



The Biden Border Crisis: Part III

Before the House Committee on the Judiciary

Subcommittee on Immigration Integrity, Security, and Enforcement

May 23, 2023

Chairman McClintock, Ranking Member Jayapal, and other members of the Subcommittee, thank you for allowing the Federation for American Immigration Reform (FAIR) to submit testimony and provide our thoughts and point of view on today's border crisis.

Immigration policies can determine what kind of America future generations will inherit – livable or overcrowded, successful or overburdened. While we see our obligations to help the less fortunate around the world, we also know that irresponsible border policies can undermine our own nation's ability to be a successful change agent for the human race. FAIR engages in community outreach to inform affected communities of how national immigration policies affect their own situation, and invites them to engage in a meaningful dialogue on how to shape immigration policies for the 21st Century and beyond.

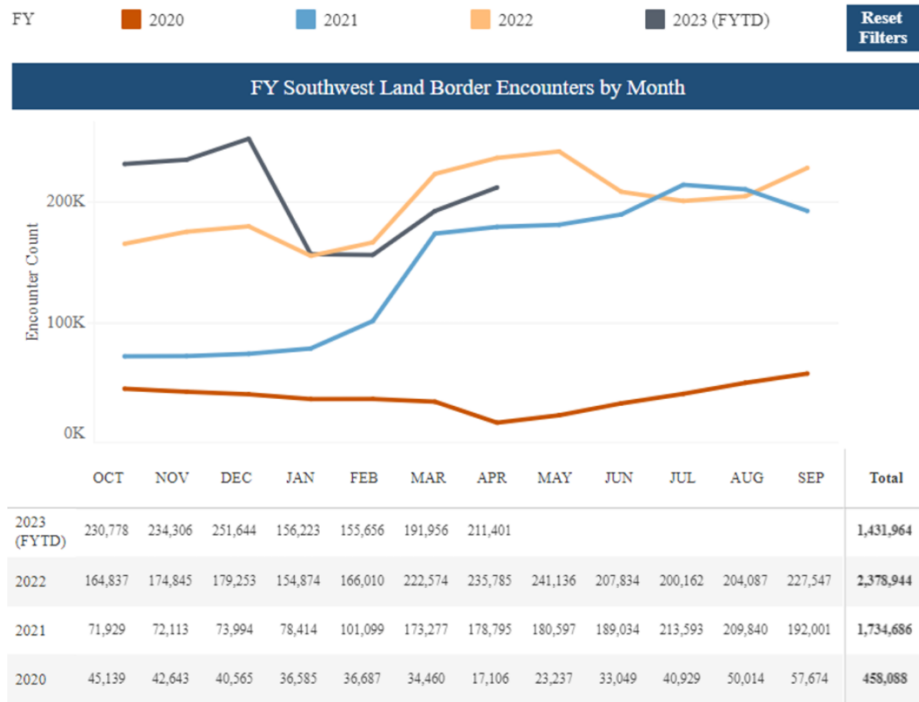
FAIR's mission is to examine immigration trends and effects, to educate the American people on the impacts of sustained high-volume immigration, and to discern, put forward, and advocate immigration policies that will best serve American environmental, societal, and economic interests today and into the future. We are a non-partisan, public interest organization with a support base comprising nearly 50 private foundations and over 3 million diverse members and supporters.

The Crisis

Since President Biden has taken office, more than 7.4 million people have entered the country illegally, with nearly 6 million encountered and another 1.3 million "gotaways" who have evaded Border Patrol. Under President Biden, the government has encountered a record number of illegal alien border crossers who are on the terrorist watchlist. The number of unaccompanied alien children apprehended has spiked from 30,557 in Fiscal Year (FY) 2020 to 144,834 in FY2021 and 149,093 in FY2022. So far in fiscal year 2023, CBP has seized over 14,000 pounds of fentanyl coming across the southern border. ***In every category, the numbers are staggering.***

Just a few months ago, Border Patrol Chief Raul Ortiz testified before Congress that we do not have operational control of the border. At the southern border alone, over 211,000 illegal aliens were arrested or expelled in April. This not only represents the second-highest total ever recorded for the month of April (after April 2022), but it also marks four months of steady increases. Indeed, as these data from Customs and Border Protection (CBP) demonstrate, illegal

crossings at the southern border were climbing back towards the record high seen in December 2022.



This four-month increase came despite the Biden Administration’s plan to hide the disastrous border situation from the public through its illegal parole programs. Since January, the Biden Administration had been flying aliens without visas from four countries (Cuba, Haiti, Nicaragua, and Venezuela) directly into the interior of the U.S. and granting them parole to avoid them from being counted at the southern border.

This program has failed to hold back the tide, however. As the data show, the number of Haitians arrested at the border in April was 42 percent higher since December – the month before the program began. Meanwhile, the number of Venezuelans arrested at the southern border since December was up a whopping 330 percent. Clearly, the magnet created by a weak border still overpowered any shell game the Administration implemented to hide the numbers.

Other disturbing figures have also emerged from the April numbers release. Overall arrests of suspected terrorists were sharply up at the border. The 16 suspected terrorists arrested trying to sneak into the U.S. at the southern border last month were more than the entire total of the previous administration.



Over the last two and a half years, the Biden Border Crisis has been deliberately created by the reversal of policies that work. The Administration has set record numbers time and again, and has consistently ignored the humanitarian disaster and national security risks that have resulted from their policies and practices.

When the crisis was at its worse, the President ended the Title 42 authority to expel illegal aliens. The Department of Homeland Security (DHS) had been bracing for an onslaught of illegal border crossings. By the Administration's own estimates, the number of illegal aliens attempting to enter the country could reach as high as 18,000 a day.

In the days leading up to the termination of Title 42 on May 11, FAIR sent a team to the border to gather and record information about what was transpiring and report to the American public.

FAIR's First-Hand Account

FAIR visited El Paso, Texas from May 9-11, 2023, and what we saw was nothing short of devastating. Upon arrival to the city, witnessing airport employees checking travelers' boarding passes before they arrived at the security check point, instantly gave an air of desperation. People were strewn across the floor near the baggage claim with a look of vanishing optimism after learning the life of prosperity they were promised in America would not come as easy as originally imagined.

In the center of El Paso, it was blatantly obvious that the homeless community was at an all-time high. At nearly every traffic stop, someone would arrive at the vehicle's window asking for assistance. English was rarely spoken. Blocks of homeless migrants lined the streets near the border with no compass on how to navigate the system. The highways along the border fence were illuminated with signs stating, "WATCH FOR UNEXPECTED PEDESTRIANS."

At border gates, busses and vans lined up to transport the masses of migrants that Border Patrol, Texas State Troopers, and Military personnel processed into our country. The Border Patrol opened gates in the border wall and allowed large groups of migrants to enter. Over the course of three days along the border near El Paso, we observed the execution of Biden administration policies to allow migrants to enter under the president's expansive use of parole authority, rather than have them cross the Rio Grande. This phenomenon is consistent with the administration's efforts to remove the bad optics of people coming across the river illegally and have them come through gates in the border security wall.

On several occasions, we witnessed motorcades of buses and vans arrive at designated gates in the border wall. Using a camera-equipped drone, we were able to see hundreds of people on the other side of the fence – lines that stretched for as much as a quarter mile – poised to enter the United States. Once the transportation was in place, the gates opened and migrants filed into the buses and vans to be taken to a processing center and released on parole. We also witnessed the



presence of some of the 1,500 troops that President Biden dispatched to the border. It was quickly evident that the role of the troops was not to prevent illegal aliens from entering, but rather to assist in transporting and processing them.

After being released from CBP custody, the next stop for many migrants was the Sacred Heart Church in downtown El Paso. With limited space inside the church, large groups slept on the sidewalks and alleyways near the church in makeshift tents, and in unsanitary conditions, while they awaited transportation to their final destination in the United States. A charter bus depot, less than a block from the church, was the primary means by which the migrants moved out of town. However, the number of migrants far exceeded the availability of buses, and so many migrants would wait for days, even weeks, for a space to open up.

The “asylum seekers” we observed were overwhelmingly young, working-age men, in their teens and twenties. The migrants we spoke with were nearly all clutching their prized packet of documents handed to them during the processing procedure they went through upon entering the country. These “Welcome to the United States” packets included a Notice to Appear in court at some future date, and paperwork to demonstrate that they had been paroled into the country.

Many migrants, no matter where they entered, are likely to wait years in the United States, settling down with family in communities across the country. Most of those allowed to enter will not have a court date to press their claims for asylum for many years to come – some, well into the 2030s.

What was happening in El Paso – a middle point of our border with Mexico – was likely being replicated across the entire span of the border. On the eastern most part of the border in Brownsville, Texas, video footage by others showed hundreds of aliens traversing the Rio Grande from Matamoros, Mexico, with Mexican border officials providing little resistance. On the western most side of the border at the San Ysidro entry, U.S. Border Patrol donned riot gear and drilled defense exercises as they prepared for the order to fall. It was not just one place or one State feeling the consequences of the end of Title 42--from the Gulf of Mexico to the Pacific Ocean, the entire border was in crisis.

H.R. 2, the Secure the Border Act of 2023

The crisis on our southern border requires real leadership. Given that the President has failed to produce a meaningful and strong plan to deter mass migration, Congress must act immediately to close loopholes in our immigration system and provide resources to our men and women on the front lines.

In May, the House did indeed act by passing H.R. 2, the *Secure the Border Act of 2023*, to stop the Biden border crisis and end catch-and-release. FAIR applauds the bill, which not only provides DHS with the manpower, infrastructure and technology it needs, but with statutory reforms that end numerous incentives for people to violate our immigration laws.



Specifically, FAIR supports key provisions of the bill, including:

- Requiring DHS to resume construction of the border wall along no less than 900 miles of our southern border;
- Increasing manpower to a total of 22,000 Border Patrol agents;
- Providing additional technology at border ports of entry to detect and prevent the entry of narcotics, contraband and illegal migrants;
- Reforming our asylum process to deter frivolous claims and prohibit gang members, felons and drunk drivers from benefitting from our asylum system;
- Prohibiting the Homeland Security Secretary from releasing illegal aliens apprehended at our border, strengthening our ability to detain, remove and return those aliens to their home country or another safe country;
- Preventing unaccompanied alien children surges at the border in a humanitarian way, ensuring they are screened and processed expeditiously with family members and sent home;
- Significantly limiting the Secretary's authority to grant humanitarian parole, so that broad, category-based parole programs cannot be established to circumvent Congress; and
- Mandating the use of E-Verify for all employers in a responsible, phased-in way.

While the Biden Administration's preferred approach to the illegal immigration crisis is more resources to process and release millions of migrants into the country, it is neither a sustainable policy nor one that is supported by the American people. These are precisely the policies that created the crisis. H.R. 2 is aimed at deterring and preventing large-scale illegal immigration.

The Biden Border Crisis is not only affecting communities like El Paso and others along the border, but it's impacting every community from California to New York. The goal of Congress must be policies to end the exploitation of children, curb the growing power of the criminal cartels that control human and drug smuggling operations, end the abuse of our asylum system, and rein in the crushing burdens that Biden's policies have imposed on the American people.

FAIR appreciates the ability to share its experiences and expertise, and urges Congress to pass H.R. 2 to secure the border and reform our immigration laws.