire system of by (ph) immigration law and it's being abused and it needs to end.

And so I appreciate all of you. Your attendance will submit some written questions. I know members will to you. I hope that you will be able to respond to them. We're in a great country. We have a free right to have our disagreements and express our views.

Thank you all. We are adjourned.