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**DANGEROUS PASSAGE:  
CENTRAL AMERICA  
IN CRISIS AND THE  
EXODUS OF  
UNACCOMPANIED  
MINORS**

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*Thursday, July 17, 2014*

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UNITED STATES SENATE COMMITTEE ON  
FOREIGN RELATIONS  
113<sup>TH</sup> Congress, Second Session

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**UNEDITED TRANSCRIPT  
NOT FOR DISTRIBUTION**

# WITNESSES

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# **DANGEROUS PASSAGE: CENTRAL AMERICA IN CRISIS AND THE EXODUS OF UNACCOMPANIED MINORS**

*Thursday, July 17, 2014*

U.S. SENATE  
COMMITTEE ON FOREIGN RELATIONS  
WASHINGTON, D.C.

1           The committee met, pursuant to notice, at 10:05 a.m., in Room SD-419, Dirksen  
2 Senate Office Building, Hon. Robert Menendez, chairman of the committee, presiding.

3           **PRESENT:** Senators Menendez [presiding], Boxer, Cardin, Durbin, Murphy, Kaine,  
4 Corker, Risch, Rubio, Johnson, Flake, McCain, and Barrasso.

## **OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY**

5           **THE CHAIRMAN.** Good morning. This hearing of the Senate Foreign Relations  
6 Committee will come to order.

7           We are here today because we have a humanitarian crisis on our southern  
8 border, now a refugee crisis, which I would argue requires an emergency response  
9 domestically and the urgent recalibration of our foreign policy. Just as important that  
10 we address this refugee crisis, in my view, it is equally important that we do not rush to  
11 change our laws in a way that would strip these children of their rights to due process.

12           In dealing with this crisis, it is imperative that we understand its root causes and  
13 why it is not about America putting out a welcome mat. It is about a desperate effort by  
14 desperate parents to do what any parent would do to protect their child from violence  
15 and the threat of death.

1           We have with us two panels of experts who will help us fully understand the  
2 factors that have driven nearly 60,000 unaccompanied children, in the past 5 months  
3 alone, to flee their countries and seek refuge in the United States.

4           This past weekend, in a piece in the New York Times by Pulitzer Prize-winning  
5 author Sonia Nazario, who is on our second panel today, she wrote about, among  
6 others, Cristian Omar Reyes, a sixth-grader. His father was murdered by gangs while  
7 working as a security guard. Three people he knows were murdered this year, four  
8 others were gunned down on a corner near his house in the first 2 weeks of the year. A  
9 girl his age was beaten, had a hole cut in her throat, her body left in a ravine across from  
10 her house — his house. Cristian said, "It is time to leave."

11           Or Carlos Baquedano, a 14-year-old who worked in a dump, pinking scrap metal  
12 when he was a boy, making a dollar or two a day. When he was 9 years old, he barely  
13 escaped two drug traffickers who were trying to rape him. When he was 10, the drug  
14 traffickers pressured him to dry — to try drugs and join a gang. He has known eight  
15 people who were murdered, three killed in front of him. In one case, he watched as two  
16 hitmen brazenly shot two young brothers, execution-style.

17           These stories are the tragic stories of life-changing experiences that too many  
18 children face in Central America every day, tens of thousands of children like Cristian  
19 and Carlos, whose stories are unknown, but no less tragic.

20           For me, as someone who has closely followed Latin America for decades, the  
21 current crisis in Central America is no less shocking than for anyone else, but it does not  
22 come as a complete surprise. At the end of the civil wars that raged Central America in  
23 the 1980s and '90s, we did not pay enough attention, after the wars, to the region. We  
24 did not remain sufficiently engaged with our Central American neighbors. We did not

1 work closely enough with them to address the structural problems of social and  
2 economic development or the societal violence that is fueling today's crisis.

3 I have complained strongly and argued forcefully that the years of cuts to the  
4 region would come at our own peril. Besides the deep poverty, we have enormous  
5 challenges in Central America, where we have the confluence of major drug trafficking  
6 as a via to the United States, where we have gangs that have dramatically increased in  
7 El Salvador from 600 to 40,000; then, of course, human traffickers, who take advantage  
8 of those set of circumstances. And the efforts that we failed to take end up now with  
9 the crisis on our southern border.

10 Year after year, when we have reviewed budgets of this and past  
11 administrations, I have said that our constant cuts to Latin America and Central  
12 America will come at a price. And, unfortunately, in part, we are seeing that price  
13 today. So, we are going to spend \$3.4 billion to deal with the consequences of the causes  
14 in Central America, but we will deal, luckily — luckily, because we have only spent  
15 \$110 million in five Central American countries — under this proposal, with 300 million  
16 to deal with the core issues of citizen security, of combating the traffickers, of combating  
17 the drug cartels, of combating the gangs. 300 million, 3.4 billion. It would seem to me  
18 that, at some point, we will focus on the core problems so that we do not have the  
19 consequences in our country of the challenges of the deep issues that are facing Central  
20 America as it relates to citizen security.

21 One other point. Although this hearing is about root causes and how we might  
22 deal with it, let me just take the moment, in personal privilege, of saying I oppose the  
23 changing of the existing law. There is a reason why that law was passed. It was passed  
24 to say that noncontiguous nations — if you are fleeing 2,000 miles to try to come to the  
25 United States, there may be a greater probability that you have a real case to be made

1 for asylum, because you have a credible fear of the loss of your life, which, under our  
2 law, as I hear those who advocate for the rule of law — I agree — under our law, is very  
3 clear.

4 Now, if you flee 2,000 miles and you were told by the gangs, "Join or die," if you  
5 are raped and you flee 2,000 miles not to ever experience that tragic and traumatic set of  
6 circumstances, you do not come with anything but the clothing on your back. And  
7 when you get here to the United States, you are going to need a reasonable period of  
8 time to be able to produce the facts to make that case. That does not come with you.

9 And so, I understand the desire to accelerate the process, but accelerating  
10 without due process is not acceptable. I believe the law presently has a series of  
11 provisions in it that would give the administration the wherewithal to accelerate, but  
12 with due process.

13 So, I support the efforts for the resources that are necessary to meet the challenge.  
14 But, by the same token, those who just have a different view about what this law was  
15 intended to do, which passed with broad bipartisan support in both houses of the  
16 Congress and signed by a Republican President, is not something that I, personally, can  
17 accept.

18 Finally, I hope we will hear our panelists' views on the root causes of the  
19 problem, more broadly, the short- and long-term strategies that will strengthen  
20 governance and the rule of law in these countries, restore public confidence in the  
21 affected justice systems and civilian police forces that dismantles the human smuggling  
22 networks bringing these children to our border, making sure that children and families  
23 deported from the United States — and there will be many under the existing law who  
24 will be deported, who will not have proven a credible case — receive sufficient  
25 attention and support when they arrive home, and how we can lay a strong foundation

1 so that we can have citizen security in Central America so that we will not face the  
2 consequences and they will face a more prosperous future.

3 And, with that, I would like to recognize the distinguished Ranking Member,  
4 Senator Corker.

**STATEMENT OF HON. BOB CORKER,  
U.S. SENATOR FROM TENNESSEE**

5 **SENATOR CORKER.** Mr. Chairman, I want to thank you for having this hearing.  
6 And I know this is an issue that you feel very passionate about.

7 I was glad to join you in the Senate-passed immigration bill. It was not a perfect  
8 bill, as any bill with 68 people supporting it is. Certainly, the immigration bill we  
9 passed out of the Senate, I am sure, can be improved, but I really do believe that the  
10 type of thing we are dealing with on the border now cries out for us, as a Congress, to  
11 deal with immigration reform. And I do hope that, at some point, we will do that.

12 Now, you stressed some things in your opening statement, and I am going to  
13 stress some differing things in my opening statement. And my guess is that there are  
14 multiple veins of reasons as to why we are having this problem on the border. And it is  
15 my hope that, over the course of the next 2 or 3 weeks, that we will take into account all  
16 of those factors and put something in place that does solve this problem.

17 So, I want to thank you for calling the hearing. I want to thank the witnesses for  
18 being here today and sharing their wisdom with us.

19 And, as I mentioned, I hope we will be able to establish a common  
20 understanding of the current and recent past economic and security situations in  
21 Central America that are driving this. I hope we will identify what Mexico and Central  
22 American countries are being asked to do to address the flow of unaccompanied minors  
23 across their borders. And, finally, I hope we can identify the administration's strategic

1 priorities for engaging Central American leaders in taking responsibility for addressing  
2 the region's problems in order to secure sustained economic growth.

3         The immediate problem is at our borders, and it is our government's immediate  
4 responsibility to ensure the integrity of our borders. The ongoing migration crisis  
5 involving unaccompanied children is pushing our Border Patrol and Human Services  
6 personnel beyond their capacity to cope. The flow of unaccompanied children started  
7 to spike in 2012. Unlike in the past — and I think this is very important — when  
8 migrants sought to evade U.S. — when U.S. — when migrants sought to evade U.S.  
9 authorities, these migrants are turning themselves in, because they know they will not  
10 be immediately returned. This is a real change in the way the behavior is at the border.  
11 And I think it is something that we should focus on, in addition to the comments the  
12 Chairman made.

13         Lawlessness and gang-related violence that targets the young certainly makes  
14 them want to leave Central America. The hope of joining family or getting an education  
15 and a better life are also powerful incentives to leave. But, levels of violence and  
16 lawlessness across Central America really are nothing new. Nothing much has changed  
17 in that regard. And yet, we have this huge influx that is occurring.

18         Something else is clearly at play, here. Word of mouth and local news reports  
19 have spread about children being cared for by U.S. authorities, being connected with  
20 family already here, and being allowed to stay. A significant pull factor has developed,  
21 due to both the unintended consequences of current U.S. law, as well as the actual and  
22 perceived enforcement policies of the administration. It is highly likely that human  
23 traffickers are marketing this new way to get into the U.S., which may also help account  
24 for the spike. U.S., Mexican, Central American law enforcement efforts have been  
25 focused on counternarcotics operations and not this phenomenon.



1 Post-9/11, U.S. attention was understandably — as U.S. has been understandably  
2 focused elsewhere in the world, but we cannot afford to ignore the state of affairs in  
3 Central America. This migration crisis may well pass, but it will recur in one form or  
4 another. It calls attention to the need for the United States to craft and implement  
5 appropriate immigration policies to account for the clear unintended consequences of  
6 current law and its application by the administration, but also a proactive strategy to  
7 engage Central American leaders in taking responsibility for addressing the region's  
8 problems in order to secure sustained economic growth. Stabilizing the region is in the  
9 U.S. national interest. Moreover, as Mexico itself increasingly becomes a destination  
10 country for migrants, the strategy can and should be a regional partnership.

11 So, with that, Mr. Chairman, thank you again. I look forward to the testimony  
12 and, hopefully, at least on this issue, a solution sometime soon in the United States  
13 Senate and Congress.

14 Thank you.

15 **THE CHAIRMAN.** Well, thank you, Senator Corker. And I do — just one comment  
16 on what you had to say — I do agree with you that, if the broad bipartisan immigration  
17 reform that had passed the United States Senate a year ago had been even taken up by  
18 the House of Representatives, that, while I will not say we would not have this  
19 problem, because root causes still exist, we would be better able to deal with the  
20 challenge, because the amendment that you authored with Senator Johann ultimately  
21 dealt with border enforcement, trafficking, and a series of other critical issues that  
22 would have been helpful to us today. So, I appreciate your comments.

23 Let me introduce our first panel: Thomas Shannon, the Counselor at the State  
24 Department — Ambassador Shannon has a long history in the hemisphere and knows

1 very well some of these issues; and Bruce Swartz, the Deputy Attorney General for the  
2 Criminal Division of the Department of Justice.

3 We appreciate both of you being here. Let me advise you both that your full  
4 statements will be included in the record, without objection. I would ask you to  
5 summarize them in about 5 minutes or so, so that we can get into a Q&A.

6 With that, we will start with you, Ambassador Shannon.

**STATEMENT OF HON. THOMAS A. SHANNON, JR., COUNSELOR OF THE  
DEPARTMENT, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.**

7 **AMBASSADOR SHANNON.** Mr. Chairman, Senator Corker, distinguished members of  
8 the committee, thank you for this opportunity to testify today. It is an honor to appear  
9 before you with my distinguished colleague from the Department of Justice, Bruce  
10 Swartz.

11 If I might, I would also like to thank you, Mr. Chairman, and you, Senator  
12 Corker, for the tremendous work that you and your committee have done in moving  
13 ahead ambassadorial nominations. The recent confirmation of Jim Nealon as our  
14 Ambassador to Honduras was an important step forward in the region, enhanced our  
15 diplomatic presence. So, thank you very much for the tremendous effort you both have  
16 made and your committee has made.

17 I am grateful for the opportunity to address the foreign policy implications and  
18 consequences of the surge in unaccompanied children along our southwest border. In  
19 my written testimony, I lay out our understanding of the challenge we face on our  
20 southwest border, the strategy we have devised to address it, our diplomatic  
21 engagement up to this point in regard to that challenge, and why quick approval of the  
22 President's supplemental budget request is important and necessary.

1           As we consider the challenges posed by this migration of unaccompanied  
2 children, I would like to note the following:

3           First, migration by unaccompanied children is not necessarily a new  
4 phenomenon along the frontier. What distinguishes this migration, however, and really  
5 what makes it unprecedented, is its size and its composition, as both the Chairman and  
6 the Ranking Member have noted. What was historically a largely Mexican  
7 phenomenon is now a Central American phenomenon, and, in fact, it is concentrated on  
8 three countries, or three source countries: Guatemala, Honduras, and El Salvador. The  
9 implication, here, of course, is that the flip in the source countries of these  
10 unaccompanied children means that something dramatic is happening in these three  
11 countries and something is driving this migration.

12           And, while the motives behind the migration are mixed, many being driven by  
13 traditional factors, such as family reunification and economic opportunity, underlying  
14 much of the migration is a fear of violence caused by criminal gangs. In other words,  
15 there is a significant push factor, here, for the migration coming from Central America  
16 and from these three countries. But, at the same time, as has been noted, this push  
17 factor is being exploited by traffickers and — whose understanding of U.S. law and U.S.  
18 practice has allowed them to market a certain approach to bringing unaccompanied  
19 children to the border, especially the idea of taking them only to the border and then  
20 turning them over to U.S. authorities, something which is new.

21           The third point I would like to make is that the migration is regional. While  
22 much of it is directed towards the United States, the impact is really being felt  
23 throughout the region. The U.N. High Commission on Refugees has registered a 400-  
24 percent increase in asylum requests in neighboring countries, which, from our point of  
25 view, means that, while most of the children are heading to the United States, largely

1 because they have family already in the United States or networks of migration that  
2 they can plug into, those who, for whatever reason, are not going to the United States  
3 are still fleeing. They are just fleeing to other countries in the region.

4 And fourth, as we devise a response, we know that our approach has to be  
5 regional, that it has to involve the source and the transit countries, but it also has to  
6 address those affected by this migration. In other words, we cannot solve this problem  
7 alone. We need to build partnerships.

8 And again, I just came from Mexico. I was down on the Mexican frontier with  
9 Guatemala. And what is striking about this migration is that Mexico is now not only a  
10 source and a transit country of migration, but it is also a destination country, since  
11 many migrants are staying in Mexico, which means that Mexico is experiencing many  
12 of the problems that we have been experiencing over time with migration, and which  
13 means that we have a basis for a common understanding and approach on migration  
14 issues. But, also, Guatemala has become a transit country, as Hondurans and  
15 Salvadorans cross Guatemala. So, the mixing of purposes and relationships among the  
16 five countries that are both source, transit, and destination countries actually creates  
17 new opportunities for partnership.

18 And through our diplomatic engagement in the region in fairly short time, I  
19 believe we have, first of all, fashioned a common understanding of the problem among  
20 the United States, Mexico, Guatemala, Honduras, and El Salvador. We have created a  
21 common public messaging campaign to counter the marketing tactics of the human  
22 smugglers, which we believe is beginning to have an impact. We have established new  
23 mechanisms of cooperation on immigration and border security with Mexico and  
24 Guatemala, which includes Mexico's recent announcement of a southern border  
25 initiative. And we have begun repatriations of adults with children. The first flight to

1 Honduras has already happened, and we are working toward similar repatriations to  
2 Guatemala and El Salvador.

3 As we engage with the Central Americans on the causes and drivers of this  
4 migration, we have an opportunity to build a comprehensive and integrated regional  
5 strategy. And the supplemental request of 300 million, as I have noted, is really a  
6 downpayment on that larger strategy.

7 With that, sir, I conclude my remarks, and I look forward to your questions.

**[The prepared statement of Ambassador Shannon follows:]**

**[COMMITTEE INSERT]**

8 **THE CHAIRMAN.** General Swartz.

**STATEMENT OF BRUCE SWARTZ, DEPUTY ASSISTANT ATTORNEY GENERAL,  
CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE, WASHINGTON, D.C.**

9 **MR. SWARTZ.** Chairman Menendez, Senator Corker, members of the committee,  
10 thank you for this opportunity to discuss, today, the Department of Justice's law  
11 enforcement response to the problem of unaccompanied children crossing illegally into  
12 the United States.

13 The Department of Justice is, of course, bringing the full range of its authorities  
14 to bear on this problem; in particular, its immigration authorities. But, at the same time,  
15 we are also focusing our criminal justice authorities. And that response takes two forms:  
16 first, our own investigations and prosecutions within the United States; and, second,  
17 our work overseas to help build the law enforcement capacity of our partners in the  
18 source countries from which these children are coming.

19 Let me turn, first, to our own law enforcement investigations and prosecutions.  
20 Our strategy in this regard has three prongs: it attacks the smugglers, the criminal  
21 gangs in the home countries of these individuals that prey upon them, and the cartels

1 that exploit and profit upon the smuggling of these children through the territories they  
2 control.

3 With regard to our smuggling work, we build on a long history of successful  
4 prosecution of smuggling organizations. We have done literally thousands of these  
5 cases, including complex international criminal smuggling groups. But, as Senator  
6 Corker has noted today, this presents a new type of smuggling and a new, more  
7 difficult issue, from a law enforcement perspective, since the smugglers do not have to  
8 cross the border, since the children are being encouraged simply to present themselves,  
9 and since our intelligence suggests that many of these smugglers are not operating in  
10 large-scale organizations, but, rather, in small groups. Nonetheless, we are committed  
11 to developing strategies to attack these smugglers through investigation and  
12 prosecution. And, to that end, Deputy Attorney General Cole met, last week, with U.S.  
13 attorneys on our southern border to push forward our strategic thinking in that regard.

14 The second prong, as I mentioned, is our attack on the criminal gangs that prey  
15 on these children in their home and help spur their migration to the United States. In  
16 this context, our organized crime and gang section within the Department of Justice  
17 aggressively targets the leadership of MS-13, the 18th Street Gang, and other  
18 transnational criminal gangs that attack not only these children and their family  
19 members in those countries, but also pose a threat to the United States. And we have  
20 continued, and will continue, to bring such cases.

21 The third prong, as I mentioned, is our attack on the cartels. The cartels, our  
22 intelligence suggests, profit by taxing these individuals, these children as they come  
23 through their territories, and by sometimes exploiting them as couriers or otherwise.  
24 Hereto, we, of course, have a strategy that looks not only at the high-value targets in  
25 these cartels, but also the full range of the enterprise. We also have disruption activities,

1 including one last month led by DEA, bringing together Central American countries,  
2 that seeks to stop the smuggling of all contraband.

3 But, it is been noted, however, we cannot do this alone. And so, the second part  
4 of our criminal justice response is working to build the capacity of the countries from  
5 which these children are coming. And in that regard, we have both a short-term and a  
6 long-term goal. The short-term goal is to build the kind of trusted partners, vetted units  
7 within these countries that we can work with as our own law enforcement partners and  
8 that can also address the most serious violent crimes within those countries. The FBI,  
9 with State Department funding, has created transnational anti-gang units. DEA has  
10 created special investigative units. Homeland Security also has vetted units. These  
11 units create an important nucleus for prosecuting these cases within the countries with  
12 trusted prosecutors and police counterparts, and they help protect U.S. citizens, as well,  
13 by doing so.

14 Our longer-range strategy is to build the capacity of these countries across the  
15 criminal justice system, from investigations to prosecutions to prisons. And, in that  
16 context, we have two organizations within the Department of Justice dedicated to that  
17 task, our Overseas Prosecutorial Development Office, OPDAT, and our Criminal Justice  
18 Development Office, ICITAP. Our strategy in both of those cases is, with State  
19 Department support, to place, on a long-term basis, Federal prosecutors and senior law  
20 enforcement experts in those countries to work with their counterparts and to think  
21 through a systemic change to their justice systems.

22 Hereto, we have had success in these countries. We have seen this work. We  
23 have seen it work in Colombia. We have seen it work in the Balkans. We have seen it  
24 work around the world. And thus, the Department of Justice strongly supports the  
25 supplemental funding request, here, which, among other things, would provide \$7

1 million to allow the Department of Justice to increase its placement of prosecutors and  
2 of senior law enforcement experts to work with their counterparts in these source  
3 countries, and to help reduce the violence that serves as one of the drivers for the crisis  
4 that we face today.

5 Thank you. I look forward to your questions.

**[The prepared statement of Mr. Swartz follows:]**

**[COMMITTEE INSERT]**

6 **THE CHAIRMAN.** Well, thank you both for your testimony.

7 Let me ask you, Ambassador Shannon. In the President's \$3.7 billion  
8 supplemental request, less than 10 percent of the funding is destined to address the root  
9 causes of the current refugee crisis. In addition, at the same time that the supplemental  
10 comes, the administration proposed a 20-percent cut in FY-15 to its Central American  
11 Regional Security Initiative. So, I am trying to understand how we will spend billions  
12 to deal with the consequences, but we are presented with a 20-percent cut in a Central  
13 American Regional Security Initiative. Can you explain to me how that makes the right  
14 policy sense for us?

15 **AMBASSADOR SHANNON.** Thank you very much for the question, and it is a good  
16 one, and I think it goes to the heart of the challenge we face.

17 The 20 percent cut was the product of a larger budget request in a constrained  
18 budget environment in which we had to balance a variety of competing demands.  
19 Obviously, in light of what is happening right now, we need that 20 percent back, and  
20 we need much more of it.

21 And the supplemental budget request is a two-part request. And, as you know,  
22 the largest part of it goes to DHS and HHS for law enforcement and for human services  
23 in relationship to this crisis. And it is a considerable amount of money, obviously, but it



1 is in response to the immediacy of the crisis on our border, and the presence of a  
2 significant number of people on that border, and the need to process them and  
3 determine whether or not they have protection —

4 **THE CHAIRMAN.** Well, I —

5 **AMBASSADOR SHANNON.** Yeah.

6 **THE CHAIRMAN.** Look, I am with you —

7 **AMBASSADOR SHANNON.** Okay.

8 **THE CHAIRMAN.** — on the supplemental, although I might structure it a little  
9 differently. But, nonetheless, I am with you on the supplemental. I get it. We have a  
10 crisis, we have to deal with it. I said that to the President.

11 But, we will have a continuing crisis if we do not begin to deal with the root  
12 causes, the opportunity to vet units that are both police enforcement as well as  
13 prosecutorial opportunities, if we do not use our intelligence integrated on the drug  
14 traffickers within the region, if we do not help them fight against the gangs that are  
15 heavily armed.

16 And that is not just about being a good neighbor to Central America. That is in  
17 our own national security interests. Because where do we think the drugs are headed?  
18 Where is the demand? Here. Where do we think the traffickers want to take it? Here.  
19 Where do the gangs ultimately, in part, derive in synergy their resources? There,  
20 through that process.

21 So, it is in our own national security interests. And this is what I have been  
22 trying to be saying for years, and I hope that we will see a change of course, both by the  
23 administration and by the Congress, who shares blame, because no one has been paying  
24 attention to what is happening in the hemisphere in a way that understands, in our own

1 front yard, in our own national interest. So, I hope that this becomes a defining and  
2 galvanizing moment for us to be thinking in policy in a different way.

3 Now, much has been said by some quarters about the pull factor of such actions  
4 as deferred action. Is it not true that deferred action would not give anyone who comes  
5 now or who has come in the last year any access to any adjustment of status in this  
6 country?

7 **AMBASSADOR SHANNON.** That is my understanding, correct.

8 **THE CHAIRMAN.** Now, is it not also true that even the immigration law passed by  
9 the United States Senate that had a date of December 20-, I believe it was, -11, you had  
10 to physically be in the country? That would not give anybody who comes subsequently  
11 any status or any eligibility or any cause of right, other than maybe through asylum, to  
12 come to the United States and receive the opportunity to stay. Is that true?

13 **AMBASSADOR SHANNON.** That is my understanding.

14 **THE CHAIRMAN.** Would that be true, Mr. Swartz?

15 **MR. SWARTZ.** Yes, Mr. Chairman, that is my understanding, as well.

16 **THE CHAIRMAN.** Now, you know, I look at the continuing argument that we just  
17 have pull factors, here, and people seem to be blind to the violence factors, but it seems  
18 to me that violence is a large part. I am sure that there is a universe of children who  
19 may have a parent here, or other relative, and want to be reunited. They will not have a  
20 legitimate claim, and they will ultimately be deported. But, it seems to me that there is  
21 a fair number of children who are ultimately fleeing violence. Because if that is not one  
22 of the driving factors of this crisis, why are we not seeing the same pull factors of  
23 children coming from other Central American countries outside of these three, and  
24 others in the region?

1           **AMBASSADOR SHANNON.** As we interview the children as they come across our  
2 border, as they are apprehended by Border Patrol — really, as they turn themselves in  
3 to Border Patrol — and as others interview children in other countries in the region, it is  
4 evident that, like all migration, there are mixed motives, here, as I note in my testimony,  
5 but an underlying theme is the violence. In fact, if we overlay, on maps, where many of  
6 these children are coming from, and where gang violence and drug cartel presence is  
7 the strongest, they largely lie one on top of the other.

8           **THE CHAIRMAN.** Now, some of my colleagues have called for cutting off all  
9 assistance to the governments of Guatemala, El Salvador, and Honduras if they do not,  
10 quote, "do more." And I believe that these governments have a responsibility. I shared  
11 that with the three Ambassadors from those countries in a recent private meeting I had  
12 with them. I have shared that with some of their heads of state as I have moved  
13 throughout the region. But, it is important to point out that, in Guatemala — and  
14 correct me if I am wrong on these, or if you have any additional information — the First  
15 Lady launched a massive media campaign urging children not to migrate, and  
16 President Perez's party in the Guatemalan Congress presented legislation to increase  
17 penalties and efforts to combat human smuggling more effectively.

18           In Honduras, the government has moved one of its police — elite police units,  
19 which received training through State Department programs, to the border to turn back  
20 children seeking to flee the country. And the First Lady has also played a prominent  
21 role, in terms of public messaging.

22           And I understand that there is a new agreement signed between the  
23 governments of Guatemala and Mexico with reference to the border security between  
24 their two respective countries, and that there is in the offing some similar agreements  
25 and decisions by the Mexican government, in addition to those bilateral agreements, to

1 move resources and to pursue an elimination of those who seek to ride the train of  
2 death and to look at interior enforcement.

3 Is that information that I am gleaning publicly, is that correct information, or is it  
4 wrong? And, if it is right, is there anything else that I have missed that is happening?

5 **AMBASSADOR SHANNON.** It is correct, sir. The efforts by the Central American  
6 governments, especially the First Ladies, to work with us on a larger public messaging  
7 campaign to highlight the dangers of illegal migration northwards, especially for  
8 unaccompanied children, has been welcomed by us. And what we are being able to do  
9 through this public messaging campaign is change the dynamic of the migration debate  
10 in the region. Because, previously, when migration was largely men going forward to  
11 the United States looking for work, this was seen as something that was not  
12 immediately evident or important to the source countries. But, now that the faces of  
13 these migrants are unaccompanied children, it has created a political dynamic that these  
14 countries must respond to. And they are responding to them. And visits to our  
15 southwest border by the First Ladies of Guatemala and Honduras, and their efforts to  
16 work with their own governments to promote public messaging, has been a very  
17 important part of our larger campaign.

18 Mexico has also begun to engage with us in a very helpful way, and its Southern  
19 Border Initiative, which is what you were referring to — it was announced by President  
20 Pena Nieto — on the — Mexico's southern border with Guatemala in the presence of the  
21 Guatemalan President, has also established a tiered system of interdiction that will help  
22 manage the flow of — or — of migrants across those borders, separating out the legal  
23 migrants who work in that border area, but then attempting to interdict illegal migrants  
24 who are heading north. Because, as I noted earlier, Mexico, while a transit country, is  
25 also becoming a destination country, and it is finding that many of the Central

1 American migrants moving north are actually staying in Mexico, either because they are  
2 seeking work or because they are being recruited by cartels as they move through some  
3 of the more conflictive zones of Mexico.

4 So, what we are seeing is, as we fashion a common understanding of the problem  
5 and fashion common strategies, a new opportunity for partnerships, with Mexico in  
6 particular, but also with Guatemala, El Salvador, and Honduras, that are going to put  
7 us in a position to better deal with this problem.

8 **THE CHAIRMAN.** Thank you very much.

9 Senator Corker.

10 **SENATOR CORKER.** Thank you, Mr. Chairman.

11 And thank you both for being here.

12 I want to begin with the phenomenon that is occurred. We had a extensive  
13 debate last year on border security as part of immigration reform, and one of the things  
14 that was focused on was the effectiveness of border control. And there was this whole  
15 issue of sign-cutting, okay, where, basically, the border control agents would try to  
16 determine how many people had actually come across the border, because we could not  
17 detect all the people who were coming. And, as a result of not getting to any kind of  
18 scientific, if you will, way of resolving that, we ended up with a — the border control  
19 amendment, that the Chairman mentioned earlier, which just said what we were going  
20 to do.

21 What has changed? I mean, the big issue with border control was, we did not  
22 feel like we had any idea of who was really coming across, because they were trying to  
23 avoid the authorities. Now all of a sudden, 12 months later, they are trying to turn  
24 themselves in to authorities. So, just tell me what has happened in the last 12 months  
25 that has, 180 degrees, changed the behavior of people who are coming into our country.

1           **AMBASSADOR SHANNON.** Well, that is the big question, sir, and it is the one that we  
2 have been struggling with. And as we interview the migrants coming across and as we  
3 engage with our partners, one of the — our primary purpose is to understand the  
4 drivers and the networks that are moving these people. And, as you noted in your  
5 opening remarks, the marketing being used by smugglers has played an important role  
6 in the unaccompanied minors.

7           **SENATOR CORKER.** Yeah. That is — look, I had a nice conversation with you, right  
8 prior to this, and I appreciate it. I just want to know, though — I mean, unless we  
9 answer that question —

10          **AMBASSADOR SHANNON.** Yeah.

11          **SENATOR CORKER.** — we are not going to — so, I got some of the background stuff,  
12 but —

13          **AMBASSADOR SHANNON.** Right.

14          **SENATOR CORKER.** — that phenomenon of people coming into our country and,  
15 instead of avoiding the authorities, turning themselves in, you have got to have some  
16 gut instinct as to what is driving that. What is it?

17          **AMBASSADOR SHANNON.** Well, the smugglers know what happens along the frontier  
18 when the children present themselves to Border Patrol officers. They know they will be  
19 taken into custody, and they know they will be turned over to HHS. What we have  
20 tried to highlight in our public messaging is that the process does not end there, that the  
21 children will then go into deportation proceedings. And, for those who are determined  
22 not to have a protection need, they will be deported. And that has been absent from the  
23 smugglers' marketing strategy.

24                 But, the — what happens along that frontier is understood by the smugglers, and  
25 this is one of the reasons they have been successful in marketing this kind of smuggling.

1           **SENATOR CORKER.** So, addressing that policy issue certainly needs to be a part of  
2 what we are doing.

3           So, let me — Jay Johnson presented to a large group of Senators yesterday — I  
4 found his presentation, other than quoting my friend Senator McCain, was very lucid,  
5 and I thought he did a very good job laying out — John, that was a joke — other than  
6 laying out, you know — I thought he laid out the problem very, very well. One of the  
7 things he talked about, though, that I think is correct, is that four-sevenths of the people  
8 that are actually coming in are now — they are adults. I mean, we are focused on this  
9 children issue, but a big part of people who are coming in under this phenomenon are  
10 adults that are not accompanied by minors. Is that correct?

11           **AMBASSADOR SHANNON.** I am not familiar with — I mean, the adults coming in get  
12 removed immediately. You are — unless you are talking about adults coming with  
13 children.

14           **SENATOR CORKER.** All right. So, then there is a — there are three categories.

15           **AMBASSADOR SHANNON.** Right.

16           **SENATOR CORKER.** There are adults, there are adults with minors, and then there  
17 are minors.

18           **AMBASSADOR SHANNON.** Yeah.

19           **SENATOR CORKER.** And I know there is differing categories as to how we deal with  
20 those, but we have a — we have a large people of — a large group of adults. We have  
21 got adults with minors. And what are we doing, specifically, with them, at present?

22           **AMBASSADOR SHANNON.** Obviously, DHS can answer this better than I, but my  
23 understanding is that adults with minors who are coming across — initially, we were  
24 unwilling to separate the children from the adults, so the adults were being held, put  
25 into deportation proceedings, and then released on their own recognizance. But, we

1 have begun to deport adults with minors. In fact, the first deportation flight has gone to  
2 Honduras, either yesterday or the day before, and we are planning additional ones to  
3 Salvador and Guatemala.

4 **SENATOR CORKER.** And I do not know the solution, here. I am seeking answers.  
5 Some people have said that one of the big problems we have with the minors is that we  
6 are, you know, putting them with, you know, guardians, if you will, within the country,  
7 that many of them are not documented; therefore, they are very unlikely to ever show  
8 up back in the court. And some people have advocated that we, instead of doing that,  
9 put these young minors in detention facilities and care for them there. What is your  
10 response to that?

11 **AMBASSADOR SHANNON.** Well, sir, again, this is a Department of Homeland Security  
12 and HHS issue more than it is a State Department issue. But, I would say that holding  
13 children in detention for long periods of time is bad for kids; and therefore, we either  
14 need to hasten our deportation processes and proceedings or put them with family.

15 **SENATOR CORKER.** And so, the first deportation proceedings are occurring.

16 **AMBASSADOR SHANNON.** Correct.

17 **SENATOR CORKER.** Is that correct? Your first —

18 **AMBASSADOR SHANNON.** For adults with minors.

19 **SENATOR CORKER.** For adults —

20 **AMBASSADOR SHANNON.** The deportation proceedings for children have been  
21 ongoing over time.

22 **SENATOR CORKER.** But, is there a concern — is there a concern that, when the  
23 children are placed with guardians or foster parents, or whatever our terminology is for  
24 that, and when they are undocumented, that it is very unlikely that they are going to  
25 come back to the courtroom to actually be adjudicated? Is there a — and sometimes I



1 guess there are 500 days that go by — 400 days, 300 days — before that occurs, and,  
2 again, very unlikely. And so, it appears to me that we have a policy issue, that, while  
3 the cartels and gangs may be taking advantage of it, it is something that is easily taken  
4 advantage of. Is that correct?

5 **AMBASSADOR SHANNON.** Oh, without a doubt, they take advantage of our processes  
6 and the fact that we are a rule of law — I mean, a rule-of-law country and that our  
7 deportation proceedings sometimes can be lengthy. One of the purposes of the  
8 supplemental is to provide funding to increase the speed of those deportation  
9 proceedings.

10 However, I am not sure of the exact number who actually show and do not show  
11 for these kinds of proceedings. But, there is a reason to show up, especially if your  
12 intent is to file a request for asylum or refugee status. In other words, if you believe you  
13 have a protection need, then you want to show up for these kinds of —

14 **SENATOR CORKER.** And what percentage of the young people who are here — what  
15 percentage of them do you think are in need of asylum protection?

16 Mr. Swartz?

17 **MR. SWARTZ.** Senator, I think that that is a question that we are examining, and it  
18 will have to be developed as the facts —

19 **SENATOR CORKER.** But, you have a lot of — you have a lot of insights as to what  
20 has occurred. How many of them do you think are needing asylum?

21 **MR. SWARTZ.** Senator, I think that is a question that we would have to analyze and  
22 respond to you in writing as to a percentage in that context, particularly as this is a  
23 developing —

**[The information referred to follows:]**

**[COMMITTEE INSERT]**

1           **SENATOR CORKER.** Well, look, I am not asking for the official DOJ statement. I am  
2 asking you, as an expert in this area, as if you were having a conversation with  
3 someone, What is your sense of the number of young people that are coming into this  
4 country during this phenomenon that need asylum?

5           **MR. SWARTZ.** Again, Senator, I understand that the —

6           **SENATOR CORKER.** Mr. Swartz, you are not going to be a very good witness, if you  
7 will not answer questions based on your knowledge as an expert in this area, supplied  
8 to us by DOJ.

9           **MR. SWARTZ.** Well, Senator, I can speak to the — as I said at my — at the outset, it  
10 is the criminal justice aspect, here, and the impetus for these children to — many of  
11 these children to flee. Whether the basis for their asylum is sufficient will have to be  
12 determined in the proceedings themselves.

13           **SENATOR CORKER.** Just a range.

14           **MR. SWARTZ.** I — Senator, I am really not prepared —

15           **SENATOR CORKER.** Yeah.

16           **MR. SWARTZ.** — at this stage, to —

17           **SENATOR CORKER.** I will tell you this, it does not give me a lot of faith in the public  
18 officials who are dealing with this issue if they do not have some kind of gut instinct as  
19 to the number of people who are coming into this country that might actually really  
20 need asylum. That does not give me a very good sense of you having a handle on the  
21 situation.

1           **MR. SWARTZ.** Senator, I will certainly talk with my colleagues in the Executive  
2 Office of Immigration Review to get their review and their views on that particular  
3 question.

**[The information referred to follows:]**

**[COMMITTEE INSERT]**

4           **MR. SWARTZ.** I can speak to the criminal justice aspects, here —

5           **SENATOR CORKER.** Yeah.

6           **MR. SWARTZ.** — as opposed to the immigration aspects to the asylum —

7           **SENATOR CORKER.** Well, can Mr. Shannon answer that question?

8           **AMBASSADOR SHANNON.** I do not have the figures from the — obviously, from our  
9 own government, but the U.N. High Commission on Refugees, in interviews that it has  
10 done, thinks that 58 percent of the migrants could have a protection concern.

11          **SENATOR CORKER.** Yeah. Good.

12          Well, let me just say that, typically, when people ask for an appropriation to deal  
13 with an issue, they have a sense of the magnitude of the problem in each category that  
14 we are trying to solve. And so, if you are up here asking for us to solve a problem —  
15 and I hope we will, and I think many of the questions the Chairman has asked are  
16 legitimate, and I hope some of mine are, and many others will ask legitimate questions  
17 — but, if you all do not really have a sense as to the magnitude of what we are dealing  
18 with, it is very unsettling to think about money coming to a problem when we do not  
19 understand necessarily how big the problem is, nor necessarily what the solutions are.

20          So, I thank you for being here. I know other people have questions. And I do  
21 hope that, as a group, we will solve this problem in the next few weeks — put forth  
22 policies that will help solve this problem.

23          **THE CHAIRMAN.** Thank you, Senator Corker.

1           Before I call on Senator Boxer, let me just create a framework, here. I know we  
2 have a lot of questions. And some of us attended that session yesterday, other of us  
3 belong to other committees, whether on Judiciary or Homeland Security, in which the  
4 appropriate officials will be best posed, particularly the Department of Homeland  
5 Security, to answer some of them. I invited Mr. Swartz here in the context of what we  
6 are doing, which is the focus of the hearing on Central America and how we change the  
7 dynamics of that, and from the Criminal Division as it relates to engaging. So —

8           **SENATOR CORKER.** Yeah.

9           **THE CHAIRMAN.** — totally legitimate questions, but I just want to put in context  
10 that I did not ask the Department to come here to talk about the status of asylum-  
11 seekers and what is —

12          **SENATOR CORKER.** Yeah.

13          **THE CHAIRMAN.** — the likelihood — so, it is a totally legitimate question, but I do  
14 not want anyone to feel that Mr. Swartz is not being forthcoming. I did not ask him to  
15 come here — it is not his — within the Department, it is not his jurisdiction. I asked  
16 him to come here to tell us, How do we help find crime in Central America? So, just —

17          **SENATOR CORKER.** Yeah.

18          **THE CHAIRMAN.** — others can continue to ask, but I just want to set the record —

19          **SENATOR CORKER.** If I could, since you —

20          **THE CHAIRMAN.** Sure.

21          **SENATOR CORKER.** I appreciate that point of view, and that is the purpose of the  
22 hearing. I would hope that officials within our Departments would be communicating  
23 with each other, and would have communicated with each other when this  
24 appropriations request came up, and would have a general sense of what is driving this.  
25 So, I apologize if I — if you feel I got off —

1           **THE CHAIRMAN.** No, it is a —

2           **SENATOR CORKER.** — topic, but I would hope that —

3           **THE CHAIRMAN.** — totally legitimate question, Senator Corker. I just do not want  
4 — I invited witnesses here with a purpose — does not mean they do not have some —  
5 maybe some broader knowledge; but, when they do not, I am not going to suggest that  
6 they are not being forthcoming. And I do believe that the appropriators are getting —  
7 in their hearings, had some of those questions asked. I know that Senator Carper, in the  
8 Department of Homeland Security, has been pursuing some of this very line of  
9 questioning you are.

10           So, I just — I just do not want to think that the administration, here, is being  
11 evasive. I have gone after the administration more than my share on different topics.  
12 So, I know there will still be many of these questions.

13           Senator Boxer. Thank you for —

14           **SENATOR BOXER.** Thank you.

15           Mr. Swartz, I think you could help Senator Corker and others if you just went  
16 back and looked at how many of all those that have sought asylum, the children, in the  
17 last few years, got asylum. That — I think it is a very important point. And I do — my  
18 — from what I gather, it is about 50 percent, is what I gather. But, I would appreciate  
19 your doing that, as well.

**[The information referred to follows:]**

**[COMMITTEE INSERT]**

20           **SENATOR BOXER.** But, I want to thank my Chairman and Ranking Member for this  
21 very important hearing to look at a humanitarian crisis, a challenge for each of us,  
22 because we can do something about this, regardless of party. And if ever we were able  
23 to be brought together, I pray that our sense of humanity will bring us together.

1 Because, in my long lifetime, I have noticed that innocent children bring us together.  
2 And they are standing in front of us. And, you know, we have to deal with this in a  
3 smart way. And we have to step up.

4 So, just before I get to my questions, I think there are two main questions. And I  
5 thank both of my leaders, here, for this. First, do we need to change the bipartisan  
6 Feinstein 2008 law signed by President Bush? Now, I have asked staff to review this,  
7 and I have not said anything until today about how I feel on it, because I was very open  
8 to seeing what we should do. And I believe that that bill, that Bush bill — Feinstein-  
9 Bush bill — does give the administration the flexibility it needs to do the right thing,  
10 here. I do not even know what their view on it is. They are looking at it. But, that is  
11 my view. So, I agree with the Chairman. I think we can do, under that law, the right  
12 thing for these children, and the right thing for our Nation. And that is what we are  
13 balancing.

14 And then, the second question is, Do we need more resources? And, without a  
15 doubt — without a doubt — I cannot believe people are actually standing up, who  
16 voted against comprehensive immigration reform, and saying, "We do not need any  
17 money." We do not have the tools without the funding, so we need to deal with this.  
18 And I do have faith in Senators Mikulski and Shelby, and I hope that they will move  
19 together and lead us on this — in this.

20 Now, we know that that these children, many, are fleeing their homes. I am not  
21 saying everyone, but most, I believe, are fleeing their homes and making that  
22 treacherous journey — and let us call it that — and — because they are coming from  
23 some of the most violent places in the world. The murder rates in these countries are  
24 some of the highest, with Honduras earning the tragic distinction of "Murder Capital of  
25 the World." Poverty, inequality, unemployment are widespread. Crime, violence, and

1 corruption are ubiquitous. Gangs and drug traffickers are terrorizing civilian  
2 populations. In many cases, these vulnerable boys and girls are fleeing for their lives.

3 But, here is the thing. They are not just fleeing to the United States. And, Mr.  
4 Chairman, I think this is an important point that was raised by Mr. Shannon. In fact,  
5 these children are also seeking safety in other Northern and Central American  
6 countries, like Mexico and Panama, Nicaragua, Costa Rica, and Belize, where, since  
7 2009, asylum applications are up over 700 percent. So, what does this say? It tells us  
8 this is not just an American problem, it is a regional problem. And I do not believe we  
9 can solve it on our own, nor should we.

10 So, Ambassador Shannon, I have a question. Why would the administration not  
11 call an emergency summit with the Organization of American States? Now, we know  
12 the OAS is a body, that it was set up for regional, political, economic, and social  
13 cooperation. This is a — it seems to me, the right venue to bring — while we take care  
14 of what we have to do here, take a look at this as a broader problem? Could you react  
15 to that idea?

16 **AMBASSADOR SHANNON.** Well, it is a very good suggestion, and I thank you for it.

17 We have had an opportunity to do several regional events related to this  
18 question. There was a Regional Migration Conference held in Managua, Nicaragua,  
19 under the auspices of the U.N. High Commission on Refugees, about a month ago,  
20 where we were able to fashion documents and approaches that allowed us, I think, to  
21 understand, in a common fashion, how — this dynamic, this crisis of migration. A  
22 similar conference was held just a few days ago in Mexico City, sponsored by the  
23 Mexican government in the Holy See, on migration and development. And the  
24 Government of Honduras, yesterday, held a Regional Migration Conference, where we  
25 were also present. Along with the —

1           **SENATOR BOXER.** Well, if I could just say —

2           **AMBASSADOR SHANNON.** Sure.

3           **SENATOR BOXER.** — that is really good. But, I am talking about a regional summit  
4 at the highest of levels, that we utilize the OAS. It was set up — I cannot imagine a  
5 better thing.

6           Now, I have talked to the administration about this idea. They seem open to it.  
7 But, I hope you will take back this idea, because —

8           **AMBASSADOR SHANNON.** Happily.

9           **SENATOR BOXER.** — the American people, when they look at this — my State, a  
10 border State — they are compassionate. We have got a few who are not, let us be clear.  
11 And the ugly side has shown. And that happens. But, overwhelmingly, people want to  
12 do the right thing. But, they also know this is a regional deal. We cannot do everything  
13 alone. It is too hard. We are coming out of some hard times. I want us to do our share.  
14 I want all the countries in the region. So, please take that back.

15           Now, Mr. Swartz, the Department of Justice runs two programs that train law  
16 enforcement and prosecutors in Central American countries who are trying to hold  
17 these deadly gangs and traffickers accountable and combat corruption in their own  
18 governments. It just sounds like complete lawlessness in these countries when you read  
19 about it, that these children are so fearful that they are either going to be abused by  
20 these gangs, tortured by these gangs, or, if they do not get recruited, killed, perhaps.  
21 So, can you explain to us — because I admit that I am certainly not an expert on what is  
22 happening on the ground — can you give us a sense of what is going on on the ground  
23 there? Either of you who might know better than I.

24           **MR. SWARTZ.** Senator Boxer, I can start and then turn to Ambassador Shannon.

25           **SENATOR BOXER.** Okay.



1           **MR. SWARTZ.** I think that it is clear that, in these countries, violence is endemic  
2 and is, indeed, the backdrop for the particular surge that we are seeing now. For —  
3 even if it is not the immediate cause for every child to leave, it is certainly a  
4 destabilizing factor in each and every one of these countries. It undercuts economic  
5 growth and economic opportunity. It makes it extremely dangerous for individuals  
6 simply to live in those countries.

7           In terms of what we are doing on the ground, as I mentioned, our response has  
8 both short-range immediate goals and longer-range goals. To our vetted units, in  
9 particular, that work with our law enforcement agencies — the FBI, DEA, Homeland  
10 Security investigations — we hope to be building the kind of capacity in those countries  
11 that will allow them to address the violent crime that plagues their citizens. And again,  
12 I stress, it protects our citizens, as well, since these gangs operate across borders. MS-  
13 13, the 18th Street Gang operate in the United States, in El Salvador, and other countries  
14 in the region.

15           But, beyond that, as you mention, with our — with State Department funding for  
16 our resident legal advisors from our overseas prosecutorial group, our resident law  
17 enforcement advisors from ICITAP, our criminal investigative group, we can begin to  
18 work on thinking through what systemic changes need to be made in these countries  
19 with our partners. And we have seen this. We have seen the possibility of doing this,  
20 Colombia being, of course, the most recent and most relevant example in the region, in  
21 which we took a country that some people considered to be on the edge of being a  
22 failed state, and, with the commitment of that country, were able to think through  
23 changes to their prosecutorial system, to how they did investigations, how they create,  
24 really, a democratic policing and an adversarial system that protects the citizens, both  
25 their rights to be fairly tried and their rights to be protected against criminal groups.

1           So, this is really a question of having the funding to make this possible. The  
2 Department of Justice does not receive direct appropriations for this work. We receive  
3 it from State Department. And one of the reasons why the —

4           **SENATOR BOXER.** Thank you.

5           **MR. SWARTZ.** — supplemental is so important.

6           **SENATOR BOXER.** I agree. I want to just say, that is the kind of thing the American  
7 people need to know, and that is why I think a high-profile conference, where the world  
8 gets to see: the region cares about these kids and about the future. So, you know, my  
9 kids always say I repeat things too much, but I repeat: I think an OAS — a high-profile  
10 summit with these ideas would be very helpful.

11           **MR. SWARTZ.** And, Senator, if I might add, I — the Mexican attorney general has  
12 suggested that we have a meeting of the attorneys generals of the region to address this  
13 issue, and Attorney General Holder very much welcomes that opportunity, as well.

14           **THE CHAIRMAN.** Thank you.

15           Senator Risch.

16           **SENATOR RISCH.** Thank you, Mr. Chairman.

17           You know, this problem came to light this year with this huge influx of  
18 unaccompanied children illegally entering this country. And, when it did, people  
19 started to look at it, and the first thing we heard was, "Well, it was because of the 2008  
20 law that was passed." And so, I think a lot of us said, "But, you know, before we do  
21 that, what we need to do is have a look at the facts." So, what we did, they had this  
22 graph prepared of illegal children entering the United States. And this is only  
23 apprehensions. These are unaccompanied minors and apprehensions. Have you seen  
24 this chart?

25           **MR. SWARTZ.** Yes, sir.

1           **SENATOR RISCH.** Okay. So — I mean, the chart hits you pretty quickly. It is not the  
2 2008 law. Because you had 19,000 enter in '09, you had 18,000 in '10, 16,000 in '11.  
3 Indeed, if anything, the direction of this was going down. But, then in 2012, this thing  
4 just skyrockets. You have got 24,000 in 2012, you have got 38,000 in 2013, and this year,  
5 through June 15th, we have got 52,000. And the numbers that exploded were from El  
6 Salvador, Guatemala, and Honduras. The Mexican numbers did not change that much,  
7 but it was those Central American countries.

8           So, before you can resolve a problem, you have got to know what is causing the  
9 problem. What happened in 2012?

10          **AMBASSADOR SHANNON.** Great question, and an important graph.

11          Actually, it — the numbers explode at a point, but there was obviously pressure  
12 building before that. And the pressure was building for a variety of reasons. I think  
13 very little of it has to do with the immigration debate here. Our interviews on the  
14 border with unaccompanied children who have been detained, and in-country with  
15 aspiring migrants, indicates that they have little understanding of the dynamics or the  
16 migration debate in the United States. But, what they do know and what they do  
17 understand is how people are treated on the frontier when they arrive.

18          And when I talk about the pressure building — 2009, of course, is when we  
19 suffered an international economic downturn. And the hemisphere itself, and Central  
20 America, is particularly devastated by this. So, from 2009 through 2011, you have  
21 economic distress in the region. And then, on top of that, because of the success that  
22 Mexico is having through its Merit Initiative, you have gangs and Mexican cartels  
23 moving into parts of Central America in order to control the drug-trafficking operations  
24 and building alliances with gangs.

1           And so, I think the stressors that are driving this are, first, economic and then  
2 they are cartel activity, and then linking the cartel activity to gang activity.

3           **SENATOR RISCH.** Mr. Shannon, I hear what you are saying. But, look, I am looking  
4 for something in 2012. You talked about economic downturn in '09. If the economic  
5 downturn was in '09, which we know it was, it went down in '09, '10, and '11.

6           **AMBASSADOR SHANNON.** Right.

7           **SENATOR RISCH.** It was not til '12 that it hopped up.

8           Mr. Swartz, what is your view? Briefly.

9           **MR. SWARTZ.** Senator, again, I think that there is, as Ambassador Shannon  
10 suggested, a variety of causes. One hears everything from coffee rust affecting some of  
11 the plantations, involving economic changes during this time period. But —

12          **SENATOR RISCH.** Appreciate the coffee rust —

13          **MR. SWARTZ.** But —

14          **SENATOR RISCH.** — and all that, but —

15          **MR. SWARTZ.** But, I think, Senator, as you say, that the — it is one of the things  
16 that we are trying to study to try and understand, but underlying it, from the  
17 perspective of the Department of Justice, is the economic instability caused by a violent  
18 crime setting.

19          **SENATOR RISCH.** In 2012, did we have any significant event regarding U.S.  
20 immigration policy that occurred? Did the President sign any executive orders in 2012?

21          **AMBASSADOR SHANNON.** I understand what you are driving at, Senator, but I —

22          **SENATOR RISCH.** I am.

23          **AMBASSADOR SHANNON.** — but I would argue that the dynamic of the migration  
24 debate in the United States —

25          **SENATOR RISCH.** I hear what you are arguing.

1           **AMBASSADOR SHANNON.** — does not have an impact.

2           **SENATOR RISCH.** But, are you telling me that his executive order that we are not  
3 going to send children back did not cause an explosion when people understood that, if  
4 they got here, that they were not going to have to go back anymore? Are you denying  
5 that that has anything to do with the explosion of numbers?

6           **AMBASSADOR SHANNON.** What I am saying is that the traffickers have a marketing  
7 strategy, and the fact of the matter is, children have been deported and will be  
8 deported. But, what the smugglers were able to do is fashion a marketing strategy for  
9 kids who wanted to leave, for parents who wanted their kids to leave and were able to  
10 show that, when those kids got to the frontier, that they would not be removed  
11 immediately.

12           **SENATOR RISCH.** And that marketing strategy was based upon the change in policy  
13 that the President took in 2012. Is that a fair statement?

14           **AMBASSADOR SHANNON.** I think it was based on the TVPRA issue regarding  
15 noncontiguous —

16           **SENATOR RISCH.** Mr. Swartz, do you agree or disagree that the change in policy by  
17 the President's executive order in 2012 had no effect on this explosion that has  
18 occurred?

19           **MR. SWARTZ.** I agree with Ambassador Shannon, that our intelligence suggests  
20 that traffickers are marketing misunderstandings about how U.S. immigration law will  
21 work, the expectation these children will not be deported back to the United States, and  
22 that that has been a key driver in this, as well.

23           **SENATOR RISCH.** You think they had a misunderstanding of the President's  
24 executive order in 2012 that they were not going to send children back?

1           **MR. SWARTZ.** We think that they — far as we can tell, that there is a general  
2 betrayal that is not based on actual U.S. law —

3           **SENATOR RISCH.** Has the President tried to do anything to correct this impression  
4 he gave in 2012 that has caused this new marketing program?

5           **AMBASSADOR SHANNON.** No, we have been very clear that these children, should  
6 they not have international protection concerns or needs, will be deported.

7           **SENATOR RISCH.** Thank you, Mr. Chairman.

8           **THE CHAIRMAN.** Senator Cardin.

9           **SENATOR CARDIN.** Well, thank you, Mr. Chairman.

10           Let me thank both of you for your work here and your testimony.

11           It is clear, as — Mr. Swartz, as you pointed out, that the spike is related to the  
12 instability in the three countries involved because of the criminal activities within those  
13 three countries. That is what I think you responded to the question. And that has  
14 caused gang activities, it has caused trafficking. And traffickers will use whatever they  
15 can in order to make money. So they will advertise the circumstances, which is — also  
16 true is that this country has been one of the strongest in working with the international  
17 community to encourage countries where there are serious concerns about safety of  
18 people within their countries to have an understanding that the border can be a  
19 sanctuary for those who otherwise are at risk. That is what we have been urging  
20 countries around the world to do. And we have participated in international efforts to  
21 provide safety for people who are not safe in their native country.

22           So, I think we all want to make it clear — and this is a point that we have all  
23 stressed — that it is not safe to put your child in the position of a trafficker or in a  
24 position of being taken to our border. And there is no improvement of that child's  
25 status. That child will be put in deportation. That has got to be clear. But, I think we

1 also have to be mindful that, Ambassador Shannon, the number you gave — not our  
2 number, but the number that the international community — the representative for  
3 refugees suggests that there is — over 50 percent of these children may, in fact, need  
4 some form of protective service. That is a international responsibility that the United  
5 States also needs to be mindful for.

6 So, let me get to the point that the Chairman raised initially, and that is, the  
7 President is asking for \$3.7 billion; 3.4 billion is dealing with the consequences of a  
8 failed policy within the native countries. Now, failed policy means there is instability,  
9 that it is not safe for families and children; and therefore, they are putting their  
10 unaccompanied children at risk by transit to the United States. And only .3, or \$300  
11 million, is being used for dealing with the causes.

12 We have programs in these countries. We have the Millennium Challenge  
13 Corporation, that is operating in Honduras and El Salvador. We have Partnership for  
14 Growth operating in El Salvador. We have the Central America Regional Security  
15 Initiative. So, we have programs that were intended to deal with some of these issues.

16 But, if I could just point out — to me, the most successful program that was  
17 initiated to deal with a global problem that affected our country was PEPFAR, where  
18 we had significant resources identified with the U.S. initiative that made a  
19 consequential difference for future generations. What does it take to have that type of  
20 effort for safety of children in Honduras, in El Salvador, in Guatemala? How can we  
21 change these programs? If we are going to spend \$3.7 billion — and you clearly have  
22 made the case that these funds are needed — we would like to be able to at least start  
23 down the path of the United States using its international development assistance to  
24 keep children safe in these three countries. And, quite frankly, I have not seen that  
25 from the administration. What does it take?

1 Ambassador Shannon?

2 **AMBASSADOR SHANNON.** Well, thank you very much for that. And I appreciate the  
3 larger point, which is an important one. And the safety and well-being of children is  
4 part of our — a larger approach of U.S. development assistance. And, obviously, as we  
5 built our CARSI programs, as they built our Millennium Development programs, as we  
6 built our bilateral assistance programs, the idea was to address a country  
7 comprehensively, in an integrated fashion, with the hope being that we would be able  
8 to address the concerns of children and adults, women and men, and that — the  
9 different sectors and factors of a society. But, obviously, what we are looking at now is  
10 something distinct, something dramatic. We are really looking at a modern-day —

11 **SENATOR CARDIN.** But, see, the proposal — the supplemental budget is dramatic on  
12 the number of prosecutors, it is dramatic on the number of personnel on the border, on  
13 the new facilities to take — it is dramatic, except it is not dramatic on making a change  
14 in the three countries where the children are coming from. Why not? Why not at least  
15 put forward a proposal that would have a consequential impact? President Reagan did  
16 that for HIV/AIDS. Why are we not doing it for — in our hemisphere?

17 **AMBASSADOR SHANNON.** Well, it is a great argument, it is a great point, and I am  
18 happy to take it back to the White House and to the Department.

19 The 300 million we are asking for is designed to operate in three countries, so it is  
20 concentrated; and it is designed to address the principal drivers, we think, of this  
21 migration, which is the violence, but also economic opportunity and corruption and  
22 poor public institutions. And we think that, by doing this, we are going to advance the  
23 well-being of the children. But, the idea of fashioning a larger policy, not just in these  
24 three countries, but throughout the region, around children is a good one.



1           **SENATOR CARDIN.** Do you really believe that if Congress approved the 300 million  
2 — approved the 3.7 billion exactly as the administration suggested, that it would have a  
3 major change in the three countries as it relates to the safety of children?

4           **AMBASSADOR SHANNON.** It will have a positive impact, but —

5           **SENATOR CARDIN.** That is not my question. Would it make a major change in —

6           **AMBASSADOR SHANNON.** In some areas, it will; in other areas, it will not. Because so  
7 much of this violence is localized, and it all depends on the strength of gang structures.  
8 But, what is important, as I noted, the 300 million will connect to programs we already  
9 have, but ultimately will be a downpayment in a larger effort to fashion a new kind of  
10 Central America.

11          **SENATOR CARDIN.** Well —

12          **MR. SWARTZ.** Senator, if I might address that. I think that that money can be  
13 consequential, from the Department of Justice's point of view. We have seen that, in  
14 terms of being able to put our personnel on the ground to work with their counterparts,  
15 it does not necessarily take that much money, but it takes a sustained commitment. It  
16 will not happen overnight. But, we have seen the ability to change criminal justice  
17 systems in a way that help protect children, in particular, but, more generally, to change  
18 the way the society addresses criminal justice.

19                So, we think that it can be an important step. It is just a downpayment. It is not  
20 going to happen overnight. But, it is an essential first step.

21          **SENATOR CARDIN.** Mr. Chairman, I would just point, this committee has jurisdiction  
22 over development assistance, and I would just hope that we would be able to weigh in,  
23 on a bipartisan basis, as to this opportunity to make a difference in the way that we  
24 provide development assistance in these three countries to make children's — and

1 families feel more confident of their future, rather than putting them on trains coming  
2 to the United States.

3 **THE CHAIRMAN.** I thank the Senator. And something I have been advocating for a  
4 while. And now that we have an opportunity and, unfortunately, a crisis to crystallize  
5 people's thinking, maybe it would be a moment to move forward.

6 As I introduce Senator Rubio, let me recognize that his daughters, Amanda and  
7 Daniela, are seated in the audience, watching Dad at work. So, you would better do a  
8 good job, Senator.

9 [Laughter.]

10 **THE CHAIRMAN.** Senator Rubio.

11 **SENATOR RUBIO.** Thank you for the pressure. I appreciate it.

12 [Laughter.]

13 **SENATOR RUBIO.** Thank you both for being here.

14 And thank you, Mr. Chairman, for holding this hearing.

15 Let me just preface this by saying this is an issue I care deeply about and am  
16 impacted by. We have huge Central American communities, particularly in South  
17 Florida, where I live, and so I am familiar with this issue's reality, not simply by what is  
18 reported in the media, but what I hear from them. And there is no doubt that the  
19 violence in some of these cities is as bad as it is anywhere in the world, and that that is  
20 the reason why people want to leave those countries.

21 But, we have to examine the reason why they want to come here, as opposed to  
22 going to Panama or some other place that is a lot closer, or staying in Mexico, and what  
23 it is that is driving them here.

24 And I think it is unfortunate and counterproductive to ignore both the reality  
25 and the applications of our immigration laws and the impact that that is having on our

1 crisis. And I say that as someone who is a demonstrated supporter and continue to  
2 believe that this country needs to reform its immigration laws, for the good of our  
3 country and also to live up to our heritage as a nation of immigrants.

4 But, word of mouth on this issue is extremely powerful. Word of mouth is the  
5 reason and the way people are getting a lot of information in Central America. And the  
6 word of mouth in Central America is — that these traffickers are using — that there is  
7 this new special law in America — there is a special law that allows you to stay. And  
8 part of the tactics that they are using and are being spread is, there is a special law, that  
9 expires in July or in August, to create a time-constraint pressure so people will do it  
10 immediately, and do it now. And the special law they point to — and you — and I  
11 understand it is not the way it was written, but the special law they point to is the  
12 deferred action decision that was taken in 2012. That is what they point to, and they  
13 say, "There is this special law that will allow you to enter the U.S., and stay." And we  
14 can say, "Well, under this law, you are not allowed to stay, because you do not meet the  
15 criteria." And that is technically accurate. But, if you look at how it is applied in reality  
16 — not that law, but our immigration policies — they are right that there is a special law,  
17 or at least a special practice, because if you arrive in the U.S. as an unaccompanied  
18 minor or as a parent with children, you are not treated the same as someone who  
19 arrives here as a single male who — adult — who traveled across the border.

20 And I saw figures, just yesterday, that 70 percent of the people who have crossed  
21 that border as unaccompanied minors or as part of a family unit are in the United  
22 States. And they know the process, because word of mouth gets there. The process is,  
23 you are apprehended. If there is someone in the United States to — who they can turn  
24 you over to — in many cases, these children already have parents in the United States  
25 — you are turned over to your parents. There is a long period of time — they know

1 that there are backlogs in the court system. They are given a notice to appear. In some  
2 instances, they think it is "un permiso," a permit, which it is not. And in some instances,  
3 they never show up for the notice, but, even if they did, the hearing may be years in the  
4 future. That is the reality of the law.

5 So, in truth, if you arrive in the U.S. as an unaccompanied minor, you are going  
6 to get to stay, at least for an extended period of time, before you are even asked to  
7 appear again. And that word of mouth gets back. People call home, people report  
8 what has happened, and that takes on a strong implication.

9 By the way, I also saw — read some documents the other day that now what is  
10 happening is that there are individuals crossing — and I do not know what the figures  
11 are and how widespread this is — but that we have found instances — and perhaps if  
12 this is not true, you will point it out — but that we now know of instances where there  
13 are unrelated adults posing as the parents of children, as family units, at the border. Is  
14 that accurate?

15 **MR. SWARTZ.** Our understanding, Senator, is that there are some circumstances,  
16 particularly — we are actually targeting, through our colleagues in other countries,  
17 forged documents — to try and establish false family relationships for that purpose.

18 **SENATOR RUBIO.** So, there are now — I mean, the word of mouth has gotten back  
19 that if you arrive in the U.S. by yourself as an adult, your chances are a lot better if you  
20 arrive as a parent of a child that is traveling with you. And so, you have got unrelated  
21 adults pretending to be married and pretending that some children in the group are  
22 their children. So, that is something that shows design.

23 There is also evidence that I have seen that there are churches and  
24 nongovernmental organizations in Mexico and in Central America that are both

1 advising, assisting, and, in some instances, encouraging people to undertake this  
2 journey, as well.

3           And, last but not least, I think we are naive if we think that the governments of El  
4 Salvador, Guatemala, and Honduras view this as a problem for them. They view this as  
5 a U.S. problem for the U.S. to solve. And we are naive if we ignore the fact that 13  
6 percent of their combined gross domestic product is made up of remittances from the  
7 United States. So, if 13 percent of your gross domestic product is comprised of  
8 remittances from the United States, it behooves you to have as many people as possible  
9 in the United States sending back remittances. And I say this, as I have shared with  
10 them privately, as well, and I say it now publicly — with individuals from those  
11 governments — they do have an interest in this. And that is why I think they have been  
12 less than cooperative. I know their capacities are limited, as well, but I think they have  
13 been less than cooperative, in some regards, in addressing some of this.

14           I say all this in the context of the fact that I — this is just one more reason, in my  
15 mind, why, long term, this country has to address this issue. It has to — I believe that if  
16 we had a legal immigration system that worked better, that would be a conduit for  
17 people who do want to come to the United States to come in a way that is safe. I believe  
18 that if we had enforcement mechanisms that worked better, people would be  
19 discouraged from entering the country. But, this is in evidence of the fact that what we  
20 have now today in place in this country is a disaster that needs to be addressed. But, I  
21 also do not think we can be naive about the reality that we are facing in this regard, and  
22 I think we have to understand the complexities of everything that is driving these folks  
23 across the border and making this happen.

24           I did want to ask you briefly about the two points that I raised. The first is, Is  
25 there, in fact, evidence that there are NGOs and church groups and others who are

1 assisting and encouraging people in these routes? And what I mean by "assistance" is,  
2 you know, providing transit routes and, in some instances, just encouraging people to  
3 undertake this, acting as facilitators.

4 **AMBASSADOR SHANNON.** I am sure there are plenty of people taking advantage of  
5 this migrant train for their own goods or the goods of their organization. Most of them  
6 are criminal. There are NGOs and church-related groups that provide shelter to  
7 migrants along the way. I visited one in Tapachula yesterday and had an opportunity  
8 to speak with migrants there and the people who run the place. It is run by a Catholic  
9 organization called the Organ De Los Migrantes, which is an Italian order of priests.  
10 And their purpose is to provide a place for migrants to stop.

11 **SENATOR RUBIO.** Do they — when they speak to them, do they tell them, "You  
12 should really reconsider this trip. It is very dangerous. This was not the right thing to  
13 do"?

14 **AMBASSADOR SHANNON.** Many of them do. I do not know if all of them do, but in  
15 the one I was in, they also deal with women who are being trafficked in southern  
16 Mexico and providing shelter for them. And so, they do — at least in the shelter I was  
17 in, I was told that they do highlight the dangers, but their primary purpose is to provide  
18 shelter, as opposed to providing guidance.

19 **SENATOR RUBIO.** I have one more question.

20 **THE CHAIRMAN.** Sure.

21 **SENATOR RUBIO.** I have heard reported in the media, and I have talked to some  
22 folks who have undergone the journey in the past, who say that, as a matter of course,  
23 as a prophylactic matter, women on this journey are advised to take contraceptions,  
24 because they can expect to be sexually assaulted. Is that accurate?

25 **AMBASSADOR SHANNON.** Not just women, but girls.

1           **SENATOR RUBIO.** Thank you.

2           **THE CHAIRMAN.** Senator Kaine.

3           **SENATOR KAINE.** Thank you, Mr. Chairman.

4           And thank you, to the witnesses, for your service and appearance today.

5           I am going to try to spend just a little bit on diagnosis and then more on  
6 prescription.

7           So, quick on the diagnosis: To what degree is violence a factor in this flood of  
8 youngsters to the border? Is it a major factor, a minor factor, or no factor?

9           **AMBASSADOR SHANNON.** I believe it is a major factor.

10          **SENATOR KAINE.** Mr. Swartz?

11          **MR. SWARTZ.** Yes, Senator, I agree, it is a major factor, in two ways. First, as  
12 Ambassador Shannon has pointed out, the mapping suggests that these children are  
13 coming from the most violent areas. And, significantly, we are not seeing an explosion  
14 of individuals coming, across the board, from every country.

15          **SENATOR KAINE.** To the extent that violence is a major factor in this, to what extent  
16 is the drug trade a factor in that violence? Is the drug trade a major factor, a minor  
17 factor, or no factor?

18          **AMBASSADOR SHANNON.** It is that — the drug trade is what has expanded the reach  
19 of gangs in Central America and has provided the gangs with the money and the  
20 transnational connections they need to play a role in, in smuggling operations, but also  
21 in trying to control large parts of their community. So, it is significant.

22          **SENATOR KAINE.** Major factor, Mr. Swartz?

23          **MR. SWARTZ.** Yes. The connection between gangs, and now the narcotics cartels,  
24 is certainly a significant factor.

1           **SENATOR KAINE.** So, if the flow is being driven by violence as a major factor, and if  
2 that violence is connected to the drug trade as a major factor, let me ask you my next  
3 question. To what extent is the drug trade driven by U.S. demand for illegal drugs? Is  
4 that a major factor, a minor factor, or no factor?

5           **AMBASSADOR SHANNON.** Nearly all the drugs transiting Central America are going  
6 to the United States.

7           **SENATOR KAINE.** Mr. Swartz?

8           **MR. SWARTZ.** Yes. We recognize that our consumption is a major factor in this  
9 regard.

10          **SENATOR KAINE.** Okay. So, the way I look at this challenge — and I lived in El  
11 Progreso, Honduras for a year. And about 600 of the 52,000 kids who have come to the  
12 border are from El Progreso. They are being largely chased out of their neighborhoods  
13 by violence, violence connected to a drug trade, and a drug trade that is intimately  
14 connected to the United States demand for drugs. It is United States dollars flowing  
15 south, and it is drugs flowing north into the United States. And the amount of those  
16 dollars is so significant that it is warping the institutions of these Central American  
17 nations in very dramatic ways.

18          This flood of folks, refugees, to the border is not unconnected to the United  
19 States. It is not unconnected to the — it is intimately connected to the United States.

20          I was in Syrian refugee camp in Turkey about a year ago, and then I have been in  
21 Lebanon and Jordan, dealing with Syrian refugee issues, as well. And I remember, Mr.  
22 Chairman, asking myself the question, "Wow, when I see Lebanese who are not really  
23 that wealthy, and they have refugees, equivalent of one-quarter of the population, that  
24 have arrived in Lebanon in the space of 3 years, and they are having to do double shifts  
25 in schools to educate refugee kids," or I see the number of Syrian refugees in Jordan, one



1 of the poorest countries in the world, in terms of the amount of water, and they are have  
2 having to deal with a number of refugees driven there by violence, when they have few  
3 natural resources of their own, and I saw those countries dealing with this massive  
4 influx of refugees — one-quarter of the population — and I found myself asking myself,  
5 a year ago, "Gosh, I wonder how the United States would deal with refugees who came  
6 to the United States, driven by violence from somewhere else. I wonder if we would  
7 deal with them in the same way that Lebanon or Jordan or Turkey is dealing with  
8 refugees."

9         And that is kind of what we are seeing, if I go by your answers: refugees who  
10 are coming here, driven by violence, driven by violence that is connected to the United  
11 States. And so, we have a connection with this. We have a connection with this. And  
12 we have an obligation to try to be creative in solving it.

13         I echo the comments that the Chair made before I arrived about how  
14 disappointing it is to see the dwindling CARSI funding in recent years, 130 million in  
15 the FY-15 budget. The President's original budget proposed 130 million for CARSI and  
16 about 800 million for the detention of folks at the border who might come  
17 unaccompanied. And now we are going to take it up to \$3.8 billion. It would seem to  
18 me that we could spend money a little bit better to deal with a problem of violence that  
19 is driven by U.S. drug trade in these nations, and that would be a better way to spend  
20 the money, both for those youngsters and also for us.

21         Let me ask about drug interdiction. I am on the Armed Services Committee.  
22 General Kelly is the SOUTHCOM — SOCOM, commander. He testified before us in  
23 March during a status hearing. He said, with respect to drug interdiction, because of  
24 the combination of austerity sequester and the movement of military resources  
25 elsewhere, he says he watches 75 percent of the drugs that could come into the United

1 States just go right by him, because he does not have the resources to interdict, either  
2 between Central America and the United States or even coming into these Central  
3 American nations.

4 Would more vigorous support for drug interdiction, so that these drugs do not  
5 even land in these Central American nations — would that be a way we could  
6 potentially help reduce some of the violence that are — that is being experienced in the  
7 three nations we are talking about?

8 **AMBASSADOR SHANNON.** Well, the short answer is yes. But, obviously, we have to  
9 deal with the consequences today. And the gangs are not going away. And having  
10 established themselves, they will continue to look for any source of revenue they can  
11 find, whether it is shakedowns, whether it is operating other illegal activities, or  
12 whether it is drug trafficking. So, as we look for ways to reduce the pressure on Central  
13 America, we are going to have to recognize that the gangs are now embedded in  
14 Central America, and dealing with them is going to be a significant task.

15 **MR. SWARTZ.** From the Department of Justice perspective, we certainly agree that  
16 interdiction is critical. We also agree, as Ambassador Shannon suggested, that we have  
17 to strike against these gangs. We have done so. We will continue to do so, targeting  
18 their leadership both here and in El Salvador and other countries in the northern  
19 triangle.

20 This is truly — again, as you suggest, Senator — a shared responsibility. The —  
21 and it is a shared danger for the American people. These criminal groups operate in  
22 our country and in those countries, as well.

23 **SENATOR KAINE.** One of the things that puzzles me is — when I lived in Central  
24 America, there was a great deal of cultural similarity between Salvador, Guatemala,

1 Honduras, and Nicaragua. How come there is not a huge number of these youngsters  
2 coming from Nicaragua?

3 **AMBASSADOR SHANNON.** Again, we only have limited insight into this. I think a lot  
4 of it has to do with historic migration patterns. It is not just Nicaragua, it is also Costa  
5 Rica and Panama. Historically, these countries have not migrated to the United States  
6 the same way that Salvador, Guatemala, and Honduras have. And the migration  
7 networks that have been established over time make it easier for migrants coming from  
8 those three countries to settle in the United States.

9 But, it also has to do with the drug-trafficking patterns. And the traffickers  
10 coming out of the Andes are looking for easy jump points into Mexico. And the  
11 Mexican cartels have found, especially Honduras, an easier mark than either Nicaragua,  
12 Costa Rica, or Panama.

13 **MR. SWARTZ.** I would add to that, simply, also the penetration of gangs varies  
14 from country to country, as you know, Senator. Nicaragua does not face exactly the  
15 same issues with regard to MS-13 or the 18th Street Gang.

16 **SENATOR KAINE.** All right, thank you.

17 Thank you, Mr. Chairman.

18 **THE CHAIRMAN.** Thank you.

19 Senator Johnson.

20 **SENATOR JOHNSON.** Thank you, Mr. Chairman.

21 Let us all agree that we have a humanitarian crisis on our border that needs to be  
22 addressed. I want to confine my questioning on the definition of the problem and —  
23 you know, what we really should be talking here is, you know, the definition of the  
24 problem is unaccompanied children, and what we are debating is whether we need to  
25 spend more money and how we should — if we do spend, how it should be spent.

1 I want to, first, start off by asking, in a sentence, just a sentence, what is the  
2 achievable policy goal we should be addressing right now?

3 Mr. Swartz.

4 **MR. SWARTZ.** From the Department of Justice perspective, the achievable policy  
5 goal is to work with these countries — the three source countries, in particular — to  
6 build their justice system so that they can address these issues, in the first instance,  
7 lessen the likelihood that there will be a —

8 **SENATOR JOHNSON.** Okay, good. Again, one sentence.

9 Mr. Shannon.

10 **AMBASSADOR SHANNON.** To build partnerships with Mexico as a transit and  
11 designation country, Guatemala, Honduras, and El Salvador —

12 **SENATOR JOHNSON.** Okay, again, no, you are missing the mark. Our goal needs  
13 to stop the flow. Right now, we have to deal with 57,000 unaccompanied minors who  
14 came to this country. Secretary Johnson said there will be 90,000, potentially, by the end  
15 of this fiscal year, over 100,000 by the beginning of 2015. We have to stop the flow.  
16 That is the achievable goal. I do not think we can achieve solving the drug problem or  
17 improving their economies, or reducing violence in these — I do not think that is an  
18 achievable goal. I do not care how much money we have spent on it. And we will talk  
19 about some data to talk about that.

20 Let us — you know, I have seen that exact same chart. I have done a fair amount  
21 of — that Senator Risch was talking about — I have done a fair amount of calculations  
22 on that.

23 Mr. Swartz, do you know what percent of these unaccompanied children we  
24 have sent back over the last 5 years?

1           **MR. SWARTZ.** Senator, I understand that you have asked for that information from  
2 the Department of Justice. We are obtaining that —

3           **SENATOR JOHNSON.** So, your answer is no.

4           **MR. SWARTZ.** We are obtaining that information —

5           **SENATOR JOHNSON.** Okay. So, your answer is — I have got it. Okay?

6           **MR. SWARTZ.** I do not have that —

7           **SENATOR JOHNSON.** Since 2009, we have returned roughly 16.8 — or, no, 16,800  
8 children out of 174,000 unaccompanied minors who have come into this country. So,  
9 that is a rate of 9.6 percent. So, more than 90 percent of those children are still in this  
10 country.

11           Now, over time, it has really declined. So, in 2009, we returned about 23,000;  
12 2010, a little under 22-; 2011, under 19-; 2012, with deferred action on childhood  
13 arrivals, it dropped to 8.6-; once deferred action on childhood arrivals was fully  
14 implemented, we are down to 4.3-. So, I do not — talking what — you know, looking at  
15 what Senator Risch was talking about, I think it is pretty obvious what is a real  
16 correlated cause to the spike in unaccompanied children.

17           I want to talk about the push factor and how unrealistic it is that we can spend  
18 any amount of money on it. Just tell me what we have already spent. In just the last 3  
19 years, we have spent \$956 million as U.S. economic assistance to those three countries.  
20 In terms of drug control, we have spent \$76 billion to control drugs. Do you really  
21 think throwing a few hundred million dollars down there is going to solve that problem  
22 at all? I would say not.

23           Let us talk about murder rates. Mr. Shannon, you said that the pressure is  
24 building. You know, the fact of the matter is, in El Salvador, yeah, murder rates spiked  
25 in 2011, at 70 per 100,000, but it is down to 40. Guatemala has actually declined from 46

1 per 100,000 in 2008 down to 40 now. Honduras, yeah, it built up to 91 in 2011, it is  
2 down to 87 in 2013. And, by the way, just to put that in perspective, the murder rate in  
3 Detroit in 2012 was 55 — 54.6; in New Orleans, 53.2. So, I mean, we can talk about this  
4 push factor, but I would really be looking more at the policy pull factor, in terms of  
5 causing this.

6 And I also want to just talk about spending, in general. We have spent a lot of  
7 money, in terms of ICE and Customs Border Patrol and U.S. Customs and Immigration  
8 Services and HHS refugee programs. In 2008, we spent 17 and a half billion dollars on  
9 those programs. You divide it by the 1.2 million removals and returns in 2008, that is  
10 about \$14,900 per deportation or removal. Okay? 14,000. In 2012, we spent \$21.4  
11 billion, divided about 650,000 removals and returns, that is about \$33,000 per removal  
12 or return.

13 So, I mean, really, the number of immigrants — because I would argue very bad  
14 economic times, there is not as many economic activities, we have fewer immigrants  
15 coming illegally into this country — we spend a lot of money, on a per-person basis, in  
16 terms of what agencies have to spend their money on, in terms of the individuals, but  
17 we have more than doubled spending since 2008. Why do we need another \$3.7 billion?  
18 And is it going to have any effect whatsoever?

19 Mr. Shannon.

20 **AMBASSADOR SHANNON.** I believe it will. The immediate impact, of course, will be  
21 to allow us to manage the flow of people coming across the border in a better fashion, in  
22 a faster fashion, and in a fashion that allows us to determine those who have protection  
23 needs and those who do not. And those who do not will be deported in a timely  
24 fashion.

1           **SENATOR JOHNSON.** But, how to answer the fact that we have actually doubled  
2 spending from 14,000 per return or removed immigrant to over 33,000 in 2012? We  
3 have more than doubled spending. Why do we need more? Why are we spending it so  
4 ineffectively?

5           **THE CHAIRMAN.** Well, as a corollary to that question, so that the committee can  
6 understand, Is all the spending on border enforcement just related to returns? Is that  
7 not the equivalent of a police department and what we spend in a police department if  
8 we were to divide it in the number of arrests and convictions? So, I want to get a total  
9 picture, here, because if we are going to say that all of this money is divided into the  
10 number of deportees, well, then we can take a lot of people off the border that our  
11 border States have asked us for, in terms of enforcement, so that people will be deterred  
12 from even coming or interdicted when they come.

13           **SENATOR JOHNSON.** Mr. Chairman, I am just trying to provide some reasonableness  
14 —

15           **THE CHAIRMAN.** And I am trying to get —

16           **SENATOR JOHNSON.** — in terms of —

17           **THE CHAIRMAN.** And I am trying to make sure that we — we are talking about the  
18 same thing —

19           **SENATOR JOHNSON.** Well, of course, we would need more time to really vet these  
20 numbers properly so we really understand what is happening. We were in our meeting  
21 yesterday, and Sylvia Burwell talked about, "Well, how much is it going to cost dead —  
22 per bed, per child, per day?" And her answer was somewhere between \$250 and \$1,000  
23 per day. And her defense of \$1,000, "Well, you know, if we cannot plan for it, it is really  
24 expensive to do it." I mean, if I do not plan on a vacation properly, I am still not paying  
25 \$1,000 per day to, you know, stay at — you know, stay at the most expensive hotel.

1           So, again, the debate, here, we are having is, Does — this administration, who  
2           apparently did not plan on this, even though their action caused it — does it really need  
3           another \$3.7 billion, or do we have enough already built into a base budget to handle  
4           this? And, by the way, if we are going to spend money trying to solve the drug  
5           problem, the crime problem, the violence problem in those Central American countries,  
6           is that just a pipedream that we are going to do — have any effect whatsoever on that?

7           **MR. SWARTZ.** Senator, if I could address that. I do not think it is a pipedream, and  
8           I think we have examples where we have had a transformative effect on the criminal  
9           justice systems of countries. We have done it in Colombia, we have done it in the  
10          Balkans, and it is been for the benefit — in the national security of the United States, as  
11          well. We have to engage with these countries. Their criminal justice problems are our  
12          criminal justice problems, as well.

13          **SENATOR JOHNSON.** But, we have engaged, to the tune of a billion dollars over the  
14          last 3 years. Just economically.

15          Thank you.

16          **THE CHAIRMAN.** Senator Flake.

17          **SENATOR FLAKE.** Thank you, Mr. Chairman.

18          Thank you for the testimony.

19          I agree with what is been said by my colleagues about — let us get at the real  
20          goal, here. The real goal is to stem the tide of unaccompanied minors. This is a crisis. It  
21          is a humanitarian crisis. And we have got to do something. Our concern — I can tell  
22          you mine and many of my colleagues' concern about the President's request is, it seems  
23          to be geared at maintenance of a problem rather than fixing the problem and actually  
24          changing the incentives that go into it.



1 I was glad to hear your explanation, Ambassador Shannon, of what this really is  
2 and what caused this spike. We can talk about violence in those countries. It is there.  
3 Talk about drug trade, cartels. That is there, has been there. But, it does not explain the  
4 spike.

5 Now, some people will blame DACA or the Senate considering it — immigration  
6 reform, or whatever else. But, as has been pointed out, the President's plan, DACA, did  
7 not apply to these kids. Nothing contemplated by the House or the Senate would have  
8 allowed this kind of spike. And so, it is — as you said, this is a successful marketing  
9 strategy that the smugglers have latched on to. And I would submit that, unless we  
10 change the incentives, it will continue to work.

11 A lot of these people in the smuggling trade — the human smuggling trade —  
12 were in the drug trade. A lot, over time, have gone over to human smuggling, because  
13 penalties are less than drug smuggling. We have corrected some of that, but not all the  
14 way. We still need to deal with those issues.

15 But, if you look at this, right now, for these smugglers, this is a sweet gig. They  
16 are able to have this marketing strategy, which works, because, as we know, most of  
17 these kids are allowed to stay, and the possibility for prosecution for them is minimal,  
18 because they do not even have to come into the country, they get them through Mexico,  
19 take them to the border, tell them where to cross, and never even cross into the country.  
20 Now, we can still go after them, but we cannot even arrest them, or we would have to  
21 go into Mexico. And we have, you know, some cooperation on that, but it really does  
22 not happen. So, for the smugglers, things are not going to change until the incentive  
23 structure changes.

24 And the concern that I have is that, if you look at what the President's request is,  
25 \$1.8 billion just for the Department of Health and Human Services, which has no role in

1 border enforcement or deportation — it is to actually take these kids and house them  
2 and then place them with a sponsor. As has been said by Senator Rubio, the net effect,  
3 the practical effect right now, what is there on the ground, regardless of what we say in  
4 advertising campaigns, whatever the President said — and I want to compliment the  
5 President for saying what he has said, to the Vice President for saying what he has said  
6 about these kids, that most of them will not qualify, "Do not send your kids to the  
7 border" — they are saying the right things, I think the administration is. The problem  
8 is, it is not backed up by actions. When the President says that, "Your kids will be  
9 deported, they will not be able to stay," that is belied by the facts on the ground. And  
10 the facts on the ground are that if a child — an accompanied — unaccompanied minor  
11 or a child with a mother comes across, very, very few are actually being sent back.

12 Cecilia Munoz, Director of the White House Domestic Policy Council, said this,  
13 "If you" — and she is right — "If you look at the history of these kids in cases that apply  
14 to them in this situation, seems very unlikely that the majority of these children are  
15 going to — they are going to have the ability to stay in the United States." They are  
16 saying that. That should be the case, but the practical effect of our policy is that, once a  
17 child is placed with a sponsor, it is extremely unlikely that they are going to be  
18 deported. And she said, "If we are to stem the tide and start sending the right signals to  
19 families down south, it will need to involve literally thousands of kids being  
20 repatriated." I mean, I think everybody recognizes that. When planes show up and the  
21 smugglers realize — and the families that are paying this realize that their money was  
22 ill spent, that they subjected their children to a lot of potential abuse or abuse for  
23 nothing. But, right now, what they see is these kids being placed with a sponsor, given  
24 a court date months or years in the future, and then — think about it for a minute — the  
25 charge of HHS is to place a child in the least restrictive environment that is in their best

1 interest. If you draw that out a bit, would they — would we be placing a child with a  
2 sponsor who is either a parent, or relative, or someone else in this country, and is it in  
3 our best — or, the children's best interest, later, to rip that child away from that family  
4 member or those family members, and then deport them later? I think the families that  
5 are coming, and certainly the smugglers understand — that is not going to happen.  
6 And so, the incentive structure is still there.

7 And my concern — I think a lot of our concern is that, until we change that  
8 structure, until we can expedite the process so that we are not having to place these  
9 children here in this country, only to show up or not show up later at some type of  
10 hearing or legal proceedings — until we change that incentive structure, the smugglers  
11 will continue, because, for them, it is a successful strategy with very little downside, not  
12 even having to come into the country. You know, it used to be, when you had human  
13 smuggling, you had to get kids across the Arizona border, get them to the I-10, place  
14 them with someone else. At least somebody was at risk of being caught. Now, not  
15 likely. And so, they have a good gig — for them, a good gig going. And I am afraid  
16 that we need to change the incentive structure.

17 Ambassador Shannon, do you — I have rambled a bit, I know, but do you see a  
18 change in this behavior, on the part of the smugglers and the families that they are  
19 preying on, changing unless we change the incentive structure here?

20 **AMBASSADOR SHANNON.** Changing the incentive structure will change a particular  
21 form of migration. It will change smugglers turning their kids in at the border. It will  
22 not stop the migration.

23 **SENATOR FLAKE.** Well, I —

24 **AMBASSADOR SHANNON.** The —

25 **SENATOR FLAKE.** Understood.

1           **AMBASSADOR SHANNON.** The migration has to be addressed in the home country,  
2 because these kids are like boomerangs. We are — it does not matter how far we  
3 thrown them. For those who feel that they are under threat and for those who are  
4 hopeless in their home countries, they will come back.

5           **MR. SWARTZ.** Senator, if I could add, we are trying to change the incentive  
6 structure for smugglers, as well. Our resident legal advisor in Honduras has put  
7 together a joint group involving Honduras, Guatemala, and El Salvador aiming exactly  
8 at how we can engage those countries in the prosecution of smugglers.

9           **SENATOR FLAKE.** I think that is all good, and we ought to increase the number of  
10 refugees that are allowed here for a genuine claim of persecution, that those, to the  
11 extent possible, should happen in their home countries, at embassies and consulates  
12 there. But, my concern, here, is that, as long as we are placing these children and they  
13 are — they have achieved their desired goal, to be reunited with family members or to  
14 stay for a long time, the incentives will not change. And that is my concern. And that is  
15 a bigger driver than everything else right now.

16           Thank you.

17           **THE CHAIRMAN.** Thank you. There are a lot of thoughtful views, here. Let me just  
18 go through a quick series of things, here. I just want to make sure, so we have a  
19 absolutely replete record.

20           Mr. Swartz, are there more Border Patrol agents, Custom inspections, drone  
21 flights now than in any other time that you can recall?

22           **MR. SWARTZ.** Yes, Mr. Chairman.

23           **THE CHAIRMAN.** As a matter of fact, is it not true that the Border Patrol and  
24 Customs Inspections is the largest law enforcement entity we have in the Federal  
25 Government?

1           **MR. SWARTZ.** That is correct.

2           **THE CHAIRMAN.** Now, children placed with a guardian, that question, who we fear  
3 will not show up, we have two choices. We can either deal with the costs of detaining  
4 that child, or we could, if we want to ensure that they show up, because we think they  
5 are being placed with a guardian who also may not have documented status, we could  
6 put an ankle bracelet on him, which would be more humane than detention, and far less  
7 expensive. So, there are options for us to consider as we deal whether a person has the  
8 right, or not, to ultimately seek asylum.

9           Now, is there any way that we can change the smugglers' marketing? I mean, I  
10 do not know that we promote the smugglers' marketing, but is there any way we can  
11 change the — I think what we should be doing is smashing the smuggling networks.  
12 And I would say to some of these individuals, "Cooperate with us, in terms of who  
13 were the smugglers who brought you here," and start prosecuting them. And when the  
14 smugglers know that there is a consequence to them, that they may, fact, go to jail either  
15 in that country or here, that we will have a change in their marketing, believe me.

16           **MR. SWARTZ.** And, Senator, I can say, in that regard, that one of our resident legal  
17 advisors in one of the northern triangle countries, for instance, will be traveling with his  
18 counterparts to interview children here in the United States for precisely that purpose.

19           **THE CHAIRMAN.** Now, I want to include in the record, since much has been made of  
20 2012 and DACA, which is the deferred action items — what — since we want to make  
21 sure that we get the word out there, let us get the word out there. How do you actually  
22 qualify for deferred action? You must have come to the United States under the age of  
23 16, and you must have continuously resided in the United States for at least 5 years  
24 preceding the date of 2012, which means that if you were not physically in the United

1 States, and can prove it, since 2007, and, among other eligibility, you would not be  
2 eligible to adjust your status. Is that a correct understanding? I am reading from —

3 **MR. SWARTZ.** Yes.

4 **THE CHAIRMAN.** — Department of Homeland —

5 **MR. SWARTZ.** Yes.

6 **THE CHAIRMAN.** — Security —

7 **MR. SWARTZ.** Yes.

8 **THE CHAIRMAN.** — document.

9 **MR. SWARTZ.** Right.

10 **THE CHAIRMAN.** You had to also not only be here since 2007, and be under the age  
11 of 16 when you came, but you had to be in school, you had to have graduated from  
12 high school, you have to have obtained a general education development certificate or  
13 be honorably discharged veteran of the Coast Guard or the Armed Forces of the United  
14 States. You cannot do all of that unless you were here before 2007.

15 So, without objection, I will include the Homeland Security's Eligibility for  
16 Deferred Action in the list of items.

**[The information referred to follows:]**

**[COMMITTEE INSERT]**

17 **THE CHAIRMAN.** Let me ask you, Is it not true that President Obama has deported  
18 more migrants than any President in recent history?

19 **MR. SWARTZ.** That is correct, Mr. Chairman.

20 **THE CHAIRMAN.** As a matter of fact, some have called him "The Deporter in Chief."

21 Now, it seems to me that Congress has unclean hands, here, in its failure to act to  
22 reform our immigration system. And, in the absence of that failure, what has been

1 Congress's successful role is to dramatically increase Borders and Custom enforcement  
2 to the point that we have had the most detentions and deportations at any other time.

3 So, let me ask two final questions. Are all 60,000 of the children that we estimate  
4 have arrived, do they have a smuggle — did they all pay a smuggler to get here?

5 **AMBASSADOR SHANNON.** I do not know the exact figure, because I have not seen the  
6 results of the interviews that have been done, but the younger ones, almost certainly.  
7 Some of the older ones, the 16- and 17-year-olds, at least in the conversations I have had  
8 with them either at Lackland, at the HHS facility, or in McAllen at the CBP facilities, or  
9 in the shelters, some have come on their own.

10 **THE CHAIRMAN.** And those who rode the "Train of Death," did they have a  
11 smuggler?

12 **AMBASSADOR SHANNON.** Typically, yes.

13 **THE CHAIRMAN.** Okay.

14 Now, the national security interests — if we do nothing — nothing as it relates to  
15 Central America, except tell the Central Americans, "Get your act together" — but, we  
16 do nothing more, what is going to be the consequences of that?

17 **MR. SWARTZ.** Mr. Chairman, I think that it will have serious law enforcement  
18 consequences for the United States, as well. As noted, these criminal gangs operate not  
19 only in the Central American countries, they operate in the United States. We are  
20 bringing actions against them, even today, on that basis. And the cartels do the same.

21 **THE CHAIRMAN.** And when we had a concerted effort in Colombia, did we not  
22 achieve taking a country that was virtually on the verge of not being able to control its  
23 own internal sovereignty, being run by drug lords, and ultimately change that country  
24 to what is now one of the finest democracies in the western hemisphere?

25 **MR. SWARTZ.** We did, Mr. Chairman. We know how to do this.

1           **THE CHAIRMAN.** Senator Corker.

2           **SENATOR CORKER.** Mr. Chairman, I want to thank you for having the hearing. I  
3 actually — I think it is been very educational.

4           And, if it is okay, I would like to also enter into the record an article from the  
5 Wall Street Journal entitled "Few Children Are Deported." I would also like to enter, if  
6 okay, Table 39 from the U.S. Department of Homeland Security document that Senator  
7 Johnson was referring to that really challenges the notion and stipulates the differences  
8 between removals and returns. I think returns are actually diminishing at a pretty high  
9 level.

**[The information referred to follows:]**

**[COMMITTEE INSERT]**

10           **SENATOR CORKER.** But, here is what I would like to say. Look, I — this is a  
11 humanitarian crisis, and I think everybody here — all of — most of us have children,  
12 have — I mean, we — you know, to see what is happening with so many children from  
13 other countries, you know, it breaks our heart.

14           At the same time, with an emergency supplemental, it seems to me that what we  
15 should be addressing is, Is there something that we can immediately do to change the  
16 incentive structure? We have talked a little bit about what the phenomenon is. I do  
17 think it would be very important for all of government, on the executive side, to  
18 address what is causing this spike. And I do think there is a marketing that is taking  
19 place, but it is based on policies.

20           And, actually, if you looked at returns, the returns issue is a big part of this. I  
21 mean, very few people are being returned.

22           Mr. Swartz, I know I was —



1 First of all, I appreciate you both being here. I know you all are great public  
2 servants.

3 The reason I was focusing on the asylum issue is that if, in fact, the number is 58  
4 percent, what that also means is that, if you actually ever make it to court, which very  
5 few do, you then have a 58-percent change of a situation, possibly, where you are — no  
6 action is being taken against you there, too. So, I would like for — I think we ought to  
7 define — I do not want to get into the debate of what asylum is. And I know the U.N.  
8 and us, we have different categories. But, I do think it is important for us to, over time,  
9 define that.

10 And I want to go in — go back to the Chairman's thrust in this committee  
11 hearing. I do think it is important for us to develop policies that, you know, affect the  
12 region. And I do think some of the partnerships are important. And I think Senator  
13 Kaine's comments about, "Look, when you travel through Central America — in  
14 fairness, you can see that the U.S. demand for drugs is ravaging these countries." I  
15 mean, that is a fair statement. That is fair. But, I would think that, during this period of  
16 time when we have an emergency, that what we would address, in an emergency, is the  
17 incentive structure and trying to address the problems that Senator Johnson raised, and  
18 then look — come back and look, longer term, at what we need to do throughout the  
19 region, if you will, to possibly have some impact on what is happening. Some of the  
20 Central American countries do not have this issue. I think we should look at why they  
21 do not. Some of the Central American countries do have this issue. Honduras, in  
22 particular.

23 So, I thank you for the hearing. I think that what is before us right now is maybe  
24 an acute issue that we need to first address, and then I do hope that, over time, the  
25 committee will develop a longer-term plan.

1           And again, I thank you both for being here. I know there are emotions — they  
2 are running high on both sides. And hopefully there will be some consensus to a policy  
3 that will stem the flow as quickly as possible and then let us address some longer-term  
4 issues.

5           Thank you both very much.

6           **THE CHAIRMAN.** Well, thank you, Senator Corker.

7           One request of Mr. Swartz. I would like you to produce to the committee, What  
8 were the detentions of children and the deportation of children prior to 2009? So, for  
9 the, let us say, 8 years prior.

10          **MR. SWARTZ.** Mr. Chairman, we will do that.

**[The information referred to follows:]**

**[COMMITTEE INSERT]**

11          **THE CHAIRMAN.** Secondly, Senator Corker, as the Ranking Member, has always  
12 been, and continues to be, a thoughtful member on all of these issues, and I appreciate  
13 it. And the only thing I would say, that there is a difference between passion and  
14 emotion. Some of us are passionate about some of these issues, as some are passionate  
15 about the size of government or the cost of government, the spending of government.  
16 So, it is not so much emotion as it is passion, at the end of the day.

17          So, I — with the appreciation of the committee for both of your testimony, you  
18 are excused at this time.

19          I would like to call up our second panel. We are pleased to have Pulitzer Prize-  
20 winning journalist and author, Sonia Nazario, who is been recognized for her book,  
21 "Enrique's Journey." She serves as a board member of KIND, Kids in Need of Defense.  
22 We also have Cynthia Arnson, the director of the Latin American Program at the  
23 Woodrow Wilson International Center for Scholars, here in Washington.

1           And I would ask the audience who is leaving to do so quietly, please.

2           And Stephen Johnson, the regional director for Latin America and the Caribbean  
3 at the International Republican Institute.

4           Let me welcome you all to the committee. As I said to our previous panel, your  
5 full statements will be included in the record in their entirety, without objection. I  
6 would ask you to try to summarize them in about 5 minutes or so, so that we could  
7 engage in a dialogue.

8           And we will start with you, Ms. Nazario. If you would turn your microphone  
9 on.

**STATEMENT OF SONIA NAZARIO, AUTHOR, ENRIQUE'S JOURNEY,  
JOURNALIST, KIND BOARD MEMBER, WASHINGTON, D.C.**

10          **Ms. NAZARIO.** Thank you, Mr. Chairman, Senator Corker, and other members of  
11 the committee, for inviting me to speak to testify before you today.

12          I am Sonia Nazario, a journalist, author, board member of Kids in Need of  
13 Defense, a nonprofit founded by Microsoft and Angelina Jolie that recruits pro-bono  
14 attorneys to represent unaccompanied children.

15          I first went to Central America to write about civil wars in the early '80s. I  
16 focused on unaccompanied children, 15 years ago, writing the modern-day odyssey of  
17 one boy, Luis Enrique Motino Pineda, whose mother left him in Honduras when he was  
18 just 5 years old. Eleven years later, he went in search of her in the U.S. by riding up the  
19 length of Mexico on top of freight trains.

20          Last month, I returned, for the first time in a decade, to Enrique's home in Nueva  
21 Suyapa, a neighborhood of Tegucigalpa. I lived there for 1 week. I saw a huge change  
22 in why children are migrating to the U.S., a level of violence directed at them that  
23 astounded me. I have lived through Argentina's dirty war and ridden on top of seven

1 freight trains controlled by gangs through most of Mexico. I am not easily spooked.  
2 But, after a week, I thanked God I got out of Enrique's neighborhood alive.

3         Gangs have long ruled parts of Nueva Suyapa, but recent control by narcocartels  
4 has brought a new reach and viciousness to the violence. Children, in particular, are  
5 being targeted here and throughout the country. Children are kidnapped, found  
6 hacked apart, heads cut off, skinned alive. Sometimes at night, men in facemasks strafe  
7 anyone on the street. War taxes are imposed on virtually everyone. If you do not pay,  
8 the narcos kill you. Many neighborhoods are even worse.

9         Cristian Omar Reyes, an 11-year-old 6th-grader in Nueva Suyapa, told me he  
10 had to leave Honduras soon, no matter what. He has been threatened twice by narcos,  
11 and he fears the worse. Last March, his father was killed by gangs. Three people  
12 Cristian knows were murdered this year. A girl his age was clubbed over the head,  
13 dragged off by two men, who cut a hole in her throat, stuffed her panties in it, and left  
14 her broken body in a nearby ravine. "I cannot be on the street," says Cristian, who  
15 narco-hitmen pass by — he says that narco-hitmen pass by on these three-wheeled  
16 taxies. "They shoot at you. I have seen so much death."

17         Gangs are forcibly recruiting children as young as 10 to be their foot soldiers  
18 throughout the country. Children told me they had two choices: join or get out to stay  
19 alive. This is no different than child soldiers who are forcibly conscripted in Sudan.

20         Schools in Nueva Suyapa have become the narcos' battleground. Girls face  
21 particular dangers. Recently, three girls were raped and killed in Nueva Suyapa, one of  
22 them 8 years old. Two 15-year-olds were abducted and raped. A girl I interviewed,  
23 who had been threatened by gangs, said, "It is better to leave than have them kill me  
24 here." And Cristian told me, "I am going this year, even if I need to ride on that train."

1 Children like Cristian fully understand how lethal the journey can be.  
2 Neighborhoods are dotted with people who have lost limbs to the train. Many know  
3 someone who has died in that attempt. The Zetas narco cartel is kidnapping 18,000  
4 Central Americans off those trains every year, and they prefer children. They demand  
5 ransom and kill children whose relatives cannot or will not pay.

6 You would have to be, honestly, crazy or desperate to save your life to ride on  
7 that train now. Many of these children, not all, are refugees. Refugees flee their  
8 country for safety, because they face persecution and possible death and cannot turn to  
9 their government to protect them. Despite billions the U.S. has spent to disrupt the flow  
10 of drugs from Colombia up that Caribbean corridor, the narco cartels, mostly Mexican,  
11 have simply rerouted inland to Honduras. Around 2011 — 2011 — the narcos' grip in  
12 the neighborhoods, like Nueva Suyapa, tightened. That was not — that was, not  
13 coincidentally, the first year the U.S. started to see a surge in unaccompanied children.

14 We must address this situation, but by treating these children humanely. And  
15 that means more than using the word in the title of legislation. To roll back basic  
16 protections of the Trafficking Victims Protection Reauthorization Act of 2008 and  
17 expedite deportation means Border Patrol will give even trafficking victims a cursory  
18 screening. Their job is to secure our borders, not to adduce information from  
19 traumatized children.

20 The U.N., among others, has found that the screening of Mexican children for  
21 protection concerns by Border Patrol has been a failure. Every child should have a full,  
22 fair, and timely hearing before an immigration judge and an attorney. While KIND has  
23 recruited thousands of volunteer lawyers, more than 70 percent of children must still  
24 present complex immigration cases without counsel, due to the surge. So, picture a 7-

1 year-old boy that I saw alone in court, shivering with fright, expected to argue against  
2 the government's attorney, who is battling to send him home.

3 Let me finish by saying, we must bolster security in Honduras and the region,  
4 not by funding corrupt police and military, but by strengthening accountability, the  
5 judiciary, and child protection. Less than a tenth of the President's proposed 3.7-billion  
6 funding request is for aid to this region. Lacking funding, USAID has closed its  
7 program in Nueva Suyapa.

8 We show deep concern for girls who are kidnapped in Nigeria, but not for girls  
9 kidnapped by narcos in Honduras. Why? How can we demand that countries  
10 neighboring Syria take in nearly 3 million refugees, but turn our backs on tens of  
11 thousands of children from our own neighbors? If we shortchange due process, I  
12 believe that Congress and this administration will be sending many children back to  
13 their deaths.

14 Thank you for the opportunity to speak, and I welcome your questions.

**[The prepared statement of Ms. Nazario follows:]**

**[COMMITTEE INSERT]**

15 **THE CHAIRMAN.** Thank you.

16 Ms. Arnson, as I said before you were able to come back into the chamber, your  
17 full statement will be entered into the record. I would ask you to summarize in about 5  
18 minutes.

19 There is a vote going on. I am going to try to see if we can get through the  
20 testimony and then recess and come back for questions. So.

**STATEMENT OF CYNTHIA ARNSON, DIRECTOR, LATIN AMERICA PROGRAM, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS, WASHINGTON, D.C.**

1           **Ms. ARNSON.** Great. Chairman Menendez, thank you very much for this  
2 opportunity — Senator Corker, Senator Kaine, and others who have been present.

3           I would like to emphasize some of the points that have been made by earlier  
4 speakers, but say that a long-term solution to what is now this humanitarian crisis  
5 depends on the quality of improvements in democratic governance, in citizen security,  
6 and in development in Central America. The United States Government must be  
7 prepared to commit to these goals over the long term, and Central American actors in  
8 and out of government must assume a willingness and a will to transform their own  
9 countries.

10           There is no one causal factor. I will focus mostly on the push factors of criminal-  
11 and drug-fueled violence. We have heard the homicide statistics, but, as impressive as  
12 they are, they tell only part of the story. There are — there is an excessive focus on  
13 homicides that is understandable, but it does not capture the other forms of street crime,  
14 threats, assault, kidnapping, sexual violence, and extortion that affect citizens on a  
15 routine and intimate daily basis. Many of these statistics about other crimes are not  
16 reliable, as civilians do not trust the police or other authorities. And this leads to a  
17 significant underreporting of even serious crimes.

18           I would also encourage members of the committee to examine a map prepared  
19 by the Department of Homeland Security which studied the cities and towns of origin  
20 of the bulk of the undocumented children migrants between January and May 2014.  
21 They found that the largest number, 20 of the top 30 sending cities and tens were  
22 Honduran, led by San Pedro Sula, the most violent city in the world. And our own  
23 Department of Homeland Security noted, and I quote, that, "Salvadorian and Honduran

1 children come from extremely violent regions, where they probably perceive the risk of  
2 traveling alone to the U.S. preferable to remaining at home," unquote.

3 Gangs, or maras, are responsible — are not solely responsible for the levels of  
4 violent crime, but their role is pervasive and highly organized. I think it is important to  
5 highlight that the MS-13 and the 18th Street Gang were formed in the United States, in  
6 Los Angeles, and that U.S. deportations of gang members who had been convicted of  
7 crimes in the United States for years with little or no advanced warning to government  
8 officials in the region contributed to the diffusion of gang culture and practices. Crime  
9 and violence, including that perpetrated by gangs, have worsened as drug trafficking  
10 and other forms of organized crime have spread. And those points have been dealt  
11 with extensively, and I will not go into them now.

12 What I would like to address is the kinds of policy responses that this committee  
13 could oversee and that the U.S. Congress could take. I believe that there is really  
14 actually no time since the Central American wars of the 1980s that there has been so  
15 much media and policy attention focused on Central America. I welcome that  
16 attention. And — but, I also think that our inability or our walking away from the  
17 many needs of the peacetime era in the '90s and early 2000s, you know, had some  
18 contribution to the current situation. The CARSI, the Central American Regional  
19 Security Initiative, that was launched in 2008 in response to the concern about the  
20 spillover of organized crime from Mexico, has focused, rightfully, on security. It has  
21 been under-resourced, and it has focused — it has not focused sufficiently on other  
22 government or development objectives.

23 There is no silver bullet to address these problems. They have taken decades, if  
24 not, one could argue, centuries, to develop. But, I believe that progress is possible, with  
25 the right leadership, with sufficient resources, with active participation from Central



1 American societies, and with integrated approaches, and, above all, with adherence to  
2 the principles of transparency and accountability.

3 A key ingredient, as we have seen in Colombia and so many other places — a  
4 key ingredient for policies to be successful is political will and leadership from the  
5 region itself.

6 I believe that, as large as the current spending request is before Congress, far too  
7 little is made available for addressing the root causes of migration in Central America.  
8 There is approximately 295 million to address the economic, social, governance, and  
9 citizen security conditions in the region, but that amount is also to be used for the  
10 repatriation and reintegration of migrants in Central America.

11 I believe that my time is up, and I will say that improving citizen security is a  
12 necessary condition for fostering economic growth and for fostering investment. Our  
13 assistance programs, up until now, have been too overly focused on counterdrug  
14 operations and not on providing citizen security and attacking the causes of crime and  
15 violence that affect citizens' daily lives.

16 I also believe we mean — we need to make efforts to foster opportunity in the  
17 legal economy by investing in human capital formation that matches education and job  
18 training with strategic — with the demands of the labor market.

19 I will end there, and I welcome your questions.

20 Thank you.

**[The prepared statement of Ms. Arnson follows:]**

**[COMMITTEE INSERT]**

21 **THE CHAIRMAN.** Thank you.

22 Mr. Johnson.

**STATEMENT OF STEPHEN JOHNSON, REGIONAL DIRECTOR, LATIN AMERICA AND THE CARIBBEAN, INTERNATIONAL REPUBLICAN INSTITUTE, WASHINGTON, D.C.**

1           **MR. JOHNSON.** Chairman Menendez, Senator Corker, thank you for this  
2 opportunity to testify on the conditions in Central America that are driving out minors  
3 as well as adults.

4           While overall apprehensions at the U.S. southwest border are a quarter of what  
5 they were during the largest waves of Mexican migration that took place 14 years ago,  
6 the current uptick among Central American arrivals is worrisome because of the  
7 unaccompanied children that are among the migrants and are taking extreme risks.  
8 That highlights the citizen insecurity factor as a driver and the presence of criminal  
9 trafficking organizations.

10           As you have already heard today, the region has persistent security challenges,  
11 so I will not add to the list, except to say that there is a good case to be made for  
12 focusing attention on the conditions that compel people to leave their country.

13           Thirty years ago, after prolonged periods of civil conflict, these countries chose to  
14 exchange military rule for civilian elected leadership. No question, it was the right  
15 decision. But, at U.S. urging, it meant reorganizing government, adopting democratic  
16 behaviors, and building a base of public servants from a pool that had little experience.  
17 Police had to be divorced from the armed forces to which they had belonged.  
18 Courthouses had to be built and modern justice systems established. It is a process that  
19 is still going on today.

20           Unfortunately, crime and violence prey on such societies at their moment of  
21 weakness. During this time, Colombian and Mexican drug traffickers, fueled by North  
22 American cocaine habits, invaded Central America. Initially disorganized, deportations  
23 from the United States gave rise to youth gangs. Our country has tried to help Central  
24 American neighbors, among others, such as Mexico, establish new justice systems, but

1 these tasks take time, and they are resource-intense. Central America's traditional  
2 models of centralized top-down governance with weak districts and municipalities also  
3 leave citizens, mayors, and town councils largely out of the business of making their  
4 communities more secure.

5 In the work that it does in Central America, the International Republican  
6 Institute specializes in the development of citizen security mechanisms that bridge the  
7 gap between citizens, municipalities, and national-level efforts. We have begun  
8 working with public security officials at the ministry level, as well as municipal  
9 authorities, to strengthen citizen input and participation, as well as conduct exchanges  
10 with communities throughout the hemisphere that have exemplary citizen safety  
11 models. However, the number of municipalities is huge, and there is much work to be  
12 done, municipality by municipality.

13 Mr. Chairman, the United States has many priorities in the world, but, whatever  
14 actions are decided, they should take into account the partnership that our country has  
15 entered with Central American countries 30 years ago to turn dictatorship into  
16 democratic rule. Most of the heavy lifting is being done by our partners. Our approach  
17 to helping them has to be long term, comprehensive, consistent, and strategic.

18 Thank you very much for this opportunity to testify, and I welcome your  
19 questions.

**[The prepared statement of Mr. Johnson follows:]**

**[COMMITTEE INSERT]**

20 **THE CHAIRMAN.** Well, thank you all very much for your testimony.

21 We are at the end of the first vote, and so we will have about 20 minutes before  
22 we will be able to return. I hope that you will be able to stay with us, because there are

1 questions that we want to ask of you. And I think each of you has a valuable  
2 contribution to make.

3 So, the committee will stand in recess, subject to the call of the Chair. I expect it  
4 to be somewhere around 20 minutes.

5 [Recess.]

6 **THE CHAIRMAN.** This hearing will come back to order.

7 Let me both apologize to our panel and to thank them for their forbearance.  
8 There were more votes than I understood there were, so — we just had the last one.  
9 The good news, at this point, we do not have any more votes until much later. So —  
10 and I know that Senator Corker — I left him, on the floor — he is on his way back, as  
11 well. But, in the interests of the collective time of everybody, let me try to move  
12 forward with some questions.

13 Ms. Nazario, you spent time in many of the communities in which the children  
14 are leaving from. Some of my colleagues suggest that their parents' decision to send  
15 their child to a 2,000-mile journey is purely opportunistic and a way to take advantage  
16 of American law. Are these parents indifferent to the dangers their children might face  
17 on this perilous journey? And is it just a question of opportunity, or is it a question of  
18 violence, some of which you described earlier? If you would turn your microphone on,  
19 thank you.

20 **MS. NAZARIO.** I think, until — I think these parents make a valuation of: Is it safer  
21 to bring my child, despite the dangers of that journey, or is it safer to leave them in the  
22 home country? And parents who have come ahead of their children oftentimes, 10  
23 years ago, would say, "It is more dangerous to put my kid in south-central Los Angeles  
24 than leave them in a neighborhood in Honduras, where they are being taken care of by  
25 a grandparent or an aunt," and that equation has shifted radically, given what is

1 happening on the ground in Honduras. And so, these parents have decided that it is  
2 just too dangerous to leave their children there.

3 I think, also, greater border enforcement has — is part of that picture, because, as  
4 we have ramped up border enforcement, we have made it — you know, a lot of parents  
5 come here honestly thinking they are going back quickly. They prefer to live in their  
6 home countries with everything they know and love, and with their families. So, when  
7 parents come here, they do not buy a bed, they do not buy furniture. These mothers  
8 say, "I am going to go back anytime." I think now, with greater border enforcement,  
9 they are more clearheaded about, "It is going to be very hard to circulate back home.  
10 And so, I am going to go ahead and bring up my children more quickly than I would  
11 have, otherwise."

12 So, a decade ago, you know, half of Mexicans went back within a year. They  
13 want to circulate back home. Now, with greater border enforcement, fewer than a  
14 quarter circulate back home within a year, because they know that it is getting harder to  
15 get in, and that makes it more costly. So, that is been part of the dynamic, as well.

16 **THE CHAIRMAN.** But, in the first instance, is it fear or opportunity?

17 **MS. NAZARIO.** It is absolutely fear.

18 **THE CHAIRMAN.** Yeah.

19 **MS. NAZARIO.** It is absolutely fear driving this. And there has been much talk  
20 about 2012, but the actual surge of children began in 2011. That is when we started to  
21 see the numbers go up dramatically.

22 **THE CHAIRMAN.** Ms. Arnson, let me ask you. I know you have done a lot of work  
23 over the years in the hemisphere. I am wondering about whether or not, in addition to  
24 my arguments about the lack of resources and our disengagement since this — the wars  
25 in Central America — we fought to create the seeds of democracy, and then we did not

1 nurture it for it to grow fully in all of its dimensions — citizen security, economic  
2 growth and opportunity, and all the other things we want to see in a democratic society.  
3 How would you assess the effectiveness of current U.S. assistance programs in Central  
4 America? And what steps could be taken to enhance the quality of programs and  
5 ensure a greater impact on these countries?

6 **Ms. ARNISON.** Well, I think U.S. assistance has perhaps been most effective in El  
7 Salvador, where there is a formal Partnership for Growth. El Salvador is one of four  
8 countries globally. And these are shared objectives that are come up together between  
9 the government — between the U.S. Government and the Salvadorian government, and  
10 there are regular reporting requirements, there is accountability, there are metrics, and  
11 they have identified strategic areas for investment. But, I do believe that the effort, to a  
12 certain extent, has been under-resourced, and therefore, what you have, certainly in the  
13 citizen security area, are many small little points of light, but they do not connect or  
14 necessarily build towards a much bigger national phenomenon.

15 I know that there has been great frustration, in a country such as Honduras, with  
16 the lack of leadership in security institutions. And therefore, people start — from the  
17 various agencies that have created vetted units, start from the ground up, and, in many  
18 ways — and forgive me for saying this — bypassing the leadership structures. So, that  
19 is why I have tried to emphasize the need for transparency and accountability as a key  
20 ingredient of any programs that we would put in place. You cannot just throw money  
21 at this problem or this set of problems. As much as I do believe that greater resources  
22 are necessary, there have to be specific objectives and commitments from the recipient  
23 governments to adhere to certain standards. And the ability to give assistance ought to  
24 be contingent on the receiving country's willingness to abide by those criteria.

25 **THE CHAIRMAN.** I agree with you on that, and I think those are very important.

1 Let me ask you, as well, though, is it not the case that this is not a light switch?  
2 We are not going to suddenly turn on a certain amount of resources, with all the  
3 accountability, transparency, and conditionality, and find a change in Central America  
4 from one year to the other?

5 **MS. ARNISON.** No —

6 **THE CHAIRMAN.** It is going to take some time. It took some time to get to where it  
7 is, a part of it from our own neglect, part of it from the weak and very often corrupt  
8 governments that have existed in the region. And you are just not going to turn this  
9 around overnight. So, having a commitment, here, is going to be necessary in order to  
10 get it to a point where we can see citizen security, where we can see a greater movement  
11 towards institutions that are transparent, not corrupt, and that we will see the benefits  
12 of that, as we did, for example, in Colombia — different context, different set of  
13 circumstances, but, nonetheless, it took some time. Is that a fair assessment?

14 **MS. ARNISON.** I would certainly completely agree with that statement. I mean, we  
15 tend, in the United States, to focus on a crisis and respond to the crisis and then turn  
16 away once the immediate crisis has dissipated. And I think that the effort in Central  
17 America is going to take years. The aid programs to Colombia have evolved over  
18 almost 15 years now, and it takes time to turn things around. And I think staying the  
19 course and — but doing so with metrics and measurements in place, is the way to  
20 proceed. But, to take the long perspective.

21 **THE CHAIRMAN.** Mr. Johnson, I would like to hear your views on it.

22 The Johnson sitting at the table. We are going to get right to you.

23 [Laughter.]

24 **MR. JOHNSON.** Well, in many respects, they are similar. I think our approach to the  
25 problems in Central America, to the extent that we do not want them on our doorstep, it

1 is important to have a long-term view, that we have a comprehensive policy and that it  
2 is strategic — strategically driven and not quite as episodic. Very difficult for our  
3 country to do, because, in a democracy, the — we sometimes change our priorities, and,  
4 because of our position in the world, we have to look at other things that happen that  
5 come upon our doorstep that we have to deal with.

6 But, given that, and given the kinds of tools that we have that we can apply to  
7 these problems, I think consistency and a strategic vision is really important.

8 Sometimes we do not appreciate the enormity of the change that is involved. For  
9 instance, in Colombia, the transformation of the Napoleonic code to an accusatorial  
10 criminal justice system seems like just a matter of changing the laws and retraining  
11 lawyers. But, what it also entailed was the building of courthouses, which Colombia  
12 never needed before, criminal justice tracking systems for cases, evidence warehouses,  
13 and forensic laboratories, which they never had. So, it ended up being much more than  
14 what was originally anticipated. And when you multiply that over something like 1100  
15 municipalities for the various installations and facilities that had to be built, it ended up  
16 being quite an investment. And I think we have to appreciate that dimension as much  
17 as the dimension of changing certain kinds of behaviors.

18 In Central America, we do not have the luxury of having all the criminal  
19 elements, say, out in the rural areas, as much as that was the case in Colombia. In  
20 Central America, you have criminal elements that are in the neighborhoods, that are out  
21 in the rural areas, as well, but also in the capital and in, you know, the very dense urban  
22 areas, in the form of drug-trafficking organizations, some human traffickers that  
23 penetrate into those areas, as well as criminal youth gangs. This is very difficult to deal  
24 with, especially when you are dealing with drug traffickers that have a lot more  
25 resources, that — in many cases, than the government does to try to deal with them and



1 try to apprehend them. And so, very difficult to go up against this. The corrupting  
2 power that they have is tremendous.

3 And again, it is going to take time. But, one of the things that we feel is key, at  
4 least in my organization, where I work now, is that citizen participation in citizen  
5 security is very important, because people in their own neighborhoods know some of  
6 the things that need to happen and need to change, in terms of leadership, for their  
7 authorities to begin to react in a proper way that will deal with the problems that they  
8 actually feel. And the top-down kind of leadership, of governance that has been the  
9 experience in Central America, long before the transformation to democratic rule, is  
10 something that is still there and still impedes, to a great degree, the ability for citizens to  
11 have a voice.

12 **THE CHAIRMAN.** Thank you very much.

13 Senator Johnson.

14 **SENATOR JOHNSON.** Thank you, Mr. Chairman.

15 I know that Senator Corker asked for unanimous consent to include in the record  
16 Table 39 from Department of Homeland Security, Enforced Alien Removal Module. I  
17 would ask for unanimous consent to have my summary of that table.

18 **SENATOR JOHNSON.** And I would like to —

19 **THE CHAIRMAN.** Without objection.

**[The information referred to follows:]**

**[COMMITTEE INSERT]**

20 **SENATOR JOHNSON.** I would like to speak to it, because I would like to provide the  
21 full and complete picture, in terms of removals and returns, which is what I think the  
22 American people would really view as deportation.

1           So, while it is true, in terms of formal removals, which is what I believe the Chair  
2 was referring to when he said that President Obama is sometimes referred to as the  
3 "Deportation King," formal removal — as President Obama is the head of the pace of  
4 President Bush's both first and second term — and removals are defined as — removals  
5 are the compulsory and confirmed movement of an inadmissible or deportable alien out  
6 of the United States based on an order of removal. An alien who is removed in — has  
7 administrative or criminal consequences placed on subsequent reentry owing to the fact  
8 of the removal. Okay? That is what a removal is.

9           A return, on the other hand, are the confirmed movement of an inadmissible or  
10 deportable alien out of the United States not based on an order of removal.

11           Now, I think what we are really trying to do, if we are trying to speed up the  
12 process, I think we really want more returns, as opposed to removals, which take a  
13 whole adjudication process, which is taking years and creating even more incentives for  
14 people to come.

15           So, let me just lay out the facts, in terms of President Obama's record on removals  
16 and returns, which is what I think most Americans would view as total deportations.

17           In his first term, President Obama had about 1.58 million removals, 1.6 million  
18 returns, for a total of 3.2 million, what I would consider, deportations. Okay? As a  
19 broadly viewed term.

20           President Bush, on the other hand, in his second term, had about 1.2 million  
21 removals, compared to President Obama's 1.6. Okay? But, in terms of returns, he had  
22 3.8 million, versus President Obama's 1.6. So, total removal and returns of President  
23 Bush's second term, 4 years versus 4 years, was 5 million removals and returns under  
24 the Bush administration, 3.2 million returns and removals under President Obama. In

1 President Bush's entire term, both terms, there are about 10.3 million removals and  
2 returns.

3 So, I just do not think we are being completely complete in our description of  
4 what President Obama has actually done, because if you combine the two, his record is  
5 definitely lagging President Bush's and previous administrations, in terms of, actually,  
6 removals and returns. Again, 5 million for President Bush's second term, 3.2 million for  
7 President Obama's first term. But, again, I think that just provides a more complete  
8 record of what the problem is, there.

9 I am not sure whether you were here during my first line of questioning, but I  
10 would like to give the witnesses the exact opportunity. Please, in a sentence, maybe  
11 two — I have got a little bit more time — What should be the achievable goal of U.S.  
12 policy? Achievable goal. I will start with Mr. Johnson.

13 **MR. JOHNSON.** Our goals in foreign policy are to protect our country, to defend our  
14 Nation and defend our citizens, and protect our borders. In doing that, we have a  
15 foreign policy that works with other countries to develop alliances and —

16 **SENATOR JOHNSON.** Okay, let me just stop you there. Let me define what I am —  
17 achievable goal on unaccompanied children. We have this humanitarian crisis on the  
18 border, 57,000 currently in this fiscal year. Secretary Johnson said it could be 90,000 by  
19 the end of this fiscal year, so by September 30th; over 100,000 by 2015. So, again, what I  
20 am talking about is, What is the achievable goal to solve the problem of unaccompanied  
21 children? So, let us — and again, keep it brief, because I think this can be described  
22 pretty briefly.

23 **MR. JOHNSON.** Well, with due respect, Senator, immigration policy and border  
24 policy are beyond the scope of my current responsibilities, and so I defer —

25 **SENATOR JOHNSON.** Okay.

1           **MR. JOHNSON.** — that question to the other witnesses.

2           **SENATOR JOHNSON.** Okay.

3           Ms. Arnson?

4           **MS. ARNSON.** Yeah. The achievable goal. One would be to speed up the process  
5 by which children who might have legitimate cases for asylum or refugee status are  
6 heard, so that that waiting time in the hundreds of thousands of cases that are in the  
7 docket is rapidly gone through, and to speed up, you know, the process without  
8 violating U.S. law and international law regarding the claims of people who potentially  
9 have requests. That is the very short term.

10           The longer term, of course, is to contribute to a more stable and prosperous and  
11 safe Central America. And that is the long-term goal, I think, that has to be the focus of  
12 this committee, but also an important objective of U.S. foreign policy.

13           **SENATOR JOHNSON.** But, based on your answer, what you are telling me is, that  
14 long-term goal is probably not achievable in the short term. And let me just ask you,  
15 What is the speeding up of the process of adjudication? That is a goal to achieve what?  
16 Why do you want to speed up the adjudication process?

17           **MS. ARNSON.** To speed it up so that the backlog does not exist and send a message  
18 that is, therefore, exploited by traffickers to play on people's fears and hopes, that once  
19 they get to the country, they will stay for some number of months or, you know,  
20 stretching into years, so that those cases can be speeded up, that there is an expanded  
21 process of hearings, an expanded process, and a more expeditious process.

22           **SENATOR JOHNSON.** So, you are saying the goal would be to send a message to the  
23 smugglers so that they no longer send children to America unaccompanied. So, again,  
24 what — again, I am just trying to focus in on — would the goal, in that case, not be to  
25 stop the flow?

1           **Ms. ARNISON.** I think the goal is to contribute to conditions that no longer serve as  
2 incentives to the flow. The principal cause, I believe, is not, you know, the  
3 misimpression, although the rumors are certainly spread by these unscrupulous  
4 trafficking groups, but the critical driver is violence. And if you look at the places of  
5 origin of the children that have come as part of this 52,000, you know, this fiscal year,  
6 and you look at the levels of violence in the sending areas, those are the most violent  
7 places in Central America.

8           **SENATOR JOHNSON.** I did point out, earlier in questioning, that the murder rate in  
9 both New Orleans and Detroit are comparable to one or two of those countries in  
10 Central America. I do not have the graph right here. So, we have violence, as well.

11           Just real quick, Ms. Nazario, what would you say is the goal — our short-term,  
12 achievable goal to address the unaccompanied children problem?

13           **Ms. NAZARIO.** I think the short-term, achievable goal is to protect children from  
14 being sent back to death. And I think there is a humane, practical approach that is not  
15 being discussed by the Senate.

16           I am concerned and — that children are released, and too many of them do not  
17 show up for their court hearings. And if you were a 7-year-old child and did not have  
18 an attorney, you would not show up for your court hearing, either. I think you can hold  
19 these children for 60 to 90 days — A limited amount of time would be humane — in  
20 refugee facilities, or even the facilities we currently have, bring in immigration judges,  
21 spend money on that, and adjudicate their cases quickly. Give them a full, fair hearing  
22 with someone who knows how to bring out — do child-sensitive interviewing  
23 techniques, provide that child with an attorney, so it is not a sham process. And if they  
24 do qualify — and, to answer your previous question, 40 to 60 percent of these children  
25 do qualify for some existing relief to stay in this country. Very few of them are getting

1 that, because they do not have attorneys. But, if they do qualify, then let them into this  
2 country and increase the number of refugees and asylees that we take.

3 **SENATOR JOHNSON.** So, your —

4 **MS. NAZARIO.** And if they do not qualify, if they are economic migrants, then  
5 deport them immediately, and that message will get back to those countries, "If you are  
6 coming for economic reasons" — and there are parts of Honduras, and there are people  
7 who are doing that — then send them back, and that will send a message. And that  
8 option is — and I am not popular in some human rights groups for saying, "Keep these  
9 kids in detention," but that will force them to go through the process and not simply be  
10 released and sometimes show up to court. And, by the way, they are much more likely  
11 to show up to court if they have an attorney, and these cases go much more quickly if  
12 they have an attorney. But, if they are a refugee, I think we are a compassionate  
13 country, and we will let people in. And if they are not, then deport them quickly. And  
14 that will send a message.

15 **SENATOR JOHNSON.** I mean, I agree, we are compassionate. We want to treat these  
16 kids with real humanity. But, I am also highly concerned about parents making that  
17 decision, sending their kids on that very dangerous journey. I am concerned about  
18 those kids, as well. And we — you know, from my standpoint, we need — our primary  
19 goal has to be to stop the flow, deter parents from making that choice. If we have  
20 asylum, you know, cases, those should be requested in the home countries. And if we  
21 need to beef up resources, I would say, let us do it in the home countries. Let us not  
22 incentivize people to come here, take that very dangerous, very awful journey.

23 **MS. NAZARIO.** I think we need to do both. We need to have more in-country  
24 processing, the ability to apply for refugee status in these three countries, so those  
25 children — I mean, I spent 3 months making that journey, and I had post-traumatic

1 stress; and, believe me, many children die and lose arms and legs on that journey. You  
2 do not want that. So, you do need to beef up that ability to do that in those three home  
3 countries.

4 **SENATOR JOHNSON.** Okay.

5 **MS. NAZARIO.** And we have not done that.

6 **SENATOR JOHNSON.** Well, thank you.

7 Again, it is very important that we define the goal, define an achievable goal, so  
8 we can design policy to actually make that goal —

9 **MS. NAZARIO.** What I have defined is achievable.

10 **SENATOR JOHNSON.** Okay, thank you.

11 Thank you, Mr. Chairman.

12 **THE CHAIRMAN.** Thank you.

13 Ms. Arnson, I see you —

14 **MS. ARNSON.** Just a quick followup, Senator Johnson.

15 I have spoken with a lot of people — U.S. officials and others — in preparation  
16 for this hearing, but also over the length of this crisis. And one of the things that sticks  
17 in my mind is the comment of a senior official from the U.S. Government — I will not  
18 say more, so as not to identify him — but, he said that if, as a parent, you face the choice  
19 of your child joining a gang, being killed because they are not joining a gang, or sending  
20 that child to the United States, regardless of the perils of the journey, it is pretty  
21 obvious, you know, why many parents make that choice. And those sending conditions  
22 have to be addressed.

23 **THE CHAIRMAN.** Well, look, I appreciate all the information and the views.

24 You know, as I understand it, Honduras is the — per capital, is the murder  
25 capital of the world. That beats Detroit. If you are the murder capital of the world, you

1 are the murder capital of the world. And I understand that two other countries are  
2 third and fifth in that category, as well. So, it is — that is globally — so, that is pretty  
3 signature, in terms of citizen security and why people flee.

4         And, you know, it would be my hope that, if we defined just stopping the flow  
5 as our goal, then we are going to have a long — I want to stop the flow, too — but the  
6 way you stop the flow is to change the realities on the ground in Central America so  
7 that people will stay in their country and not flee out of fear, or even a belief of fear of  
8 opportunity. If I have no fear for my life and if I have opportunity, then I am not going  
9 to flee. I have visited those Central American countries. They are quite beautiful. So, I  
10 think that if we really want to stem the flow, we have to change the realities on the  
11 ground, because, if not, this will be a reoccurring problem. It will have its spikes, and it  
12 will have its lows. But, the goal is to ultimately change the dynamics so we do not have  
13 any of this flow coming to the United States, other than through normal legal  
14 procedures.

15         Ms. Arnson? And then I will invite any other final comment and we will have to  
16 close the hearing.

17         **Ms. ARNISON.** Great. Senator Menendez, you rightly focused on the statistics, the  
18 homicide statistics in Honduras, about 90 or 91 per 100,000. I think it is worth recalling  
19 that the distinction of the most violent city of the world in the early 1990s went to  
20 Medellin, Colombia. And in the last year or two, Medellin was identified as the most  
21 innovative city in the world. Those homicide rates are still serious, but they have gone  
22 way down, and they have gone down as a result of a sustained investment, the  
23 participation of a broad swath of society, of the private sector, of the church, and of the  
24 local government in investing in human welfare and really transforming that city. So, it  
25 is possible to go from, you know, a very bad place to a much better, if not a good, place.



1           **THE CHAIRMAN.** Any other final comments, to give you the opportunity? Ladies  
2 first.

3           Ms. Nazario?

4           **MS. NAZARIO.** Just that I — when I was just in Honduras, I saw very few children  
5 bringing up the issue of, you know, "Is there some avenue to stay legally in the United  
6 States?" What they all talked about, first, second, and third, was the violence. And  
7 until that changes — and I recognize that is a very difficult prospect, given the  
8 corruption and — the corruption that has really affected the economy, when 7 in — the  
9 Chamber of Commerce says that 7 in 10 small businesses have shut down in Honduras  
10 because of extortion threats on businesses. Can you imagine that happening in the  
11 United States?

12           So, it is a very long-haul process, but I have long said that, to stem this exodus,  
13 whether it is children or adults, you have to deal with these issues — the root causes,  
14 these issues at its source.

15           **THE CHAIRMAN.** Thank you.

16           Mr. Johnson?

17           **MR. JOHNSON.** I would just say that, in addition to the work that is being done in  
18 our capital and in the capitals of the Central American countries by their leaders, that  
19 we focus also on the citizens and involving their participation, because, ultimately, the  
20 policies that are being debated are ones that should benefit them and should affect their  
21 decisions as to whether they can stay in their countries or whether they have to look  
22 elsewhere to lead predictable, safe lives. I think their voice is very important, and I  
23 hope that we can keep that in mind as we decide actions to take, moving forward on  
24 this issue and the overall issue of our relationship with our allies in Central America.

25           Thank you.

1           **THE CHAIRMAN.** Well, all very valid points, and we will certainly, as we try to deal  
2 with what we are going to do on the cause side, think about the — many of the  
3 suggestions that you have, collectively, had.

4           I want to thank you all for your testimony and for hanging in here with us  
5 through the votes.

6           This record will remain open until the close of business tomorrow. I would say  
7 that we — as the record remains open, we also will permit outside organizations to  
8 submit statements for the records.

9           And, with the thanks of this committee, this hearing is adjourned.

**[Whereupon, at 1:30 p.m., the hearing was adjourned.]**