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

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**HEARING**

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE**

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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**DANGEROUS PASSAGE: CENTRAL  
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THURSDAY, JULY 17, 2014

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

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

Present: Senators Menendez, Boxer, Cardin, Durbin, Murphy, Kaine, Corker, Risch, Rubio, Johnson, Flake, McCain, and Barrasso.

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

The CHAIRMAN. Good morning. This hearing of the Senate Foreign Relations Committee will come to order.

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

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

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

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

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

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

For me, as someone who has closely followed Latin America for decades, the current crisis in Central America is no less shocking than for anyone else, but it does not come as a complete surprise. At the end of the civil wars that raged across Central America in the 1980s and 1990s, we did not pay enough attention, after the wars, to the region. We did not remain sufficiently engaged with our Central American neighbors. We did not work closely enough with them to address the structural problems of social and economic development or the societal violence that is fueling today's crisis.

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

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

Although this hearing is about root causes and how we might deal with it, let me just take the moment, in personal privilege, of saying I oppose the changing of the existing law. There is a reason why that law was passed. It was passed to say that noncontiguous nations—if you are fleeing 2,000 miles to try to come to the United States, there may be a greater probability that you have a real case to be made for asylum, because you have a credible fear of the loss of your life, which, under our law, as I hear those who advocate for the rule of law—I agree—under our law, is very clear.

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

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

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

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

And, with that, I would like to recognize the distinguished ranking member, Senator Corker.

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

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

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

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

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

And, as I mentioned, I hope we will be able to establish a common understanding of the current and recent past economic and security situations in Central America that are driving this. I hope we will identify what Mexico and Central American countries are being asked to do to address the flow of unaccompanied minors across their borders. And, finally, I hope we can identify the administration's strategic priorities for engaging Central American leaders in taking responsibility for addressing the region's problems in order to secure sustained economic growth.

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

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

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

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



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

Thank you.

The CHAIRMAN. Well, thank you, Senator Corker. I do agree with you that, if the broad bipartisan immigration reform that had passed the United States Senate a year ago had been even taken up by the House of Representatives, that, while I will not say we would not have this problem, because root causes still exist, we would be better able to deal with the challenge, because the amendment that you authored with Senator Johanns ultimately dealt with border enforcement, trafficking, and a series of other critical issues that would have been helpful to us today. So, I appreciate your comments.

Let me introduce our first panel: Thomas Shannon, the Counselor at the State Department—Ambassador Shannon has a long history in the hemisphere and knows very well some of these issues; and Bruce Swartz, the Deputy Assistant Attorney General for the Criminal Division of the Department of Justice.

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

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, DC**

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

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

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

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

First, migration by unaccompanied children is not necessarily a new phenomenon along the frontier. What distinguishes this migration, however, and really what makes it unprecedented, is its size and its composition, as both the chairman and the ranking member have noted. What was historically a largely Mexican phe-

nomenon is now a Central American phenomenon, and, in fact, it is concentrated on three countries, or three source countries: Guatemala, Honduras, and El Salvador. The implication, here, of course, is that the flip in the source countries of these unaccompanied children means that something dramatic is happening in these three countries and something is driving this migration.

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

The third point I would like to make is that the migration is regional. While much of it is directed toward the United States, the impact is really being felt throughout the region. The U.N. High Commission on Refugees has registered a 400-percent increase in asylum requests in neighboring countries, which, from our point of view, means that, while most of the children are heading to the United States, largely because they have family already in the United States or networks of migration that they can plug into, those who, for whatever reason, are not going to the United States are still fleeing. They are just fleeing to other countries in the region.

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

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

And through our diplomatic engagement in the region in fairly short time, I believe we have, first of all, fashioned a common understanding of the problem among the United States, Mexico, Guatemala, Honduras, and El Salvador. We have created a common public messaging campaign to counter the marketing tactics of the human smugglers, which we believe is beginning to have an impact. We have established new mechanisms of cooperation on immi-

gration and border security with Mexico and Guatemala, which includes Mexico's recent announcement of a southern border initiative. And we have begun repatriations of adults with children. The first flight to Honduras has already happened, and we are working toward similar repatriations to Guatemala and El Salvador.

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

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

[The prepared statement of Ambassador Shannon follows:]

PREPARED STATEMENT OF AMBASSADOR THOMAS A. SHANNON

Mr. Chairman, Mr. Ranking Member, distinguished members of the committee, thank you for this opportunity to testify before you on the "Crisis in Central America and the Exodus of Unaccompanied Minors." It is an honor to appear before you with my distinguished colleague from the Department of Justice.

We are facing an acute crisis on our southern border, as tens of thousands of children leave Honduras, Guatemala, and El Salvador to travel through Mexico to the United States. Driven by a mixture of motives and circumstances, these children are seeking reunification with their parents, better life opportunities, and, in some cases, safety from violence and criminal gang activity.

The human drama of this migration is heightened by the nefarious role of human smugglers. Smuggling networks exploit these children and their parents, preying on their desperation and hope, while exposing the children to grave dangers, abuse, and sometimes injury and death along a journey of more than 1 thousand miles.

Last week, in testimony before the Senate Appropriations Committee, the Secretaries of Homeland Security and Health and Human Services laid out the dimensions of this crisis, and its impact on existing resources at the Department of Homeland Security, the Department of Health and Human Services, local law enforcement agencies, state humanitarian and disaster response teams, municipal and state government, and on local communities as they face an unprecedented surge in attempted migration to the United States by unaccompanied children, even as overall migration remains at historic lows.

The President's supplemental budget request of \$3.7 billion dollars is aimed at addressing this crisis, especially the resource and infrastructure challenges we have along our southern border. The need for additional funding to meet these challenges is great, but it is necessary to ensure that these children, an especially vulnerable class of migrant, are treated in a humane and dignified fashion as we protect our border, enforce our laws, and meet our international obligations.

The supplemental request for the U.S. Department of State and USAID also identifies additional funding to address the factors that are pushing children from their homes in Guatemala, Honduras, and El Salvador. In tandem with existing resources and programs, this funding would allow us to enhance our engagement in Central America and fashion an integrated and comprehensive approach to the economic, social, and security challenges that lie behind the current migration crisis.

In my testimony today, I would like to lay out for the committee our understanding of the crisis, the diplomatic steps we have taken so far to address the problem, the response we have received from the Central American countries and Mexico, and how we would use supplemental funding to counter the underlying causes of the crisis.

THE ISSUE

Migration by unaccompanied children is not a new phenomenon. It has ebbed and flowed for some time. However, what has changed is the size of the migration and the source countries. In the past, most children migrating illegally to the United States were Mexican nationals. Under existing law, these children could be returned to Mexico through expedited removal. In 2008, we returned 34,083 unaccompanied (Mexican) children to Mexican authorities. Vigorous enforcement of our laws, new forms of law enforcement partnerships with Mexico through the Merida Initiative, and efforts by the Government of Mexico to address the factors driving such migra-

tion helped reduce by half the number of unaccompanied children from Mexico who were apprehended attempting to enter the United States.

As you are well aware, this decline has been offset by a surge in unaccompanied children migrating from Central America. While we have witnessed an increase in such migrants from Central America over the past several years, more than 50,000 unaccompanied children from Central America have been apprehended along our southwest border this fiscal year. Of these migrants, nearly three-quarters are males between the ages of 15 and 17.

Efforts by the U.S. Government, the United Nations High Commission of Refugees, and NGOs to understand the drivers of this migration and information collected in interviews conducted by Customs and Border Protection officials highlight the mixed motives behind this surge in Central American migration. For the most part, these children have abandoned their homes for a complex set of motives that combine a desire to be with their parents and pursue a life of greater opportunity and wider possibility. Underlying some of this migration is a fear of violence in their home communities, and a fear that criminal gangs will either forcibly recruit or harm them.

In short, this migration trend is the product of economic and social conditions in Honduras, El Salvador, and Guatemala. A combination of poverty, ineffective public institutions, and crime have combined to push these children from their homes and to begin an arduous and dangerous journey.

While the United States has been the primary destination of these migrants, largely because family members are already here, the impact of the migration has been felt throughout the region. The United Nations High Commission on Refugees has identified a more than 400-percent increase in asylum requests made by unaccompanied children from Honduras, Guatemala, and El Salvador in neighboring countries.

To address the challenge posed by the migration of unaccompanied children, we have fashioned a five-part strategy designed to stem the flow of migrants, screen them properly for international protection concerns, and then begin timely repatriation. This strategy consists of:

- One: Establishing a common understanding of what is happening and why between the United States, the three source countries—Guatemala, Honduras, and El Salvador—and the major transit country, Mexico.
- Two: Fashioning a common public messaging campaign to deter migration, especially by children. This campaign highlights the dangers of migration, but also counters misinformation of smugglers seeking clients.
- Three: Improving the ability of Mexico and Guatemala to interdict migrants before they cross into Mexico and enter the established smuggling routes that move the migrants to our border.
- Four: Enhancing the capacity of Guatemala, Honduras, and El Salvador to receive and reintegrate repatriated migrants to break the cycle of migration and discourage further efforts at migration.
- Five: Addressing the underlying causes of migration of unaccompanied children by focusing additional resources on economic and social development, and enhancing our citizen security programs to reduce violence, attack criminal gang structures, and reach out to at-risk youth.

This cooperative effort is defined by collaboration between the United States, Mexico, Guatemala, Honduras, and El Salvador. It is a new approach to address migration issues that reflects the ties and common interests created among our countries by demographics, trade relations, and increased security cooperation.

So far, our diplomatic outreach has created a common understanding of the problem of migration by unaccompanied minors and the responsibility of all the countries to address it. President Obama's outreach to Mexican President Enrique Peña Nieto; Vice-President Biden's trip to Guatemala to meet with the leaders of Guatemala, El Salvador, and Honduras; Secretary Kerry's meeting with these leaders in Panama; DHS Secretary Johnson's trip to Guatemala to meet with President Perez Molina; Under Secretary of State Sarah Sewall's trip to Honduras; and my own engagement with the Foreign Ministers of Guatemala, El Salvador, Honduras, and Mexico were all part of intense engagement over the last several weeks.

Our engagement has allowed us to fashion a common public message that has received support from the highest levels of government in Guatemala, Honduras, and El Salvador. For example, the visits of the First Ladies of these countries to the southern border to meet with unaccompanied children, and their subsequent public statements urging their compatriots not to send their children north or expose them to smugglers have echoed powerfully in their counties. Combined with public messaging campaigns by our Embassies, the governments of these countries

and Mexico, we have helped create a new and dynamic debate about illegal migration that undermines efforts by smugglers to entice young people into migration through misinformation about the risks of the journey and the benefits they will supposedly receive in the United States.

The July 7 announcement of Mexican President Pena Nieto of a new Mexican southern border strategy was a welcome step towards improving Mexico's ability to exercise greater control along its border with Guatemala and Belize. Announced in the presence of the Guatemalan President, this initiative is a manifestation of a new willingness to work together along their common border. To match this level of cooperation, we are working to provide support to Mexico's southern border initiative and intend to provide \$86 million in existing International Narcotics Control and Law Enforcement (INCLE) funds, and we are working with Guatemala to improve its border controls, with special focus on building joint task forces that link all agencies with responsibility for border control. On July 15, the Government of Mexico named a coordinator for its Southern Border Initiative. Senator Humberto Mayans Cabral, head of the Senate's Southern Border Commission, will act as a "czar" to oversee and direct the Mexican Government's efforts to stem illegal migration across its southern border.

In regard to repatriation and reintegration, Vice President Biden announced during his trip to Guatemala \$9.6 million to improve the ability of the source countries to increase the number of repatriated migrants they can receive and assist in their reintegration. On July 9, DHS Secretary Johnson signed two memorandums of cooperation with the Guatemala counterpart. The first focuses on enhancing cooperation on immigration, border security, and information-sharing. The second provides a process to share information on Guatemalan nationals repatriated to Guatemala. On July 14, USAID provided approval to the International Organization for Migration to commence this work. On July 14, Honduras received a repatriation flight of adults with children recently apprehended at the Southwest border.

Our work in Mexico through the Merida Initiative, and in Central America through the Central America Regional Security Initiative (CARSI), has allowed us to build the relationships, understanding, and capacity to help the Central American source countries address underlying causes of migration by unaccompanied children. Our development assistance work conducted by USAID has also allowed us to build assistance partnerships that can be turned to helping our partner countries address the economic and social development issues that also contribute to migration.

#### KEEPING OUR STRATEGIC FOCUS

Our assistance to the seven countries of the region currently falls under the umbrella of CARSI. Since 2008, Congress has appropriated \$642 million on programs that have been predicated on the view that establishing a secure environment and functional law enforcement institutions is the first and essential step in creating conditions for investment and economic growth. We know thanks to a recent independent evaluation by Vanderbilt University that USAID's work with at-risk youth in select municipalities is highly successful in reducing crime and increasing the reporting of it. Likewise, the Department of State's Bureau of International Narcotics and Law Enforcement Affairs has demonstrated impressive results with its Model Police Precinct program in El Salvador and Guatemala. Still, those and other successful U.S. programs are relatively small in scale and should be scaled up with the committed involvement of the countries concerned.

We have learned a lot since CARSI began in 2008, and we now seek to build on those experiences. Specifically, we need to link our work on citizen security with our efforts to promote economic growth, opportunity, and job creation. Without addressing the economic and social development challenges, we cannot meet the concerns and aspirations of the adolescents and young adults fleeing Central America. Many of the new proposals in the supplemental request are intended to create the opportunity and organization that Central American economies currently lack.

#### THE SUPPLEMENTAL REQUEST

The supplemental request, although focused largely on addressing resource and infrastructure issues along our border, also has an important component focused on the work I have described and designed to be a downpayment on that new strategic objective. The \$300 million request allocates \$5 million on public diplomacy and messaging, and \$295 million in Economic Support Funds (ESF) on an initiative broadly grouped under the headings of prosperity, governance, and security.

The \$125 million directed toward prosperity would focus on improving economic opportunity and creating jobs, improving customs and border controls to enhance

revenue collection and economic integration, and investing in energy to reduce the cost and improve access to energy as a driver of economic growth and investment.

The \$70 million requested for governance would focus on improving public sector management, fiscal reform, and strengthening the independence, transparency, and accountability of the judiciaries in Guatemala, Honduras, and El Salvador. The purpose of these funds would be to promote rule of law, attack corruption, and enhance the efficiency and efficacy of government.

The \$100 million requested for security would focus on expanding community-based programs to reduce youth crime and violence, expand national police capacity, attack gangs and transnational organized crime, promote prison reform, and enhance migrant repatriation capacity. These funds would enhance our work with partners to expand and nationalize our citizen security efforts and address the violence that is one of the principal drivers of migration.

We believe this request is reasonable and necessary. It builds on work we are already doing in Central America, takes advantage of existing expertise and experience, and expands our ability to encourage Guatemala, Honduras, and El Salvador to work with us closely on an issue of compelling human drama and national interest.

Moving forward we hope to work with Congress to broaden the scope of our efforts and deepen our engagement with Central America. We must build a new, comprehensive, and collaborative approach with Central America and Mexico to problems that have an immediate manifestation in migration, but underlie the larger development and security challenges facing our closest neighbors. By working to meet the challenge of illegal migration of unaccompanied children to the United States, we will be advancing broader interests in the region and giving substance to our vision of an Americas where democracy and markets deliver economic and social development.

I thank you for the opportunity to discuss the crisis of unaccompanied children with you and look forward to your questions.

The CHAIRMAN. General Swartz.

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

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

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

Let me turn, first, to our own law enforcement investigations and prosecutions. Our strategy in this regard has three prongs: it attacks the smugglers, the criminal gangs in the home countries of these individuals that prey upon them, and the cartels that exploit and profit upon the smuggling of these children through the territories they control.

With regard to our smuggling work, we build on a long history of successful prosecution of smuggling organizations. We have done literally thousands of these cases, including complex international criminal smuggling groups. But, as Senator Corker has noted today, this presents a new type of smuggling and a new, more difficult issue, from a law enforcement perspective, since the smugglers do not have to cross the border, since the children are being

encouraged simply to present themselves, and since our intelligence suggests that many of these smugglers are not operating in large-scale organizations, but, rather, in small groups. Nonetheless, we are committed to developing strategies to attack these smugglers through investigation and prosecution. And, to that end, Deputy Attorney General Cole met, last week, with U.S. attorneys on our southern border to push forward our strategic thinking in that regard.

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

The third prong, as I mentioned, is our attack on the cartels. The cartels, our intelligence suggests, profit by taxing these individuals, these children as they come through their territories, and by sometimes exploiting them as couriers or otherwise. Here, too, we, of course, have a strategy that looks not only at the high-value targets in these cartels, but also the full range of the enterprise. We also have disruption activities, including one last month led by DEA, bringing together Central American countries, that seek to stop the smuggling of all contraband.

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

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

Here, too, we have had success in these countries. We have seen this work. We have seen it work in Colombia. We have seen it work in the Balkans. We have seen it work around the world. And thus, the Department of Justice strongly supports the supplemental

funding request, here, which, among other things, would provide \$7 million to allow the Department of Justice to increase its placement of prosecutors and of senior law enforcement experts to work with their counterparts in these source countries, and to help reduce the violence that serves as one of the drivers for the crisis that we face today.

Thank you. I look forward to your questions.  
[The prepared statement of Mr. Swartz follows:]

PREPARED STATEMENT OF BRUCE SWARTZ

Good afternoon, Chairman Menendez, Ranking Member Corker, and members of the committee. Thank you for the opportunity to appear before the committee today to discuss the Department of Justice's law enforcement efforts to address the humanitarian challenge created by unaccompanied children who lack lawful status that are crossing into the United States through our southern border with Mexico. I also particularly want to thank the Chair for holding this hearing and for his continued leadership on this important issue.

As Attorney General Holder has noted, how we address the issues associated with unaccompanied children goes to the core of who we are as a nation. The Department of Justice is, therefore, committed to working with our interagency and international partners to find humane, durable solutions to this pressing problem. My colleagues from the Department of Justice have testified in other hearings regarding the steps that the Department is taking to address this problem from an immigration law perspective. Among other steps, the Department is increasing the number of immigration judges assigned to conduct hearings and prioritizing adjudication of cases that fall into the following four groups: unaccompanied children; families in detention; families released on "alternatives to detention"; and other detained cases.

At today's hearing, however, I will focus on the Justice Department's law enforcement steps we are taking to address this issue. Our actions in this regard fall into two categories: (1) investigation and prosecution of those who are facilitating the illegal entry of unaccompanied children into the United States and those who are preying upon those children; and (2) work with our foreign counterparts to help build their capacity to address the crime and violence that can serve as potential catalysts for the flow of these children to the United States.

INVESTIGATIONS AND PROSECUTIONS

The Department of Justice has a long history of investigating and prosecuting human smugglers. Recent cases include that of Joel Mazariegos-Soto, a leader of a human smuggling organization, who was prosecuted in the District of Arizona, and sentenced to 60 months in prison for his role in operating an illegal human smuggling organization. Mazariegos-Soto and his associates utilized multiple stash houses in the Phoenix area, including one—discovered by agents with the U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI) in October 2012—containing over 27 unauthorized immigrants, and another—found in January 2013—with over 40 unauthorized immigrants.

Similarly, in the Southern District of Texas, an individual named Lenyn Acosta was recently prosecuted and sentenced to 97 months in federal prison for his role in a conspiracy to transport or harbor unauthorized immigrants present in the country. Acosta was the organizer and leader of a conspiracy involving hundreds of undocumented immigrants, including juveniles. He also caused serious bodily injury to a female unauthorized immigrant he harbored by sexually assaulting her, demonstrating the sort of dangers faced by those persons being smuggled into the United States.

The Department of Justice also recently secured the extradition from Morocco of an individual named Habtom Merhay, a national of Eritrea and a citizen of the United Kingdom, who will now stand trial in Washington, DC, for human smuggling charges related to his alleged role in smuggling primarily Eritrean and Ethiopian undocumented migrants from the Middle East, through South and Central America and Mexico into the United States.

These cases are just a few examples but are emblematic of the work of federal prosecutors and law enforcement agents who enforce our Nation's immigration laws. But we now face a new type of human smuggling. In contrast to the typical smuggling case, there is no effort to hide these children from the U.S. Customs and Border Protection (CBP) officials stationed along the borders. To the contrary, the smugglers of these children essentially have to do nothing more than transport



them to the vicinity of the border and instruct them to approach the CBP. Thus, the smuggler need never enter the U.S., thereby limiting the possibility that he or she will be arrested by U.S. authorities. The difficulties in effectively investigating and prosecuting these cases are compounded by their transnational nature. Notably, the majority of the planning and activity associated with these crimes occur in one or more foreign countries—and outside the ordinary investigative reach of U.S. authorities. Moreover, while human smuggling organizations are clearly participating in the movement of families and unaccompanied children to the U.S. border, there are also indications that a significant part of the movement of children and families from Central America may be unstructured, relying on informal contacts and individuals who are opportunistically assisting the migrants in return for payment. This makes the problem of unaccompanied children particularly difficult to attack through investigation and prosecution, because many of the individuals assisting the children may not be part of any large-scale criminal organization.

Nonetheless, the Department of Justice is working collaboratively with the Department of Homeland Security (DHS) to facilitate investigations that may lead to prosecutions of those responsible for the illegal entry of minors into the United States. Among other things, we are working with our foreign counterparts to encourage them to target facilitators operating in their countries.

Additionally, we are encouraging disruption strategies in Central American countries that will make cross-border smuggling—whether of drugs, people, or contraband—more difficult, by targeting the cartels that may exploit the children being smuggled, or who may impose “taxes” on human smugglers who wish to use the cartels’ smuggling routes.

The Drug Enforcement Administration (DEA), for instance, has led disruption efforts in Central America and Mexico, such as Operation Fronteras Unidas—an operation designed to detect, disrupt, and dismantle drug trafficking organizations (DTOs) involved in the land-based smuggling of illicit substances, precursor chemicals and bulk cash throughout Mexico and Central America. This operation was intended to help strengthen communication and coordination within the region and assist in identifying the key land-based transportation routes and methods utilized by the DTOs throughout Central America and Mexico and to support ongoing investigations and prosecutions in the U.S. and Central American countries.

During May 2014, Operation Fronteras Unidas was supported by personnel from Mexico and seven Central American countries. This included 523 host nation personnel who focused resources at 24 checkpoints throughout the region. As a result, Operation Fronteras Unidas yielded seizures of 1,512 kilograms of cocaine; 516 pounds of marijuana; 367 grams of crack cocaine; \$334,585 in cash; 1 assault rifle, 1 handgun and 1 grenade; 54 drug-related arrests and 5 arrests on human smuggling charges during the 10 day action. Such successful initiatives demonstrate that international collaboration against complex transnational issues is possible.

The Department of Justice also continues to prosecute gang-related crimes related to Central America, thus working to address one of the root causes of the instability in these countries that helps drive this crisis. Since 2007, the Justice Department’s Organized Crime and Gang Section (OCGS), in conjunction with our U.S. Attorney Offices (USAOs), in cases investigated by the FBI, ATF, and ICE/HSI, has aggressively pursued transnational violent gangs headquartered in Central America. For example, OCGS, in conjunction with our USAOs, has prosecuted complex racketeering indictments against the national and international leadership of the notorious international street gang La Mara Salvatrucha, or MS-13. OCGS and the USAOs, together with their law enforcement partners have successfully secured convictions for racketeering offenses, murder, kidnapping, sexual assaults, and narcotics and weapons trafficking, and have secured life sentences and, in one instance, the death penalty, against the worst offenders of the gang in the United States. Significantly, several of these cases have not only targeted regional or national leadership of MS-13, but also have included indictments of the gang’s leaders in El Salvador who have orchestrated criminal conduct in the United States from their jail cells in El Salvador.

At the same time, we are continuing to consider alternative investigative and prosecutorial strategies. The Department is redoubling its efforts to work with Mexican and Central American authorities to identify and apprehend smugglers who are aiding unaccompanied children in crossing the United States border. The Deputy Attorney General met last week with the five U.S. attorneys whose districts lie on our Southern Border to discuss strategies for disrupting and dismantling criminal organizations that smuggle migrants into the United States.

## CAPACITY BUILDING

At the same time that we are using the criminal justice process in the United States to address the problem of unaccompanied children crossing our southern border, we are also committed to helping build the capacity of our foreign counterparts to address the violence—particularly the gang violence—that can serve to encourage migration. This violence can be addressed by a sustained commitment to law enforcement reform by the Central American countries from which these minors are fleeing. Where a country has made such a commitment, the Department of Justice has demonstrated its willingness to assist through exchanges of expertise. The Department of Justice, however, does not receive appropriations for overseas capacity-building. Instead, we look primarily to the U.S. Department of State and the U.S. Agency for International Development (USAID), as the lead U.S. Government agencies for foreign assistance, for funding for our overseas security sector assistance work. We ask you to support the administration's full supplemental request.

With regard to capacity-building, the Justice Department's main efforts are through our constituent law enforcement agencies—the FBI, DEA, USMS, and ATF—and two offices within the Department solely dedicated to overseas security sector work: the International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), both of which are located in the Criminal Division of the U.S. Department of Justice. Both OPDAT and ICITAP are tasked with furthering U.S. Government and DOJ interests abroad through programs related to the criminal justice system. With State Department approval and funding, OPDAT and ICITAP can place federal prosecutors, and senior law enforcement officers, as long-term resident advisors in countries seeking to reform their laws as well as their investigative, prosecutorial, and correctional services.

Within the region, the Department currently has OPDAT prosecutorial Resident Legal Advisors (RLAs) in Mexico, El Salvador, and Honduras. Mexico is by far our most robust program. There, OPDAT and ICITAP are supporting Mexico's decision to make a transition from an inquisitorial system to an accusatory one, and are working collaboratively with Mexican prosecutors, investigators, and forensic experts, including on specialized programs in the areas of money laundering and asset forfeiture, intellectual property, evidence preservation, and extraditions. OPDAT has also worked closely with the Government of Mexico and the U.S. Marshals Service on Witness Protection issues.

In that regard, the RLA in Honduras has provided technical assistance and mentoring to Honduran police and prosecutors on complex investigations, specifically emphasizing the investigation of human smuggling organizations. He has worked to establish better communication between law enforcement and prosecutors regarding enforcement actions on the border, ensuring cases involving human smugglers are properly handled to ensure successful prosecutions; and is creating a team of human trafficking prosecutors and organized crime prosecutors that can respond when needed anywhere in Honduras on short notice. In addition, the RLA has led efforts to coordinate antismuggling efforts among Honduras, El Salvador, and Guatemala. Similarly, in Mexico, the TIP-RLA has worked with counterparts to focus on vulnerable minors, and on cross-border criminal conduct; this, too, provides a basis for enhanced antismuggling efforts. More generally, our ICITAP advisors also provide essential collaborative support that enhances the investigative capabilities of our law enforcement counterparts, including with regard to investigating smuggling organizations. In Mexico, ICITAP provides organizational and capacity-building support to the Federal Ministerial Police (PFM or the investigative function of the Attorney General's Office). ICITAP also supports the establishment of a national framework for professional standards and training as well as a nationwide sustainable training system for crime scene first responders.

In El Salvador, the State Department has charged both OPDAT and ICITAP to assist the Salvadoran Government to achieve economic growth by: first, reducing the impact of organized crime on small and medium businesses, whose contribution to growth is key to the economic well-being of El Salvador; second, ensuring El Salvador's labor force is protected from crime while transiting to and from work; and third, ensuring that public transportation service providers serving the labor force are protected from crime. Through such efforts, the Department of Justice helps to address the violence that undercuts economic growth, and spurs immigration.

With Department of State funding, our law enforcement agencies also have helped to increase capacity to address violent crime in the region. The FBI has created Transnational Anti-Gang (TAG) Units to combine the expertise, resources, and jurisdiction of participating agencies involved in investigating and countering transnational criminal gang activity in the U.S. and Central America. These

groups—headed by FBI agents who lead vetted teams of national police and prosecutors in El Salvador, Guatemala, and Honduras—coordinate with FBI Legal Attachés assigned to those regions and with the Bureau’s International Operations Division.

In the past 2 years, TAG El Salvador has located and captured two FBI top 10 most-wanted fugitives, both of whom were gang members. These fugitives are now in the U.S. and are awaiting trial. TAG El Salvador is currently working on multiple MS-13 or 18th Street gang investigations tied to the following FBI Offices: Newark, Boston, Los Angeles, and Washington Field. In addition to gang investigations, TAG Guatemala has located and captured nine U.S. fugitives wanted for charges including murder, sexual assault, and financial fraud. These fugitives have been extradited, or are awaiting extradition, to the United States for trial.

In addition to combating transnational gangs such as the MS-13 and 18th Street gangs, the TAGs assist domestic FBI and other federal, state, and local law enforcement agencies conducting gang investigations involving Salvadoran, Guatemalan, and Honduran nationals engaged in criminal activity within the United States. The TAGs also provide gang investigation training in the Central American region to the national police forces, as well as prison employees within the host nation. TAG members have also provided gang training in the U.S., as well as in Mexico and other Latin American countries.

Lastly, the TAGs have been extremely successful in investigating, indicting, and prosecuting MS-13 and 18th Street members in each of the host countries who were responsible for conducting extortions and other criminal activity affecting the United States and/or Central American countries.

Similarly, the DEA has formed cooperative partnerships with foreign nations to help them to develop more self-sufficient, effective drug law enforcement programs, and so to reduce violence. Since its inception in 1997, the Drug Enforcement Administration’s (DEA) Sensitive Investigative Unit (SIU) program has successfully supported host-nation vetted programs. These programs are implemented with the assistance of the Department of State using operations funding appropriated to DEA. The SIU program selects only the best host-nation law enforcement officers, who receive 5 weeks of basic investigative training at DEA’s training facility in Quantico, VA, before being assigned an in-country DEA Special Agent mentor. Once a member of an SIU, host country personnel become part of a select investigative team whose primary focus is to target the highest level criminal drug traffickers, DEA’s Consolidated Priority Organization Targets (CPOs).

The administration has proposed a supplemental funding request for FY 2014 of \$295 million in Economic Support Funds for State and USAID to address the situation at our Southern border. Of the \$295 million in Economic Support Funds for State and USAID, \$7 million would be transferred to DOJ to support the wide range of DOJ programs in the region, including vetted units, Regional Legal Advisors, and Senior Law Enforcement Advisors. This funding will allow DOJ to assist Central American countries in combating transnational crime and the threat posed by criminal gangs. The aim is to address the issues that have been a factor in forcing many migrants to flee Central America for the United States. We ask that you support the administration’s request for the Department of State so that the administration can continue robust foreign engagement with the region and we hope that, working with the Department of State, we can continue and enhance our effort.

Specifically, the funding for DOJ would provide legal and law enforcement advisors for El Salvador, Guatemala, and Honduras and allow the Department to initiate law enforcement and prosecution training programs in each of the three countries to build capacities to effectively handle ongoing complex investigations, emphasizing the investigation of human smuggling organizations; improve communication between law enforcement and prosecutors regarding enforcement actions on the border, particularly in cases involving human smugglers; and help create teams of human trafficking prosecutors and organized crime prosecutors who could respond when needed on short notice.

#### CONCLUSION

I very much appreciate the opportunity to discuss with you the ways in which the Department of Justice is dedicated to addressing the many challenges associated with unaccompanied minors illegally entering the United States. Those challenges, which are shared by the numerous other federal agencies charged with enforcing our Nation’s immigration laws and securing our borders, can be overcome—but to do so will require the dedication of necessary resources. There are no quick or easy fixes to this problem. The Department of Justice, however, is committed to using the full range of investigative tools and laws available to us to enforce U.S. immi-

gration laws and to investigate and prosecute those engaged in smuggling vulnerable children to this country. In addition, we are prepared to help provide international partners with the means to address human smuggling and issues related to unaccompanied minors well before those problems have reached the borders of the United States.

Thank you for the opportunity to discuss the Department's work in this area, and I look forward to answering any questions you might have.

The CHAIRMAN. Well, thank you both for your testimony.

Let me ask you, Ambassador Shannon. In the President's \$3.7 billion supplemental request, less than 10 percent of the funding is destined to address the root causes of the current refugee crisis. In addition, at the same time that the supplemental comes, the administration proposed a 20-percent cut in FY15 to its Central American Regional Security Initiative. So, I am trying to understand how we will spend billions to deal with the consequences, but we are presented with a 20-percent cut in a Central American Regional Security Initiative. Can you explain to me how that makes the right policy sense for us?

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

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

And the supplemental budget request is a two-part request. And, as you know, the largest part of it goes to DHS and HHS for law enforcement and for human services in relationship to this crisis. And it is a considerable amount of money, obviously, but it is in response to the immediacy of the crisis on our border, and the presence of a significant number of people on that border, and the need to process them and determine whether or not they have protection—

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

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

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

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

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

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

Ambassador SHANNON. That is my understanding, correct.

The CHAIRMAN. Now, is it not also true that even the immigration law passed by the United States Senate that had a date of December 2011, you had to physically be in the country? That would not give anybody who comes subsequently any status or any eligibility or any cause of right, other than maybe through asylum, to come to the United States and receive the opportunity to stay. Is that true?

Ambassador SHANNON. That is my understanding.

The CHAIRMAN. Would that be true, Mr. Swartz?

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

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

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

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

In Honduras, the government has moved one of its elite police units, which received training through State Department pro-

grams, to the border to turn back children seeking to flee the country. And the First Lady has also played a prominent role, in terms of public messaging.

I understand that there is a new agreement signed between the Governments of Guatemala and Mexico with reference to the border security between their two respective countries, and that there is in the offing some similar agreements and decisions by the Mexican Government, in addition to those bilateral agreements, to move resources and to pursue an elimination of those who seek to ride the train of death and to look at interior enforcement.

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

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

Mexico has also begun to engage with us in a very helpful way, and its Southern Border Initiative, which is what you were referring to—it was announced by President Pena Nieto, on Mexico's southern border with Guatemala, in the presence of the Guatemalan President, has also established a tiered system of interdiction that will help manage the flow of migrants across those borders, separating out the legal migrants who work in that border area, but then attempting to interdict illegal migrants who are heading north. Because, as I noted earlier, Mexico, while a transit country, is also becoming a destination country, and it is finding that many of the Central American migrants moving north are actually staying in Mexico, either because they are seeking work or because they are being recruited by cartels as they move through some of the more conflictive zones of Mexico.

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

The CHAIRMAN. Thank you very much.

Senator Corker.

Senator CORKER. Thank you, Mr. Chairman.

And thank you both for being here.

I want to begin with the phenomenon that is occurred. We had a extensive debate last year on border security as part of immigra-

tion reform, and one of the things that was focused on was the effectiveness of border control. And there was this whole issue of sign-cutting, okay, where, basically, the border control agents would try to determine how many people had actually come across the border, because we could not detect all the people who were coming. And, as a result of not getting to any kind of scientific, if you will, way of resolving that, we ended up with the border control amendment, that the chairman mentioned earlier, which just said what we were going to do.

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

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

Senator CORKER. Yes. Look, I had a nice conversation with you, right prior to this, and I appreciate it. I just want to know, though—I mean, unless we answer that question—

Ambassador SHANNON. Yes.

Senator CORKER [continuing]. We are not going to—so, I got some of the background stuff, but—

Ambassador SHANNON. Right.

Senator CORKER [continuing]. That phenomenon of people coming into our country and, instead of avoiding the authorities, turning themselves in, you have got to have some gut instinct as to what is driving that. What is it?

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

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

Senator CORKER. So, addressing that policy issue certainly needs to be a part of what we are doing.

So, let me—Jay Johnson presented to a large group of Senators yesterday—I found his presentation, other than quoting my friend, Senator McCain, was very lucid, and I thought he did a very good job laying out—John, that was a joke—other than laying out, you know—I thought he laid out the problem very, very well. One of the things he talked about, though, that I think is correct, is that

four-sevenths of the people that are actually coming in are now—they are adults. I mean, we are focused on this children issue, but a big part of people who are coming in under this phenomenon are adults that are not accompanied by minors. Is that correct?

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

Senator CORKER. All right. So, then there are three categories.

Ambassador SHANNON. Right.

Senator CORKER. There are adults, there are adults with minors, and then there are minors.

Ambassador SHANNON. Yes.

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

Ambassador SHANNON. Obviously, DHS can answer this better than I, but my understanding is that adults with minors who are coming across—initially, we were unwilling to separate the children from the adults, so the adults were being held, put into deportation proceedings, and then released on their own recognizance. But, we have begun to deport adults with minors. In fact, the first deportation flight has gone to Honduras, either yesterday or the day before, and we are planning additional ones to Salvador and Guatemala.

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

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

Senator CORKER. And so, the first deportation proceedings are occurring.

Ambassador SHANNON. Correct.

Senator CORKER. Is that correct? Your first—

Ambassador SHANNON. For adults with minors.

Senator CORKER. For adults—

Ambassador SHANNON. The deportation proceedings for children have been ongoing over time.

Senator CORKER. But, is there a concern—is there a concern that, when the children are placed with guardians or foster parents, or whatever our terminology is for that, and when they are undocumented, that it is very unlikely that they are going to come back to the courtroom to actually be adjudicated? Is there a—and sometimes I guess there are 500 days that go by—400 days, 300 days—



before that occurs, and, again, very unlikely. And so, it appears to me that we have a policy issue, that, while the cartels and gangs may be taking advantage of it, it is something that is easily taken advantage of. Is that correct?

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

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

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

Mr. Swartz.

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

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

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

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

Mr. SWARTZ. Again, Senator, I understand that the—

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

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

Senator CORKER. Just a range.

Mr. SWARTZ. Senator, I am really not prepared—

Senator CORKER. Yes.

Mr. SWARTZ [continuing]. At this stage, to—

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

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

I can speak to the criminal justice aspects, here—

Senator CORKER. Yes.

Mr. SWARTZ [continuing]. As opposed to the immigration aspects to the asylum—

Senator CORKER. Well, can Mr. Shannon answer that question?

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

Senator CORKER. Yes. Good.

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

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

The CHAIRMAN. Thank you, Senator Corker.

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

Senator CORKER. Yes.

The CHAIRMAN. I just want to put in context that I did not ask the Department to come here to talk about the status of asylum-seekers. I do not want anyone to feel that Mr. Swartz is not being forthcoming. I did not ask him to come here to answer questions that are not within his department's jurisdiction. I asked him to come here to tell us how do we help fight crime in Central America?

Senator CORKER. Yes.

The CHAIRMAN. Others can continue to ask, but I just want to set the record—

Senator CORKER. If I could, since you—

The CHAIRMAN. Sure.

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

The CHAIRMAN. No, it is a totally legitimate question, Senator Corker. I invited witnesses here with a purpose—it does not mean they do not have broader knowledge; but, when they do not, I am not going to suggest that they are not being forthcoming. And I do believe that the appropriators are getting—in their hearings—some of those questions asked. I know that Senator Carper, in the Department of Homeland Security, has been pursuing some of this very line of questioning.

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

Senator Boxer.

Senator BOXER. Thank you.

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

But, I want to thank my chairman and ranking member for this very important hearing to look at a humanitarian crisis, a challenge for each of us, because we can do something about this, regardless of party. And if ever we were able to be brought together, I pray that our sense of humanity will bring us together. Because, in my long lifetime, I have noticed that innocent children bring us together. And they are standing in front of us. And we have to deal with this in a smart way. And we have to step up.

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

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

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

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

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

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

Ambassador SHANNON. Well, it is a very good suggestion, and I thank you for it.

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

Senator BOXER. Well, if I could just say—

Ambassador SHANNON. Sure.

Senator BOXER [continuing]. That is really good. But, I am talking about a regional summit at the highest levels, that we utilize the OAS. It was set up for this purpose, so I cannot imagine a better thing.

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

Ambassador SHANNON. Happily.

Senator BOXER [continuing]. The American people, when they look at this—my State, a border State—they are compassionate. We have a few who are not, let us be clear. And the ugly side has been shown. And that happens. But, overwhelmingly, people want to do the right thing. But, they also know this is a regional issue. We cannot do everything alone. It is too hard. We are coming out of some hard times. I want us to do our share. I want all the countries in the region to do their share too. So, please take that back.

Now, Mr. Swartz, the Department of Justice runs two programs that train law enforcement and prosecutors in Central American countries who are trying to hold these deadly gangs and traffickers accountable and combat corruption in their own governments. It

just sounds like complete lawlessness in these countries when you read about it, that these children are so fearful that they are either going to be abused by these gangs, tortured by these gangs, or, if they do not get recruited, killed, perhaps. So, can you explain to us—because I admit that I am certainly not an expert on what is happening on the ground—can you give us a sense of what is going on on the ground there? Either of you who might know better than I.

Mr. SWARTZ. Senator Boxer, I can start and then turn to Ambassador Shannon.

Senator BOXER. Okay.

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

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

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

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

Senator BOXER. Thank you.

Mr. SWARTZ [continuing]. Supplemental is so important.

Senator BOXER. I agree. I want to just say, that is the kind of thing the American people need to know, and that is why I think a high-profile conference, where the world gets to see that the region cares about these kids and about the future. So, you know, my

kids always say I repeat things too much, but I repeat: I think a high-profile OAS summit with these ideas would be very helpful.

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

The CHAIRMAN. Thank you.

Senator Risch.

Senator RISCH. Thank you, Mr. Chairman.

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

Mr. SWARTZ. Yes, sir.

Senator RISCH. Okay. The chart hits you pretty quickly. It is not the 2008 law. Because you had 19,000 enter in 2009, you had 18,000 in 2010, 16,000 in 2011. Indeed, if anything, the direction of this was going down. But, then in 2012, this thing just skyrocketed. You have got 24,000 in 2012, you have got 38,000 in 2013, and this year, through June 15, we have got 52,000. And the numbers that exploded were from El Salvador, Guatemala, and Honduras. The Mexican numbers did not change that much, but it was those Central American countries.

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

Ambassador SHANNON. Great question, and an important graph.

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

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

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

Senator RISCH. Mr. Shannon, I hear what you are saying. But, look, I am looking for something in 2012. You talked about economic downturn in 2009. If the economic downturn was in 2009, which we know it was, it went down in 2009, 2010, and 2011.

Ambassador SHANNON. Right.

Senator RISCH. It was not until 2012 that it hopped up.

Mr. Swartz, what is your view? Briefly.

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

Senator RISCH. Appreciate the coffee rust—

Mr. SWARTZ. But—

Senator RISCH [continuing]. And all that, but—

Mr. SWARTZ [continuing]. But, I think, Senator, as you say, that it is one of the things that we are trying to study to try and understand, but underlying it, from the perspective of the Department of Justice, is the economic instability caused by a violent crime setting.

Senator RISCH. In 2012, did we have any significant event regarding U.S. immigration policy that occurred? Did the President sign any Executive orders in 2012?

Ambassador SHANNON. I understand what you are driving at, Senator, but I—

Senator RISCH. I am.

Ambassador SHANNON [continuing]. But I would argue that the dynamic of the migration debate in the United States—

Senator RISCH. I hear what you are arguing.

Ambassador SHANNON [continuing]. Does not have an impact.

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

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

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

Ambassador SHANNON. I think it was based on the TVPRA issue regarding noncontiguous—

Senator RISCH. Mr. Swartz, do you agree or disagree that the change in policy by the President's Executive order in 2012 had no effect on this explosion that has occurred?

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

Senator RISCH. You think they had a misunderstanding of the President's Executive order in 2012 that they were not going to send children back?

Mr. SWARTZ. We think that they—far as we can tell, that there is a general portrayal that is not based on actual U.S. law—

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

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

Senator RISCH. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cardin.

Senator CARDIN. Well, thank you, Mr. Chairman.

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

It is clear, Mr. Swartz, as you pointed out, that the spike is related to the instability in the three countries involved because of the criminal activities within those three countries. That is what I think you responded to the question. And that has caused increased gang activities, it led to trafficking. And traffickers will do whatever they can in order to make money. It is also true that this country has been one of the strongest in working with the international community to encourage countries to have an understanding that their border can be a sanctuary for those who otherwise are at risk in their own country. That is what we have been urging countries around the world to do. And we have participated in international efforts to provide safety for people who are not safe in their native country.

So, I think we all want to make it clear—and this is a point that we have all stressed—that it is not safe to put your child in the hands of a trafficker or in a position of being taken to our border. And doing so does not change that child's status. That child will be put in deportation. That has got to be clear. But, I think we also have to be mindful that, Ambassador Shannon, the number you gave—not our number, but the number that the international community—the representative for refugees suggests that there is—over 50 percent of these children may, in fact, need some form of protective service. That is an international responsibility that the United States also needs to be mindful for.

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

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



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

Ambassador Shannon.

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

Senator CARDIN. But, see, the proposal—the supplemental budget is dramatic on the number of prosecutors, it is dramatic on the number of personnel on the border, on the new facilities—it is dramatic, except it is not dramatic on making a change in the three countries where the children are coming from. Why not? Why not at least put forward a proposal that would have a consequential impact? President Bush did that for HIV/AIDS. Why are we not doing it for countries in our own hemisphere?

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

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

Senator CARDIN. Do you really believe that if Congress approved the \$3.7 billion exactly as the administration suggested, that it would have a major change in the three countries as it relates to the safety of children?

Ambassador SHANNON. It will have a positive impact, but—

Senator CARDIN. That is not my question. Would it make a major change in—

Ambassador SHANNON. In some areas, it will; in other areas, it will not. Because so much of this violence is localized, and it all depends on the strength of gang structures. But, what is important,

as I noted, the 300 million will connect to programs we already have, but ultimately will be a downpayment in a larger effort to fashion a new kind of Central America.

Senator CARDIN. Well—

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

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

Senator CARDIN. Mr. Chairman, I would just point out that this committee has jurisdiction over development assistance, and I would just hope that we would be able to weigh in, on a bipartisan basis, as to this opportunity to make a difference in the way that we provide development assistance in these three countries to make children's—and families feel more confident of their future, rather than putting them on trains coming to the United States.

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

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

Senator Rubio.

Senator RUBIO. Thank you for the pressure. I appreciate it. [Laughter.]

Thank you both for being here.

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

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

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

And I think it is unfortunate and counterproductive to ignore both the reality and the applications of our immigration laws and the impact that that is having on our crisis. And I say that as someone who is a demonstrated supporter and continue to believe that this country needs to reform its immigration laws, for the good

of our country and also to live up to our heritage as a nation of immigrants.

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

And I saw figures, just yesterday, that 70 percent of the people who have crossed that border as unaccompanied minors or as part of a family unit are in the United States. And they know the process, because word of mouth gets there. The process is, you are apprehended. If there is someone in the United States to—who they can turn you over to—in many cases, these children already have parents in the United States—you are turned over to your parents. There is a long period of time—they know that there are backlogs in the court system. They are given a notice to appear. In some instances, they think it is “un permiso,” a permit, which it is not. And in some instances, they never show up for the notice, but, even if they did, the hearing may be years in the future. That is the reality of the law.

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

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

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

Senator RUBIO. So, there are now—I mean, the word of mouth has gotten back that if you arrive in the United States by yourself

as an adult, your chances are a lot better if you arrive as a parent of a child that is traveling with you. And so, you have got unrelated adults pretending to be married and pretending that some children in the group are their children. So, that is something that shows design.

There is also evidence that I have seen that there are churches and nongovernmental organizations in Mexico and in Central America that are both advising, assisting, and, in some instances, encouraging people to undertake this journey, as well.

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

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

I did want to ask you briefly about the two points that I raised. The first is, Is there, in fact, evidence that there are NGOs and church groups and others who are assisting and encouraging people in these routes? And what I mean by “assistance” is, you know, providing transit routes and, in some instances, just encouraging people to undertake this, acting as facilitators.

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

Senator RUBIO. When they speak to them, do they tell them, “You should really reconsider this trip. It is very dangerous. This was not the right thing to do”?

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

Senator RUBIO. I have one more question.

The CHAIRMAN. Sure.

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

Ambassador SHANNON. Not just women, but girls.

Senator RUBIO. Thank you.

The CHAIRMAN. Senator Kaine.

Senator KAINE. Thank you, Mr. Chairman.

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

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

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

Ambassador SHANNON. I believe it is a major factor.

Senator KAINE. Mr. Swartz.

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

Senator KAINE. To the extent that violence is a major factor in this, to what extent is the drug trade a factor in that violence? Is the drug trade a major factor, a minor factor, or no factor?

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

Senator KAINE. Major factor, Mr. Swartz?

Mr. SWARTZ. Yes. The connection between gangs, and now the narcotics cartels, is certainly a significant factor.

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

Ambassador SHANNON. Nearly all the drugs transiting Central America are going to the United States.

Senator KAINE. Mr. Swartz.

Mr. SWARTZ. Yes. We recognize that our consumption is a major factor in this regard.

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

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

I was in Syrian refugee camps in Turkey about a year ago, and then I have been in Lebanon and Jordan, dealing with Syrian refugee issues, as well. And I remember, Mr. Chairman, asking myself the question, “Wow, when I see Lebanese who are not really that wealthy, and they have refugees, equivalent of one-quarter of the population, that have arrived in Lebanon in the space of 3 years, and they are having to do double shifts in schools to educate refugee kids,” or I see the number of Syrian refugees in Jordan, one of the poorest countries in the world, in terms of the amount of water, and they are having to deal with a number of refugees driven there by violence, when they have few natural resources of their own, and I saw those countries dealing with this massive influx of refugees—one-quarter of the population—and I found myself asking myself, a year ago, “Gosh, I wonder how the United States would deal with refugees who came to the United States, driven by violence from somewhere else. I wonder if we would deal with them in the same way that Lebanon or Jordan or Turkey is dealing with refugees.”

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

I echo the comments that the chair made before I arrived about how disappointing it is to see the dwindling CARSIS funding in recent years, \$130 million in the FY15 budget. The President’s original budget proposed \$130 million for CARSIS and about \$800 million for the detention of folks at the border who might come unaccompanied. And now we are going to take it up to \$3.8 billion. It would seem to me that we could spend money a little bit better to deal with a problem of violence that is driven by U.S. drug trade in these nations, and that would be a better way to spend the money, both for those youngsters and also for us.

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

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

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

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

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

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

Senator KAINE. One of the things that puzzles me is—when I lived in Central America, there was a great deal of cultural similarity between Salvador, Guatemala, Honduras, and Nicaragua. How come there is not a huge number of these youngsters coming from Nicaragua?

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

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

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

Senator KAINE. All right, thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman.

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

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

Mr. Swartz.

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

Senator JOHNSON. Okay, good. Again, one sentence.

Mr. Shannon.

Ambassador SHANNON. To build partnerships with Mexico as a transit and designation country, Guatemala, Honduras, and El Salvador—

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

I have seen that exact same chart. Like Senator Risch was talking about—I have done a fair amount of calculations on that.

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

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

Senator JOHNSON. So, your answer is “no.”

Mr. SWARTZ. We are obtaining that information—

Senator JOHNSON. Okay. So, your answer is that you have it. Okay?

Mr. SWARTZ. I do not have that—

Senator JOHNSON. Since 2009, we have returned roughly 16,800 children out of 174,000 unaccompanied minors who have come into this country. So, that is a rate of 9.6 percent. So, more than 90 percent of those children are still in this country.

Now, over time, it has really declined. So, in 2009, we returned about 23,000; 2010, a little under 22 percent; 2011, under 19 percent; 2012, with deferred action for childhood arrivals, it dropped to 8.6 percent; once deferred action for childhood arrivals was fully implemented, we are down to 4.3 percent. Looking at what Senator Risch was talking about, I think it is pretty obvious what is a real correlated cause of the spike in unaccompanied children.



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

Let us talk about murder rates. Mr. Shannon, you said that the pressure is building. You know, the fact of the matter is, in El Salvador, murder rates spiked in 2011, at 70 per 100,000, but it is down to 40. Guatemala has actually declined from 46 per 100,000 in 2008 down to 40 now. Honduras built up to 91 in 2011, and went down to 87 in 2013. And, by the way, just to put that in perspective, the murder rate in Detroit in 2012 was 54.6; in New Orleans, 53.2. We can talk about this push factor, but I would really be looking more at the policy pull factor, in terms of causing this.

And I also want to just talk about spending, in general. We have spent a lot of money, in terms of ICE, Border Patrol, and U.S. Customs, Immigration Services, and HHS refugee programs. In 2008, we spent \$17½ billion dollars on those programs. You divide it by the 1.2 million removals and returns in 2008, and that is about \$14,900 per deportation or removal. Okay? \$14,000. In 2012, we spent \$21.4 billion, divided by about 650,000 removals and returns, and that is about \$33,000 per removal or return.

Because I would argue that in very bad economic times, there is not as much economic activity, we have fewer immigrants coming illegally into this country. We spend a lot of money, on a per-person basis, in terms of what agencies have to spend their money on and in terms of the individuals, but we have more than doubled spending since 2008. Why do we need another \$3.7 billion? And is it going to have any effect whatsoever?

Mr. Shannon.

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

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

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

Senator JOHNSON. Mr. Chairman, I am just trying to provide some reasonableness in terms of—

The CHAIRMAN. And I am trying to make sure that we are talking about the same thing—

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

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

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

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

Thank you.

The CHAIRMAN. Senator Flake.

Senator FLAKE. Thank you, Mr. Chairman.

Thank you for the testimony.

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

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

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

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

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

And the concern that I have is that, if you look at what the President's request is, \$1.8 billion just for the Department of Health and Human Services, which has no role in border enforcement or deportation—it is to actually take these kids and house them and then place them with a sponsor. As has been said by Senator Rubio, the net effect, the practical effect right now, what is there on the ground, regardless of what we say in advertising campaigns, whatever the President said—and I want to compliment the President for saying what he has said, to the Vice President for saying what he has said about these kids, that most of them will not qualify, “Do not send your kids to the border”—they are saying the right things, I think the administration is. The problem is, it is not backed up by actions. When the President says that, “Your kids will be deported, they will not be able to stay,” that is belied by the facts on the ground. And the facts on the ground are that if a child—an accompanied—unaccompanied minor or a child with a mother comes across, very, very few are actually being sent back.

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

one else in this country, and is it in our best—or, the children's best interest, later, to rip that child away from that family member or those family members, and then deport them later? I think the families that are coming, and certainly the smugglers understand—that is not going to happen. And so, the incentive structure is still there.

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

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

Ambassador SHANNON. Changing the incentive structure will change a particular form of migration. It will change smugglers turning their kids in at the border. It will not stop the migration.

Senator FLAKE. Well, I—

Ambassador SHANNON. The—

Senator FLAKE. Understood.

Ambassador SHANNON. The migration has to be addressed in the home country, because these kids are like boomerangs. It does not matter how far we thrown them. For those who feel that they are under threat and for those who are hopeless in their home countries, they will come back.

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

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

Thank you.

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

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

Mr. SWARTZ. Yes, Mr. Chairman.

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

Mr. SWARTZ. That is correct.

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

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

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

The CHAIRMAN. Now, I want to include in the record, since much has been made of 2012 and DACA, which is the deferred action items—what—since we want to make sure that we get the word out there, let us get the word out there. How do you actually qualify for deferred action? You must have come to the United States under the age of 16, and you must have continuously resided in the United States for at least 5 years preceding the date of 2012, which means that if you were not physically in the United States, and can prove it, since 2007, and, among other eligibility, you would not be eligible to adjust your status. Is that a correct understanding? I am reading from the Department of Homeland Security document.

Mr. SWARTZ. Yes.

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

So, without objection, I will include the Homeland Security's Eligibility for Deferred Action.

[The information referred to above can be found of page 80.]

Let me ask you, Is it not true that President Obama has deported more migrants than any President in recent history?

Mr. SWARTZ. That is correct, Mr. Chairman.

The CHAIRMAN. As a matter of fact, some have called him “The Deporter in Chief.”

Now, it seems to me that Congress has unclean hands, here, in its failure to act to reform our immigration system. And, in the absence of that failure, what has been Congress’ successful role is to dramatically increase Borders and Custom enforcement to the point that we have had the most detentions and deportations at any other time.

So, let me ask two final questions. Did all 60,000 of the children that we estimate have arrived, pay a smuggler to get here?

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

The CHAIRMAN. And those who rode the “Train of Death,” did they have a smuggler?

Ambassador SHANNON. Typically, yes.

The CHAIRMAN. Okay.

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

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

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

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

The CHAIRMAN. Senator Corker.

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

And, if it is okay, I would like to also enter into the record an article from the Wall Street Journal entitled “Few Children Are Deported.” I would also like to enter, if okay, Table 39<sup>1</sup> from the U.S. Department of Homeland Security document that Senator Johnson was referring to that really challenges the notion and stipulates the differences between removals and returns. I think returns are actually diminishing at a pretty high level.

[The information referred to above can be found on page 81.]

Senator CORKER. But, here is what I would like to say. Look, I—this is a humanitarian crisis, and I think everybody here—all of—most of us have children, have—I mean, we—you know, to see

<sup>1</sup>Table 39 can be found on page 103 of the 2012 Yearbook of Immigration Statistics: [http://www.dhs.gov/sites/default/files/publications/ois\\_yb\\_2012.pdf](http://www.dhs.gov/sites/default/files/publications/ois_yb_2012.pdf)

what is happening with so many children from other countries, you know, it breaks our heart.

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

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

Mr. Swartz, I know I was—first of all, I appreciate you both being here. I know you all are great public servants.

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

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

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

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

Thank you both very much.

The CHAIRMAN. Well, thank you, Senator Corker.

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

Mr. SWARTZ. Mr. Chairman, we will do that.

The CHAIRMAN. Secondly, Senator Corker, as the ranking member, has always been, and continues to be, a thoughtful member on

all of these issues, and I appreciate it. And the only thing I would say, that there is a difference between passion and emotion. Some of us are passionate about some of these issues, as some are passionate about the size of government or the cost of government, the spending of government. So, it is not so much emotion as it is passion, at the end of the day.

With the appreciation of the committee for both of your testimony, you are excused at this time.

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

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

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

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

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

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

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

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

I first went to Central America to write about civil wars in the early 1980s. I focused on unaccompanied children, 15 years ago, writing the modern-day odyssey of one boy, Luis Enrique Motino Pineda, whose mother left him in Honduras when he was just 5 years old. Eleven years later, he went in search of her in the United States by riding up the length of Mexico on top of freight trains.

Last month, I returned, for the first time in a decade, to Enrique's home in Nueva Suyapa, a neighborhood of Tegucigalpa. I lived there for 1 week. I saw a huge change in why children are migrating to the United States, a level of violence directed at them that astounded me. I have lived through Argentina's dirty war and ridden on top of seven freight trains controlled by gangs through most of Mexico. I am not easily spooked. But, after a week, I thanked God I got out of Enrique's neighborhood alive.

Gangs have long ruled parts of Nueva Suyapa, but recent control by narcocartels has brought a new reach and viciousness to the violence. Children, in particular, are being targeted here and through-



out the country. Children are kidnapped, found hacked apart, heads cut off, skinned alive. Sometimes at night, men in facemasks strafe anyone on the street. War taxes are imposed on virtually everyone. If you do not pay, the narcos kill you. Many neighborhoods are even worse.

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

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

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

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

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

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

The U.N., among others, has found that the screening of Mexican children for protection concerns by Border Patrol has been a failure. Every child should have a full, fair, and timely hearing before an immigration judge and an attorney. While KIND has recruited

thousands of volunteer lawyers, more than 70 percent of children must still present complex immigration cases without counsel, due to the surge. So, picture a 7-year-old boy that I saw alone in court, shivering with fright, expected to argue against the government's attorney, who is battling to send him home.

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

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

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

[The prepared statement of Ms. Nazario follows:]

PREPARED STATEMENT OF SONIA NAZARIO

Good morning. My name is Sonia Nazario; I am a journalist, author, and serve on the board of Kids in Need of Defense (KIND), a nonprofit founded by Microsoft and Angelina Jolie that recruits pro bono attorneys to represent unaccompanied children.

I first went to Central America to write about civil wars in Guatemala and El Salvador in the early 1980s. I focused on unaccompanied children 15 years ago, writing the modern-day odyssey of one boy, Luis Enrique Motino Pineda, whose mother leaves him in Honduras when he is 5 years old, and who sets off 11 years later to go in search of her in the United States by riding up the length of Mexico on top of freight trains.

Last month, I returned for the first time in a decade to Enrique's home in the Nueva Suyapa neighborhood of Tegucigalpa. I lived there for a week. I saw a huge change in why children are migrating north to the U.S.—a level of violence directed at them that honestly astounded me. I have lived through Argentina's dirty war and ridden on top of seven freight trains controlled by gangs through most of Mexico. I am not easily spooked. But after a week, I thanked God that I got out of Enrique's neighborhood in one piece.

Gangs have long ruled parts of Nueva Suyapa, but the recent control by narcocartels has brought a new reach and viciousness to violence children in particular face in this neighborhood and throughout the country. People are found hacked apart, heads cut off, skinned alive. Children are kidnapped. People are routinely killed for their cell phones. On some 20 or 30 buses daily, passengers are all robbed at gunpoint; in one instance 23 were killed. Sometimes, at night, men show up in face masks and strafe anyone out on the street. Threatened families have had to abandon homes and flee with only the clothes on their backs.

Several neighborhoods are worse than Nueva Suyapa; no one can go in without permission from gangs or narcotraffickers, and war taxes are imposed on every resident. If you don't pay, they kill you. World Vision International, a Christian nonprofit group, has shut down operations in a nearby neighborhood because thugs won't let their staff enter.

Cristian Omar Reyes, an 11-year-old 6th grader in Nueva Suyapa told me he had to get out of Honduras soon—"no matter what." He has been threatened twice by narcos who said they would beat him up if he did not use drugs, and he fears worse.

Last March, his father was robbed and murdered by gangs. Three people Cristian knows were murdered this year; four others were gunned down on a nearby corner in the span of 2 weeks at the beginning of this year. A girl his age resisted being robbed of \$5. She was clubbed over the head and dragged off by two men who cut a hole in her throat, stuffed her panties in it, and left her arms and hips broken. She was found in a ravine across the street from Cristian's house.

"I can't be on the street," says Cristian, adding that there are sicarios—narco hit men—who pass by in mototaxis, three-wheeled motorcycle taxis, on his Nueva Suyapa street where crack is sold. "They shoot at you. I've seen so much death."

"I'm going this year," he told me. "Even if I need to ride on the train." He promises himself he'll wait until he finds a freight train moving slowly before jumping on to avoid being pulled under and losing an arm or leg.

A decade ago, when children left Honduras planning to ride on the train through Mexico, many of them didn't fully grasp how dangerous this is. That's no longer the case. Neighborhoods are dotted with people who have lost arms and legs to the train, visible reminders of what La Bestia, or the so-called Train of Death, can do.

Many know someone who has died in the attempt. They know that the Zetas, the most bloodthirsty narcocartel in Mexico, is kidnapping 18,000 Central Americans off those trains every year, and they prefer to grab children. They know the Zetas beat these children until they provide the telephone of a relative in the U.S., then demand \$2,500 in ransom, and kill children whose parents don't or can't pay. I spent 3 months, off and on, riding on top of seven trains in 2000. It's much worse now. You'd have to be crazy to do it—or desperate enough to fear for your life if you stay at home.

I consider many of these children—not all—to be refugees. Why? Unlike an immigrant, who sets off for a new land to better their lives, a refugee is someone who must flee their country primarily for safety because their government cannot or will not protect them. If they stay, they face persecution and possible death.

The U.S. has spent billions to disrupt the flow of drugs from Colombia up the Caribbean corridor. The narcocartels, mostly Mexican, have simply rerouted inland, and four in five flights of cocaine bound for the U.S. now land in Honduras. These cartels are vying for control over turf and to expand drug distribution, sales, and extortion in these neighborhoods.

Around 2011 the narcos grip seemed to tighten in neighborhoods like Nueva Suyapa. That was not coincidentally the first year the U.S. started to see a surge in unaccompanied children.

They are forcibly recruiting children as young as 10 and 11 to be their foot soldiers. Children told me they felt they had two choices: join with delinquents who worked for the narcos or reject them and get out to stay alive. This is no different than child soldiers who are forcibly conscripted in Sudan or in the civil war in Bosnia. Schools in Nueva Suyapa have become the narcos' battleground. Teachers must pay a war tax to teach; students must pay "rent" to go to school.

Building costly walls may make good politics, but they don't work. We must instead focus on dealing with this exodus at its source. Folks in Honduras feel the U.S. hasn't paid any attention to them since the Kennedy administration. Less than a tenth of the President's proposed \$3.7 billion supplemental funding request focuses on aid to these three countries. USAID had closed its program in Nueva Suyapa there due to lack of funding.

If you want to fix this crisis you must do three difficult things. You must summon the political will to treat these kids humanely, and that means more than using that word in the title of legislation. It means giving them a full, fair, and timely immigration hearing, as required under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008. To roll back basic protections of the TVPRA and expedite deportation—treat Central American children the same way we handle Mexican children—means Border Patrol agents will give at most a cursory screening to children, even those who are trafficking victims. These are folks trained to be law enforcers, not in child-sensitive techniques designed to get traumatized kids to talk. The U.N., among others, has found that the screening of Mexican children for protection concerns by Border Patrol has been a failure.

It means providing every child who stands before an immigration judge an attorney. KIND has worked hard to recruit volunteers, and these more than 7,000 lawyers have done incredible work. But it's a drop in the bucket, especially now given the surge. KIND estimates more than 70 percent of children are standing before a judge without anyone to help them mount and present complex immigration cases. These children face U.S. government attorneys arguing why they should be deported. No one in their right mind would consider this a fair fight, or anything approaching due process. I saw a 7-year-old boy alone in court, and KIND staff has seen 5-year-old children, answering judges' questions, shivering with fright, clutching teddy bears.

We also have to deal with insecurity in Honduras in a way that doesn't fund corrupt police and the military that are a big part of the problem. We must strengthen the judiciary in Central America, accountability, as well as national child protection systems.

How can we have so much concern for girls kidnapped in Nigeria, but not for girls being kidnapped by narcos in Honduras who demand they be their “girlfriend” or they will kill them? How can we ask countries that neighbor Syria to take in nearly 3 million refugees, but turn our backs on tens of thousands of children from our hemispheric neighbors to the south? If we short-change due process for these children, I believe Congress and this administration will be sending many children back to their deaths.

The CHAIRMAN. Thank you.

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

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

**STATEMENT OF CYNTHIA ARNISON, DIRECTOR, LATIN AMERICA PROGRAM, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS, WASHINGTON, DC**

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

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

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

I would also encourage members of the committee to examine a map prepared by the Department of Homeland Security which studied the cities and towns of origin of the bulk of the undocumented children migrants between January and May 2014. They found that the largest number—20 of the top 30 sending cities and towns—were Honduran, led by San Pedro Sula, the most violent city in the world. And our own Department of Homeland Security noted that, “Salvadoran and Honduran children . . . come from extremely violent regions, where they probably perceive the risk of traveling alone to the United States preferable to remaining at home.”

Gangs, or maras, are responsible—are not solely responsible for the levels of violent crime, but their role is pervasive and highly organized. I think it is important to highlight that the MS-13 and the 18th Street Gang were formed in the United States, in Los Angeles, and that U.S. deportations of gang members who had been

convicted of crimes in the United States for years with little or no advanced warning to government officials in the region contributed to the diffusion of gang culture and practices. Crime and violence, including that perpetrated by gangs, have worsened as drug trafficking and other forms of organized crime have spread. And those points have been dealt with extensively, and I will not go into them now.

What I would like to address is the kinds of policy responses that this committee could oversee and that the U.S. Congress could take. I believe that there is really actually no time since the Central American wars of the 1980s that there has been so much media and policy attention focused on Central America. I welcome that attention. But, I also think that our inability or our walking away from the many needs of the peacetime era in the 1990s and early 2000s, you know, had some contribution to the current situation. The CARSI, the Central American Regional Security Initiative, that was launched in 2008 in response to the concern about the spillover of organized crime from Mexico, has focused, rightfully, on security. It has been underresourced, and it has not focused sufficiently on other government or development objectives.

There is no silver bullet to address these problems. They have taken decades, if not, one could argue, centuries, to develop. But, I believe that progress is possible, with the right leadership, with sufficient resources, with active participation from Central American societies, and with integrated approaches, and, above all, with adherence to the principles of transparency and accountability.

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

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

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

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

I will end there, and I welcome your questions.

Thank you.

[The prepared statement of Ms. Arnson follows:]

PREPARED STATEMENT OF CYNTHIA J. ARNSON

Chairman Menendez, Senator Corker, and distinguished members of the committee, as someone who has closely followed Central American affairs for over three decades, I am pleased to have this opportunity to testify on the surge of unaccompanied minors arriving at the U.S. border from Central America.

As our Nation seeks to address this unprecedented influx, we must humanely and intelligently respond both to immediate needs and address longer term perspectives. In the short term, our response must ensure that, in accordance with U.S. and international law, those in need of protection as victims of human trafficking and/or those with legitimate claims for asylum are afforded timely due process; that is, that they are assisted and not penalized. This principle is important to keep in mind in light of the pressures to remove children quickly, given the current size of the influx as well as to send a strong message in an effort to deter further migration.

My testimony<sup>1</sup> will address three of the most important drivers of this flow, and suggest options for improving the quality of democratic governance, citizen security, and inclusive development in Central America. Indeed, a long-term solution to what is now a humanitarian crisis rests on these three pillars—what the U.S. Government is prepared to commit over the long-term in pursuit of these goals, and what responsibility Central American actors in and out of government are willing to assume to transform their own countries.

There is no one causal factor that accounts for the unprecedented increase in unaccompanied children attempting to enter the United States, or the lesser but still significant increase in the number of adults attempting to enter with young children. The numbers of young children seeking to enter spiked in this fiscal year after smaller but significant increases in the past 2 years.<sup>2</sup> Children from Nicaragua, Panama, and Costa Rica are, for the most part, not part of this increase. This begs a closer exploration as to why such large numbers are arriving from El Salvador, Honduras, and Guatemala—the so-called Northern Triangle. In general, the “push” factors behind this flow stem from the persistent failure of governments following the internal armed conflicts of the 1970s, 1980s, and 1990s, to guarantee the security of their citizens or provide a foundation for broad-based socioeconomic well-being.<sup>3</sup> These twin failures have given rise to a cluster of factors that can be summarized as follows:

#### CRIMINAL AND DRUG-FUELED VIOLENCE

Central America’s Northern Triangle (El Salvador, Guatemala, and Honduras) has been described with numbing regularity as the most violent region in the world outside countries at war. The staggering rates of homicide<sup>4</sup> take their largest toll on young men between the ages of 15 and 29, although young women have been increasingly targeted. Annual homicide statistics, as revealing as they are, tell only part of the story. For example, the homicide rate in El Salvador declined due to a controversial truce between the country’s two most important gangs. However, some parts of the country saw a rise in murders during the gang truce, reinforcing the point that crime rates within a country’s borders vary significantly, between urban and rural areas, from city to city, and—within cities—from neighborhood to neighborhood.<sup>5</sup> Hence, a decline in the national average, as has occurred in Guatemala over the past several years, does not necessarily eliminate “hot zones” with high murder rates. Indeed, a Department of Homeland Security (DHS) study of unaccompanied minors attempting to enter the United States between January and May 2014 found that the largest number by far came from Honduras. Twenty of the thirty top sending cities and towns were Honduran, led by San Pedro Sula, the most violent city in the world.<sup>6</sup> As noted by DHS, “Salvadoran and Honduran children . . . come from extremely violent regions where they probably perceive the risk of traveling alone to the U.S. preferable to remaining at home.”<sup>7</sup>

Moreover, excessive focus on homicides, while understandable, does not capture the many forms of street crime, threats, assault, kidnapping, sexual violence, and extortion that affect citizens on a routine and intimate basis. Many statistics are unreliable as civilians do not trust the police or other authorities, leading to significant underreporting of even serious crimes.

Gangs or *maras* are not solely responsible for the levels of violent crime in the Northern Triangle, but their role is pervasive and highly organized. In post-war Central America, numerous factors contributed to the rise of gangs—migration to the United States, which divided families; a lack of opportunity; a culture of violence; access to firearms; an absence of social capital; rapid urbanization, etc.<sup>8</sup> U.S. deportations of gang members convicted of crimes in the United States, for years with little or no advance warning to government officials in the region, contributed to the diffusion of gang culture and practices. Zero-tolerance or *mano dura* policies adopted by the Governments of El Salvador and Honduras, in particular, only made matters worse; these policies reinforced gang solidarity and membership as a form of protection from the state and led to prison overcrowding and the role of prisons as incubators of gang membership. All this took place against a backdrop of incomplete, and at times distorted, processes of building and reforming civilian security

and law enforcement institutions after the end of civil wars. Impunity and corruption remain rampant.

Crime and violence, including that perpetrated by gangs, have worsened as drug trafficking and other forms of organized crime have spread in the Northern Triangle. However, the crisis of insecurity long predates the spillover of Mexican drug trafficking cartels such as the Zetas or Sinaloa into Central America. U.S. demand for drugs has served to deepen the security crisis, as has the failure to restrict the flow of firearms from the United States into Mexico and Central America. Weak institutions and some corrupt officials in those countries have permitted organized crime to flourish.

#### POVERTY AND LACK OF OPPORTUNITY

Poverty by itself is not a good predictor of who will migrate and when, but a general lack of opportunity, particularly when coupled by high levels of violence in poor neighborhoods, creates an important push factor for those who are willing to risk their lives in order to enter the United States. Poverty levels in the Northern Triangle have gone down since the 1990s, but it is still the case that poverty affects approximately 45 percent of Salvadorans, 54.8 percent of Guatemalans, and 67.4 percent of Hondurans. In Guatemala and Honduras, over half of those in poverty are classified as indigent, that is, in extreme poverty.<sup>9</sup> According to the World Food Program, in Guatemala alone, approximately half of children, ages 5 and under, suffer from chronic undernutrition. Rural poverty in general is far worse than in urban areas. Growth rates in the three countries vary; all three economies suffered severe impacts as a result of the 2008 global financial crisis and for the most part, recovery has been mediocre.

One striking indicator of the lack of opportunity is the proportion of 15 to 24-year-olds who neither study nor work. Known by the Spanish acronym "Ni-Ni," they constitute 23.9 percent of youth in this age group in El Salvador, 22.6 percent in Guatemala, and 28.0 percent in Honduras. Many young women in this category help take care of households. Of young people 15–24 years of age who have work, low levels of education prevail. More than 60 percent of Guatemalans and Hondurans in this age group have left school before completing ninth grade. The same is true for approximately 48 percent of Salvadorans.<sup>10</sup>

Northern Triangle countries are also characterized by high levels of inequality of opportunity. Indicators such as the Gini coefficient and the United Nations Development Program's Inequality Adjusted Human Development Index demonstrate that inequality is pervasive in the region.<sup>11</sup>

#### FAMILY REUNIFICATION

Migration flows from Central America into the United States increased in a significant way during the civil wars of the 1980s. Many of those entering the United States from El Salvador, Nicaragua, and Honduras were granted Temporary Protected Status. This designation has been renewed repeatedly long after the wars have ended and has been applied to new groups of migrants following natural disasters such as earthquakes and hurricanes, including Hurricane Mitch. Renewals of TPS have been carried out in response to requests from Central American governments who argue that a return of large numbers of migrants would be destabilizing given a lack of opportunities in the labor market. I am unaware of information that specifically links adults with TPS or Green Cards to the flow of undocumented children. But special consideration should be given to family reunification for Central American migrants who have legal status in the United States.

According to the U.S. Department of Homeland Security, of the 11.4 million unauthorized immigrants in the United States in 2012, the number of undocumented Salvadorans, Guatemalans, and Hondurans in the United States were 690,000, 560,000, and 360,000, respectively. Often working in menial jobs, they have nonetheless managed to support family members back home through remittance flows. Remittances have boosted incomes and consumption in Central America, often substituting for, or at a minimum, supplementing weak social safety nets. Remittances constitute fully 17 percent of GDP in El Salvador and 20 percent in Honduras. What these figures demonstrate is that divided families in Central America are critical to the economic well-being of their relatives as well as to their countries' economies overall. The human dimensions of this phenomenon should not be overlooked. This is especially true given that migration and the strains it places on separated families are seen as risk factors for young people joining gangs.

Reporters' interviews with young migrants as well as adults who care for them suggest that the desire of parents and children to be reunited is a push as well as pull factor behind the current flows. There is circumstantial evidence that rumors

have spread in communities in the region—stoked by unscrupulous and often brutal traffickers (coyotes) anxious to profit from the thousands of dollars each migrant pays—indicating that children will be reunited with their parents and allowed to stay in the United States once they reach the U.S. border. The Obama administration has recently begun publicity campaigns to counter these misperceptions. Even if perceptions can be altered, however, they will do little to curb the desperation that motivates young children and others to embark on a perilous and often fatal journey.

#### POLICY RESPONSES

One thin silver lining in the crisis of undocumented minors is that it has focused renewed attention on the violence, poverty, and hopelessness that affect millions of Central American citizens. Indeed, I can recall no time since the Central American wars of the 1980s when so much U.S. media and policy attention has been paid to the region. Our failure to invest and remain engaged in Central America in the peacetime era, with the same resources and single-mindedness with which we fought the cold war, has no doubt contributed to the current situation. The Central American Regional Security Initiative (CARSI), launched in 2008 in response to concerns about the spillover of organized crime from Mexico, has focused on security without setting other governance and development objectives as priorities. CARSI has also been underresourced. This situation needs to change.

There is no magic bullet to address these problems, which have taken decades if not centuries to develop. But progress is possible, with the right leadership, sufficient resources, active civic participation, integral approaches, and adherence to the principles of transparency and accountability. A critical ingredient for policies to be successful is political will and leadership from the region itself. Yet history has shown that the United States still wields tremendous influence and should not hesitate to exercise it on behalf of shared objectives.

In the short run, the current crisis should be handled in ways that protect vulnerable children, many of whom have been traumatized in their home countries or during their journey to the U.S. border. Indeed, humanitarian workers receive frequent reports of trafficking for sexual exploitation or slave labor, as well as of organ trafficking, kidnappings, and brutal killings. The United Nations High Commissioner for Refugees estimates that 58 percent of unaccompanied minors have legitimate claims under U.S. and humanitarian law.

Of the current funding request pending before Congress, far too little is to be made available for addressing the root causes of migration in Central America. The \$295 million included to address “economic, social, governance, and citizen security conditions” is also to be used for the repatriation and reintegration of migrants in Central America. Once these purposes are accomplished, it is unclear how much will be left to meet the significant challenges in remaining areas.

The following suggestions are intended to spur broader thinking about a comprehensive, long-term approach:

- Transparency and accountability around new spending programs must be core commitments upheld by recipients in the region of U.S. and other international assistance. Corruption erodes trust and fosters cynicism across societies and undermines the legitimacy of government institutions. Building institutional capacity and effectiveness means gaining the confidence of citizens across the board. Leaders of key institutions should not serve unless they are models of these principles.
- Future policy initiatives should, as much as possible, be the outcome of broad-based national dialogues in Central America among a range of stakeholders—government representatives; the private sector, business, and professional associations; the Church; think tanks and universities; organized labor; nonprofit organizations; campesino organizations. The forums, with the involvement of other donors and international development banks, should be convened for the purpose of devising concrete proposals for fostering security, governance, and inclusive development.
- Improving citizen security—a public good—is a necessary condition for fostering investment and economic growth. U.S. assistance programs under CARSI have been overly focused on counterdrug operations and combating other forms of organized crime. A “whole of government” approach has purported to coordinate development and violence prevention strategies with improved law enforcement and interdiction. But in practice, development goals have been secondary and the security programs not sufficiently focused on fighting the crime and violence that affect citizens’ daily lives.<sup>12</sup> The greatest examples of success in Latin America in improving citizen security involve local, community-based initiatives



that involve nongovernmental organizations, the private sector, and other civic groups in addition to the police and judiciary.

- While security is paramount, other development and governance efforts must go forward in parallel fashion. Efforts must be made to foster opportunity in the legal economy by investing in human capital formation that matches education and job training with the demands of the labor market, including through strategic investment with a training component. Ensuring the reliability of a legal framework that creates certainty for investors without ignoring the needs of ordinary citizens for whom the judicial system does not function is paramount.
- More must be done to improve the capacity of remittances to contribute to productive investment in communities, in addition to subsidizing household consumption.
- Investments must be made to expand quality public education, including by stimulating U.S. community colleges and vocational and trade schools to partner with underserved communities in Central America. Part of these exchanges should be aimed at improving teacher training.

No lasting solution to the current crisis will be found “on the cheap” or in the short run. In the current U.S. fiscal climate, only smart investments that derive from a strategic logic will survive the political process now and into the future. As the example of Colombia demonstrates, a major turnaround in a country’s fortunes is possible when bipartisan majorities in the United States provide sustained support to committed leaders in and out of government who mobilize their country’s own talent and resources. Central Americans came together with the support of the international community to end their fratricidal wars two decades ago. A similar effort is needed to convert the current crisis into an opportunity for building more inclusive and democratic societies.

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#### Notes

<sup>1</sup>I am grateful to Latin American Program interns Kathryn Moffat, Angela Budzinski, and Carla Mavaddat for research assistance.

<sup>2</sup>The number of Salvadorans, Guatemalans, and Hondurans requesting political asylum in Belize, Costa Rica, Mexico, and Panama, also increased significantly.

<sup>3</sup>See Cynthia Arnson, ed., “In the Wake of War: Democratization and Internal Armed Conflict in Latin America” (Washington, DC, and Stanford, CA: Woodrow Wilson Center Press and Stanford University Press, 2012).

<sup>4</sup>The rates are 41.2 per 100,000 in El Salvador, 39.9 per 100,000 in Guatemala, and 90.4 per 100,000, according to 2012 figures of the United Nations Office on Drugs and Crime.

<sup>5</sup>See United Nations Development Program, “Informe Regional de Desarrollo Humano: Seguridad Ciudadana con rostro humano: diagnóstico y propuestas para América Latina” (New York: 2013).

<sup>6</sup>The top cities in terms of places of origin of unaccompanied minors were: San Pedro Sula, Tegucigalpa, and Juticalpa, Honduras; followed by San Salvador, El Salvador; La Ceiba, Honduras; and Guatemala City.

<sup>7</sup>U.S. Department of Homeland Security, “Homeland Intelligence Today: Unaccompanied Alien Children” (UACs) by Location of Origin for CY 2014: Honduras, El Salvador, and Guatemala, May 27, 2014.

<sup>8</sup>José Miguel Cruz, Rafael Fernández de Castro, and Gema Santamaría Balmaceda, “Political Transition, Social Violence, and Gangs: Cases in Central America and Mexico,” in Arnson, ed., “In the Wake of War,” 317–49. Analysts such as Douglas Farah also point to the failure of post-war demobilization and reintegration schemes as a factor behind the rise of gangs. See Douglas Farah, “Organized Crime in El Salvador: Its Homegrown and Transnational Dimension,” in Cynthia J. Arnson and Eric L. Olson, eds., “Organized Crime in Central America: The Northern Triangle” (Washington, DC: Latin American Program, Woodrow Wilson International Center for Scholars, 2011), 104–38.

<sup>9</sup>U.N. Economic Commission for Latin America and the Caribbean, “Social Panorama of Latin America” (Santiago: 2013). See also: Hugo Beteta, “Central American Development: Two Decades of Progress and Challenges for the Future,” Regional Migration Study Group, Woodrow Wilson Center and Migration Policy Institute, July 2012, 8.

<sup>10</sup>10 Figures concerning the Ni-Ni’s are drawn from Programa Estado de la Nación, “Nini en Centroamérica: la población de 15 a 24 años que no estudia ni trabaja,” presentation at the INCAE and Woodrow Wilson Center conference “Encuentro de Diálogo en Temas de Seguridad Centroamericana,” Managua, Nicaragua, March 24, 2014.

<sup>11</sup>See Dinorah Azpuru, “Las condiciones del Triángulo Norte y los menores migrantes,” ConDistintosAcentos, Universidad de Salamanca, Spain, July 14, 2014.

<sup>12</sup>Andrew Selee, Cynthia J. Arnson, and Eric L. Olson, “Crime and Violence in Mexico and Central America: An Evolving but Incomplete U.S. Policy Response,” Regional Migration Study Group, Wilson Center and Migration Policy Institute, January 2013.

The CHAIRMAN. Thank you.  
Mr. Johnson.

**STATEMENT OF STEPHEN JOHNSON, REGIONAL DIRECTOR,  
LATIN AMERICA AND THE CARIBBEAN, INTERNATIONAL RE-  
PUBLICAN INSTITUTE, WASHINGTON, DC**

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

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

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

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

Unfortunately, crime and violence prey on such societies at their moment of weakness. During this time, Colombian and Mexican drug traffickers, fueled by North American cocaine habits, invaded Central America. Initially disorganized, deportations from the United States gave rise to youth gangs. Our country has tried to help Central American neighbors, among others, such as Mexico, establish new justice systems, but these tasks take time, and they are resource-intensive. Central America's traditional models of centralized top-down governance with weak districts and municipalities also leave citizens, mayors, and town councils largely out of the business of making their communities more secure.

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

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

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

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF STEPHEN JOHNSON

Chairman Menendez, Senator Corker, members of the Senate Foreign Relations Committee, thank you for this opportunity to testify on the conditions in Central America that are driving out minors as well as adults. Meager employment prospects, high rates of violent crime, and limited state capacity to guarantee services and apply the rule of law in the northern triangle countries of El Salvador, Guatemala, and Honduras—factors triggering continued migration to the United States—have been and will continue to have an impact on the well-being of Central America and Mexico, as well as ourselves.

IRI IN CENTRAL AMERICA

The International Republican Institute (IRI) is a nonprofit, nonpartisan organization and one of the four core institutes of the National Endowment for Democracy. Our mission is to encourage democracy in places where it is absent, help democracy become more effective where it is in danger, and share best practices in democratic processes and governance where it is flourishing. While the future of the northern triangle countries is up to the people who live there to decide, the United States can have a pivotal role in helping these societies find tools and solutions that will bring down the level of violence and increase prospects for personal economic advancement—two key elements in reducing the outflow of migrants.

Central America has long been a part of IRI's programs. In carrying out our mission to support more democratic, accountable government, we have striven to enhance civic participation at the subnational level by increasing civil society organizations' capacity and linkages to civic and political leaders of all parties and levels of government. Moreover, we have encouraged officials at all levels to reach out to citizens to listen to their ideas and become more aware of their concerns. In this vein, we have specialized in the development of citizen security mechanisms that bridge the gap between citizens, municipalities and nationally administered police programs. We have worked with public security officials at the national level, as well as municipal authorities, to adopt best practices that will make neighborhoods and communities safer. However, the amount of work to be done is huge and it cannot be done overnight.

OVERVIEW

Among the issues that most challenge neighboring governments and citizens are economics and safety. Poverty and violence are conditions that push people out. Behind these factors are conflicts, demographic trends and governance issues that determine whether these conditions will improve or get worse. Where people go depends on finding conditions nearby that are better than the ones they are leaving. In that regard, the United States has witnessed two broad migration trends. For almost a century, movements from Mexico have been accompanied by economic downturns and lagging reforms at home and better job prospects in the United States. Migration from Central America has taken place mostly within the last 30 years, triggered at first by internal conflicts and later by drug trafficking, high crime levels and gang violence.

Migration from Mexico has been much more massive, judging by U.S. border apprehensions that peaked in 2000 at almost 1.6 million.<sup>1</sup> Since economic conditions have improved, accompanied by internal reforms and Mexico's embrace of free trade, its migrant outflows have begun to subside. Central American flows were probably greatest during the period of internal conflicts during the 1980s when an estimated 1 million Salvadorans and Guatemalans came to the United States. There was a lull during the 1990s when peace accords were signed, then migration began to pick up, evidenced by 30,000 border apprehensions in 2000 to 142,000 in 2012.<sup>2</sup>

At the time when significant migration started, Central American countries (with the exception of Costa Rica) were making the difficult transition from military rule to democracy. Over time, the United States offered security and development assistance, political advice and trade benefits. For certain countries like El Salvador, Guatemala, and Honduras (known as the "northern triangle"), the challenges were deeper and thus reforms have been halting and have taken longer. By their own accounts, they still have progress to make, largely in establishing rule of law, enhancing economic opportunity and improving governing processes.

## CHALLENGES TO GOVERNANCE

On the supply side, it would seem that the Governments of El Salvador, Guatemala, and Honduras should be more capable of stemming violent crime, which generally takes the form of murder, robbery, kidnappings, and extortion by street gangs. Yet for the past half-century, forces that continually tested their capacity to manage have challenged these three countries. In all cases, barriers to further progress suggest the need to improve the effectiveness of governance.

In the late 1970s, the large agricultural plantations on which these economies depended began to mechanize, a shift that drove increasing numbers of rural farmworkers (campesinos) out of the fields and into cities to find work for which they were barely educated and largely unprepared. Growing populations overwhelmed rudimentary school systems that could hardly educate average citizens beyond primary grades. The military governments at the time could neither deliver services nor deal with social changes taking place. Hostilities escalated between radicals and military governments in El Salvador and Guatemala that brought in huge numbers of weapons. The resulting turmoil left an opening for criminal networks to enter just as increasing drug consumption in the United States began to fuel them. Colombian drug trafficking operations sprang up where police—all part of the military at the time and dedicated mostly to military tasks—were absent. Clandestine airports began to dot the Caribbean coast of Honduras.

Elections that brought in civilian governments in Honduras (1981), El Salvador (1984), and Guatemala (1984) were encouraging but created new sets of problems. Some were basic like setting up functioning government agencies led by civilian politicians who had little previous administrative experience. Others were more complex such as reducing corrupt practices in politics and business. Another was separating the police from the armed forces and establishing the rule of law. The United States also began deporting undocumented Central American juveniles that had arrived in the 1980s and fallen into the U.S. corrections system. Some took what they learned from U.S. gang culture and transferred it to their new home.

Gangs grew quickly, affiliating with U.S. groups, while taking in new deportees and unemployed youth from broken homes and informal farmworker families. In Guatemala's main cities, some clashed with Mexican drug mafias competing for territory. Not only were new, civilian police forces having trouble keeping up with existing criminal threats, they were underresourced and, in the cases of Guatemala and Honduras, experienced several rounds of leadership changes.<sup>3</sup> Lawmakers enacted new so-called "Hard Fist" (Mano Dura) laws intending to crack down, but weak courts and porous jails were unable to deal with the rising number of arrests. In Guatemala and Honduras, no social programs existed to supplant delinquent activity, as they did in neighboring Nicaragua—programs restructured from Sandinista youth indoctrination efforts of the 1980s.

Another, often overlooked obstacle to improved citizen security has been the prevailing model of governance in much of Latin America, in which power is heavily concentrated in the executive branch of the national government. El Salvador, Guatemala, and Honduras have national ministries administering local schools, supplying most government services and controlling local police. In colonial times, central authorities appointed mayors and rarely delegated authority. In recent times, elected municipal governments have not enjoyed much more authority nor have mayors and councilmen had the administrative skills and experience to transparently manage public finances. Thus in today's complex world, centralization ensures that only a few politically connected communities and neighborhoods get meaningful attention and opportunities for citizen involvement at the community are slim. The bureaucratic bottlenecks centralization hampers development, contributes to economic stagnation and lagging improvements to neighborhoods that then become subject to criminal predation.

## BUILDING CAPACITY AND CITIZEN PARTICIPATION

While many Central American citizens and leaders would like to see these conditions change, progress is not always possible without some encouragement. In IRI's efforts to build governing capacity, IRI partners with citizens, civil society, and national and local authorities. Especially at the local level, where citizens have the most contact with governing officials, IRI programs in El Salvador, Guatemala, and Honduras help strengthen the ability of municipalities to respond to citizen needs through a variety of best practices. These include opening budgets to public scrutiny, holding regular townhall meetings in each neighborhood or barrio to record and discuss citizen concerns, establishing community development offices to help start small businesses, and using digital media to increase contact with ordinary citizens as well as solicit feedback on policies and programs. All of this helps build

citizen awareness of what public officials are doing and what they are supposed to do, as well as establish trust.

Regarding citizen security, IRI works at both national and local levels. In Guatemala, the national government has established a countrywide network of municipal security councils (MSCs) comprised of citizens and local government representatives charged to devise public safety recommendations under the national prevention strategy and serve as a bridge between citizens, municipal government and national police components. IRI runs workshops for these MSCs to help identify community safety problems and develop collaborative solutions. Peer exchanges encourage dialogue at the global level. As part of the IRI Rising Stars program, Guatemalan mayors have traveled to cities in Chile and Colombia to learn about innovative municipal security practices and ways to enhance citizen services.

In Puerto Cortes, Honduras, IRI has coordinated with the municipal government to train neighborhood leaders called patronatos in promoting community safety in coordination with local authorities and the police. Puerto Cortes is renowned for building its own command center staffed by local citizens who receive emergency calls and then dispatch national police units where they are needed. In the “Together for our CommUNITY” program, the local patronatos learn negotiation, trust-building and communication techniques to obtain more effective cooperation and information from citizens. IRI is hoping to replicate this practice in other Central American municipalities to help local authorities limit opportunities for criminal activities to flourish.

#### CONCLUSION

That Central America is experiencing a security crisis is nothing new. But as this issue has grabbed U.S. attention again with the arrival of unaccompanied minors, it seems more urgent. In Central America, the United States has been working with willing societies to establish stable governments ruled by popular will and economies open to citizen participation for more than 30 years. Ongoing challenges suggest that progress will depend on long-term strategies and a commitment to partner in reform.

Progress is being made. The U.S. Department of State’s Bureau of International Narcotics and Law Enforcement Affairs’ Model Precincts approach that was introduced in 2004 has helped lift standards in community policing and coincides with IRI’s focus on citizen inputs to local public safety plans. Coupled with municipality-by-municipality governance reform initiatives like IRI’s to build links of cooperation between citizens, local authorities and nationally administered police units, territory can be slowly recovered from criminal organizations and gangs. Beyond improving public safety, these efforts may have economic value. Not long ago, the World Bank published estimates of the economic cost of crime and violence in Central America in 2011 as a percentage of gross domestic product (GDP). For El Salvador, the total costs amounted to nearly 11 percentage points. For Honduras, it was almost 10 percent and for Guatemala, it amounted to nearly 8 percent of GDP. If each country could reduce its homicide rate by 10 percent, the Bank estimated that GDP could potentially rise by almost a percentage point<sup>4</sup>—an economic boost that could facilitate a rise in employment prospects, perhaps further reducing migration incentives.

Mr. Chairman, whatever actions the U.S. Government decides, it should take into account the partnership it entered into with Central American countries 30 years ago to turn dictatorship into democratic rule. Most of the heavy lifting has been done by our partners. But when it comes to governance, there is much work left to be done.

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#### Notes

<sup>1</sup>Yearbook of Immigration Statistics: 2012, U.S. Department of Homeland Security.

<sup>2</sup>Ibid.

<sup>3</sup>Stephen Johnson, Johanna Mendelson Forman, and Katherine Bliss, “Police Reform in Latin America—Implications for U.S. Policy,” Center for Strategic and International Studies, Washington, DC, February 2012, pp. 27–32.

<sup>4</sup>“Crime and Violence in Central America—A Development Challenge,” The World Bank, 2011, pp. 7, 9.

The CHAIRMAN. Well, thank you all very much for your testimony.

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

to ask of you. And I think each of you has a valuable contribution to make.

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

[Recess.]

The CHAIRMAN. This hearing will come back to order.

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

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

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

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

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

The CHAIRMAN. But, in the first instance, is it fear or opportunity?

Ms. NAZARIO. It is absolutely fear.

The CHAIRMAN. Yes.

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

The CHAIRMAN. Ms. Arnson, let me ask you. I know you have done a lot of work over the years in the hemisphere. I am wondering about whether or not, in addition to my arguments about the lack of resources and our disengagement since this—the wars in Central America—we fought to create the seeds of democracy, and then we did not nurture it for it to grow fully in all of its dimensions—citizen security, economic growth and opportunity, and all the other things we want to see in a democratic society. How would you assess the effectiveness of current U.S. assistance programs in Central America? And what steps could be taken to enhance the quality of programs and ensure a greater impact on these countries?

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

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

The CHAIRMAN. I agree with you on that, and I think those are very important.

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

Ms. ARNISON. No—

The CHAIRMAN. It is going to take some time. It took some time to get to where it is, a part of it from our own neglect, part of it from the weak and very often corrupt governments that have existed in the region. And you are just not going to turn this around

overnight. So, having a commitment, here, is going to be necessary in order to get it to a point where we can see citizen security, where we can see a greater movement towards institutions that are transparent, not corrupt, and that we will see the benefits of that, as we did, for example, in Colombia—different context, different set of circumstances, but, nonetheless, it took some time. Is that a fair assessment?

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

The CHAIRMAN. Mr. Johnson, I would like to hear your views on it.

The Johnson sitting at the table. We are going to get right to you. [Laughter.]

Mr. JOHNSON. Well, in many respects, they are similar. I think our approach to the problems in Central America, to the extent that we do not want them on our doorstep, it is important to have a long-term view, that we have a comprehensive policy and that it is strategically driven and not quite as episodic. Very difficult for our country to do, because, in a democracy, we sometimes change our priorities, and, because of our position in the world, we have to look at other things that come upon our doorstep that we have to deal with.

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

Sometimes we do not appreciate the enormity of the change that is involved. For instance, in Colombia, the transformation of the Napoleonic code to an accusatorial criminal justice system seems like just a matter of changing the laws and retraining lawyers. But, what it also entailed was the building of courthouses, which Colombia never needed before, criminal justice tracking systems for cases, evidence warehouses, and forensic laboratories, which they never had. So, it ended up being much more than what was originally anticipated. And when you multiply that over something like 1,100 municipalities for the various installations and facilities that had to be built, it ended up being quite an investment. And I think we have to appreciate that dimension as much as the dimension of changing certain kinds of behaviors.

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



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

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

The CHAIRMAN. Thank you very much.

Senator JOHNSON.

Senator JOHNSON. Thank you, Mr. Chairman.

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

The CHAIRMAN. Without objection.

[The information referred to can be found on page 83.]

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

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

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

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

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

In his first term, President Obama had about 1.58 million removals, 1.6 million returns, for a total of 3.2 million, what I would consider, deportations as a broadly viewed term.

President Bush, on the other hand, in his second term, had about 1.2 million removals, compared to President Obama's 1.6. But, in terms of returns, he had 3.8 million, versus President Obama's 1.6.

So, total removal and returns of President Bush's second term, 4 years versus 4 years, was 5 million removals and returns under the Bush administration, 3.2 million returns and removals under President Obama. In President Bush's entire two terms, there were about 10.3 million removals and returns.

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

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

Mr. JOHNSON. Our goals in foreign policy are to protect our country, to defend our Nation and defend our citizens, and protect our borders. In doing that, we have a foreign policy that works with other countries to encourage reforms and develop alliances and—

Senator JOHNSON. Okay, let me just stop you there. Let me define an achievable goal on unaccompanied children. We have this humanitarian crisis on the border, 57,000 currently in this fiscal year. Secretary Johnson said it could be 90,000 by the end of this fiscal year, so by September 30; over 100,000 by 2015. So, again, what I am talking about is, What is the achievable goal to solve the problem of unaccompanied children? Keep it brief, because I think this can be described pretty briefly.

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

Senator JOHNSON. Okay.

Mr. JOHNSON [continuing]. That question to the other witnesses.

Senator JOHNSON. Okay.

Ms. Arnson.

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

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

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

Ms. ARNSON. To speed it up so that the backlog does not exist and send a message that is, therefore, exploited by traffickers to

play on people's fears and hopes, that once they get to the country, they will stay for some number of months or, you know, stretching into years, so that those cases can be speeded up, that there is an expanded process of hearings—an expanded process, and a more expeditious process.

Senator JOHNSON. So, you are saying the goal would be to send a message to the smugglers so that they no longer send children to America unaccompanied. So, again, I am just trying to focus in, would not the goal, in that case, be to stop the flow?

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

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

Just really quickly, Ms. Nazario, what would you say is the goal, our short-term, achievable goal, to address the unaccompanied children problem?

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

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

Senator JOHNSON. So, your—

Ms. NAZARIO. And if they do not qualify, if they are economic migrants, then deport them immediately, and that message will get back to those countries, “If you are coming for economic reasons”—and there are parts of Honduras, and there are people who are doing that—then send them back, and that will send a message. And that option is—and I am not popular in some human rights groups for saying, “Keep these kids in detention,” but that will force them to go through the process and not simply be released and sometimes show up to court. And, by the way, they are much more likely to show up to court if they have an attorney, and these

cases go much more quickly if they have an attorney. But, if they are a refugee, I think we are a compassionate country, and we will let people in. And if they are not, then deport them quickly. And that will send a message.

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

Ms. NAZARIO. I think we need to do both. We need to have more in-country processing, the ability to apply for refugee status in these three countries, so those children—I mean, I spent 3 months making that journey, and I had post-traumatic stress; and, believe me, many children die and lose arms and legs on that journey. You do not want that. So, you do need to beef up that ability to do that in those three home countries.

Senator JOHNSON. Okay.

Ms. NAZARIO. And we have not done that.

Senator JOHNSON. Well, thank you.

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

Ms. NAZARIO. What I have defined is achievable.

Senator JOHNSON. Okay, thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Ms. ARNISON, I see you—

Ms. ARNISON. Just a quick followup, Senator Johnson.

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

The CHAIRMAN. Well, look, I appreciate all the information and the views.

You know, as I understand it, Honduras is the—per capital, is the murder capital of the world. That beats Detroit. If you are the murder capital of the world, you are the murder capital of the world. And I understand that two other countries are third and fifth in that category, as well. So, it is—that is globally—so, that is pretty signature, in terms of citizen security and why people flee.

The way you stop the flow is to change the realities on the ground in Central America so that people will stay in their country and not flee out of fear, or even a belief of fear of opportunity. If

I have no fear for my life and if I have opportunity, then I am not going to flee. I have visited those Central American countries. They are quite beautiful. So, I think that if we really want to stem the flow, we have to change the realities on the ground, because, if not, this will be a reoccurring problem. It will have its spikes, and it will have its lows. But, the goal is to ultimately change the dynamics so we do not have any of this flow coming to the United States, other than through normal legal procedures.

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

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

The CHAIRMAN. Any other final comments, to give you the opportunity? Ladies first.

Ms. Nazario.

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

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

The CHAIRMAN. Thank you.

Mr. Johnson.

Mr. JOHNSON. I would just say that, in addition to the work that is being done in our capital and in the capitals of the Central American countries, that we focus on citizens, involving their participation, because, ultimately, the policies that are being debated are ones that should impact them and affect their decisions as to whether they can stay in their countries or whether they have to look elsewhere to be able to lead predictable, safe lives. I think their voice is very important, and I hope that we can keep that in mind as we decide what actions to take, hopefully moving forward on this issue and the overall matter of our relationship with allies in Central America.

Thank you.

The CHAIRMAN. Well, all very valid points, and we will certainly, as we try to deal with what we are going to do on the cause side,

think about many of the suggestions that you have, collectively, had.

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

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

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

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

#### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

##### RESPONSES OF AMBASSADOR THOMAS SHANNON TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* What type of long-term funding would the State Department and USAID and other agencies need to address the current crisis comprehensively?

*Answer.* The \$300 million supplemental request for the Department of State and USAID in the administration's supplemental request is a downpayment on a new strategic approach. We are working to include governance, economic prosperity, and security funding for the region in our out-year budget requests. The \$300 million requested, of which \$295 million is foreign assistance and \$5 million is for public diplomacy, will be tailored to the absorptive capacity of Central America in a comprehensive manner. To address the principal drivers of migration, such as violence, the lack of economic opportunity, corruption, and weak public institutions, the administration is developing a comprehensive strategy for Central America. This strategy will prioritize expanding existing successful programs and new programs that will advance economic prosperity, governance, and security in El Salvador, Guatemala, and Honduras that demonstrate our commitment to a sustained engagement in Central America.

*Question.* Over the past 5 years, have we had the right balance in our approach for Central America? What can be done to increase our emphasis on building governance and prosperity in the region? What are the specific elements we need to develop a comprehensive and long-term strategy for addressing the root causes of this crisis?

*Answer.* We are seeking to rebalance our approach to Central America to emphasize security, economic prosperity, and governance. In this effort, we must build upon and expand proven programs that address the economic and educational deficiencies in the region and will improve the public's trust and confidence in government institutions. We envision an economically integrated Central America that provides economic opportunities to its people; more democratic, accountable, transparent, and effective public institutions; and a safe environment for its citizens to build their lives in peace and stability.

Through our Central America Regional Security Initiative (CARSI) approach we have been working with interagency partners, including USAID, to address the security problem using a holistic approach designed to create opportunities for at-risk youth and their communities, strengthen the rule of law through building the capacity of police, the judicial sector, and other critical governmental entities, and strengthen democratic institutions.

We know that violence is only one of the underlying factors contributing to the surge of unaccompanied children arriving in the United States from Central America. Weak governance and lack of economic opportunity are other factors that contribute to out-migration, and we are working to enhance our cooperation with Central American countries.

*Question.* Isn't the violence ultimately what is driving these kids to leave? And if that's not the driving factor then why aren't we seeing those same pull factors causing a surge from other Central American countries such as Nicaragua and Belize, where economic deprivations are as acute but where there isn't the same gang problem?

*Answer.* Unaccompanied Central American children migrate to the United States for a number of reasons. High levels of violence in El Salvador, Guatemala, and Honduras are certainly one of the drivers of migration as are the pursuit of eco-

conomic and educational opportunities, and the potential for family reunification. These push factors also exist in other Central American countries, including Belize and Nicaragua, but there has not been a similar spike in numbers of unaccompanied children leaving either country for the United States.

Like their neighbors, Nicaragua and Belize suffer from lack of economic growth and high levels of violence, respectively. Nicaragua remains the poorest country in Central America based on per capita GDP. Given the economic situation a substantial number of Nicaraguans emigrate each year; however, they mainly are destined for neighboring Costa Rica and not to the United States. Belize suffers from high levels of violence—in 2012 recording a homicide rate of 44.7 per 100,000. While gangs are present in both Nicaragua and Belize, they are more locally based with fewer transnational ties than those found in El Salvador, Guatemala, and Honduras.

Despite these similarities, there are key differences in Nicaragua and Belize compared to El Salvador, Guatemala, and Honduras that help explain why emigration to the United States is not as high in the former two countries. Nicaragua, with a homicide rate of 11.3 per 100,000, remains significantly less violent compared to El Salvador, Guatemala, and Honduras which have rates of 41.2, 39.9, and 90.4, respectively. Belize's economic situation is much brighter than its Northern Tier neighbors, with significantly higher wages in agriculture and other fields. As a result, Belize often attracts migrants from El Salvador, Guatemala, and Honduras.

The potential for family reunification is not the same for Nicaragua and Belize as it is for the other Northern Tier countries. A 2011 study by the Pew Research Center cites less than 400,000 Nicaraguans living in the United States compared to an estimated 2 million Salvadorans, 1.2 million Guatemalans, and over 700,000 Hondurans. We estimate there is an even smaller number of Belizeans present in the United States—significantly reducing the pull factor of family reunification for these two countries.

*Question.* Considering that many of these children do not have safe home environments to return to and come from countries with virtually no child welfare systems in place, how will the administration ensure that those children who do not qualify for any type of protection or immigration status here in the U.S. will be returned in a safe, humane way? How can we ensure that these children, who are sent back to their homes with maybe only a bus ticket, don't go back into the hands of smugglers and traffickers? What are the administration's plans to fund reception and reintegration programs to make sure that doesn't happen? Does the United States currently support reintegration programs for returned children? What, if any, new programs will address this issue?

*Answer.* To respond to the immediate need to increase Central American governments' capacity to receive returned migrants, we will work to expand and improve existing centers for repatriated migrants. On June 20, Vice President Biden announced \$9.6 million of Department of State and USAID funds that will be used to immediately increase the capacity for Central American governments to receive, reintegrate, and care for repatriated migrants, including unaccompanied children. USAID's \$7.6 million program, implemented by the International Organization for Migration (IOM), is already underway. Program elements include improvement and expansion of existing repatriation centers and training and capacity-building for personnel involved in repatriation efforts in each country. The Department of State, led by the Bureau of Population, Refugees, and Migration, will use \$2.0 million, in coordination with IOM, to expand the capacity of governments and NGOs to provide services to returned migrants and to identify, screen, protect, and refer unaccompanied child migrants to appropriate services throughout the migration process. Our FY 2014 supplemental request includes an additional \$20 million for repatriation assistance to be implemented by USAID.

*Question.* Can you provide additional details about the response you have seen from Central American governments thus far? What else are we asking of these governments and what additional commitments will we want to see moving forward?

*Answer.* President Obama and the Presidents of El Salvador, Guatemala, and Honduras issued a joint statement following their recent meeting in Washington reiterating a "commitment to prevent families and children from undertaking this dangerous journey and to work together to promote safe, legal, and orderly migration." They pledged to pursue the criminal networks associated with child migration, to counter misinformation about U.S. immigration policy, to work together to humanely repatriate migrants, and to address the underlying causes of migration by reducing criminal activity and promoting greater social and economic opportunity.

Ongoing host government-led efforts in El Salvador, Guatemala, and Honduras include media campaigns, law enforcement investigations targeting organizations engaged in human smuggling, and programs to combat poverty and provide educational alternatives to youth. The Central American Presidents indicated to President Obama that they are working on a comprehensive plan to address the underlying causes of the humanitarian situation on the border.

*Question.* If they stay, they face persecution and possible death. If the administration attempts an expedited hearing process for these children, many of the children were trafficked or face in extreme violence in their communities and may face death if deported. Do you believe that many of these children are refugees and deserve protection?

*Answer.* Under U.S. law, a refugee is someone who has fled from his or her country of origin and is unable or unwilling to return because he or she has a well-founded fear of persecution based on religion, race, nationality, political opinion or membership in a particular social group.

An unaccompanied child who has arrived in the United States may seek asylum, although most do not. Many, but not all, UACs appear to be leaving for reasons related to situations of violence, lack of opportunity, and other conditions.

Whether any of them will qualify for refugee protection under U.S. law is ultimately a case-by-case determination dependent on the specific facts of each case, after a hearing before a trained asylum or immigration judge—something all of these migrants will have an opportunity to present, regardless of the removal procedure they undergo.

The Department of Homeland Security screens children to determine the validity of their asylum claims consistent with our domestic law and international obligations.

*Question.* What can the United States do to think beyond free trade agreements and employ a more comprehensive strategy of economic statecraft? How can we better partner with the region to increase investment, encourage U.S. businesses to be more engaged, drive down energy costs, and expand infrastructure in these countries?

*Answer.* The administration is committed to a comprehensive, sustained approach to create economic growth and shared prosperity. The President's July 25 meeting with the Presidents of El Salvador, Guatemala, and Honduras demonstrated the shared responsibility to address the underlying causes of migration, including promoting greater social and economic opportunity. The \$300 million supplemental request for Department of State and USAID includes \$295 million of foreign assistance for specific programming to bolster the source countries' economic prosperity.

The United States has already laid the groundwork for a broader effort to promote regional economic growth. Millennium Challenge Corporation Compacts in Honduras and El Salvador focus on improving infrastructure, market access, and transparency in public services. USAID provides ongoing support in important areas like education, agricultural development, natural resource management and workforce development. Furthermore, our existing programs, such as Connect the Americas 2022, Small Business Network of the Americas, Women's Entrepreneurship in the Americas (WEAmericas), and Pathways to Prosperity, already have a positive impact, but they are limited in scope and size which requires broader appreciation to have more impact in these underlying factors.

El Salvador, Guatemala, and Honduras each have very low tax revenue to GDP ratios which constrain their ability to provide basic services, including strong social safety nets, high quality education, or transportation infrastructure. As a result, many citizens lack faith in the effectiveness of government institutions. A lack of confidence and trust in public institutions contributes to informality at the lower rungs of the economy. Working with a wide cross-section of government entities (e.g., tax authorities, prosecutorial and justice systems, customs, and security forces) will be essential to creating a growth-oriented economic environment. Finally, helping to establish uniform standards for trade, investment, and customs across the entire Central American region would foster a larger, more attractive market for investors and traders.

These challenges are not as intractable as they seem and we have successful models in the region and globally. The governments in the region have acknowledged that addressing the current migration situation is a shared responsibility, and we expect them to be willing and transparent partners in programs dedicated to promoting greater social and economic opportunity.

*Question.* How is State—as it seeks to stand up new programs—addressing the scourge of gender-based violence?



Answer. The Department of State and USAID address gender-based violence (GBV) in El Salvador, Guatemala, and Honduras through assistance programming for survivors of gender-based violence and those at risk.

In FY 2013, USAID El Salvador established and supported two assistance centers for juvenile and adult survivors of gender-based violence. USAID Guatemala has provided technical assistance, training, and equipment to operationalize a specialized 24-hour court located in the Attorney General's Office in Guatemala City for cases related to violence against women, exploitation, sexual violence and human trafficking. The FY 2014 Supplemental Request for the Department of State and USAID includes funding that would be used to expand the 24-hour specialized court model to Honduras and El Salvador.

The Secretary's Office of Global Women's Issues has two Global Women, Peace, and Security grants for nongovernmental organizations in Guatemala. One grant supports Fundación Sobrevivientes, which works to protect women, children, and teenagers from violence by providing free access to legal, social, and psychological services to support survivors of physical and sexual violence. Funding also goes to the Myrna Mack Foundation, which works to monitor and measure the implementation of Guatemala's 2008 Law Against Femicide. In Honduras, a program through the Bureau of Combat and Stabilization Operations funds the Peace and Justice program which provides psychosocial support to survivors of gender-based violence and other forms of violent crime, and works to combat impunity by assisting Honduran law enforcement in the investigation and prosecution of these crimes. In March, we partnered with the Government of Chile to offer a course at the International Law Enforcement Academy in San Salvador, El Salvador designed to teach law enforcement officers how to prevent and respond to incidents of gender-based violence.

High levels of impunity, weak institutions, lack of police capacity and training, corruption, the effects of narcotrafficking and sociocultural attitudes toward women and girls contribute to high levels of gender-based violence, including intimate partner violence, rape, and homicide, in El Salvador, Honduras, and Guatemala. In 2013, the Guatemalan National Institute of Forensic Sciences reported 758 murders of women; however the conviction rate for the murders of women has hovered around 2 percent. The Salvadoran National Civil Police reported 216 killings of women in 2013, and in Honduras, the National Observatory on Violence reported that violent deaths of women increased by 263 percent between 2005 and 2013. Despite laws criminalizing rape, domestic abuse, and gender-based violence, including femicide, in all three countries, implementation and enforcement is often lacking.

*Question.* How can we best expand efforts to engage at-risk youth and help governments in the region create new educational and employment opportunities?

Answer. The Central American governments recognize the need to promote additional economic and social opportunities for their citizens. Honduran President Hernandez started a jobs program called "Con Chamba Vivis Mejor," in which the Honduran Government partners with businesses and pays half of new workers' salaries for a short time period. We seek enhanced partnerships in these areas with the Governments of El Salvador, Guatemala, and Honduras, recognizing that educational and economic opportunities are key elements to improving life in Central America.

Both the State Department and USAID have programs targeting at-risk youth, especially in some of the region's most violent communities, to provide alternatives to gangs and criminal lifestyles. Expanded efforts to engage youth must be comprehensive, including deterring at-risk youth from turning to crime in the first place and reinserting young people who have been involved with gangs into their communities through juvenile justice programs. To increase economic opportunity, we seek to expand existing programs that link small businesses to larger markets and contribute to business enabling environments, starting at the local level. By engaging with local educational and private sector actors, we will continue to target job skills programs toward specific vulnerable populations, such as at-risk youth, with in-demand skills for local markets.

*Question.* Is the administration developing any plans for "orderly departure" programs for the children and families who are at risk inside these countries, similar to the refugee admissions program or the in-country refugee processing that exist in a few other countries?

Answer. The administration is considering taking additional steps to further deter unlawful and dangerous migration to the United States.

To stem the flow of migrant children attempting to go to the United States, we are considering a small pilot project to explore whether children could go through

a process to determine if they are eligible to come legally to the United States before they leave their home countries. Our goals remain twofold in the United States as well as in the region: provide an effective deterrent for illegal migration through criminal smuggling networks, while protecting legitimate humanitarian claims. Any in-country program would be governed by these goals.

This is a pilot project and we expect this to be very modest in size. The standard to achieve refugee status is very high, and will not be changed. This will not be an avenue to reunite children with undocumented family members in the United States.

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RESPONSES OF AMBASSADOR THOMAS SHANNON TO QUESTIONS  
SUBMITTED BY SENATOR TOM UDALL

*Question.* Long-term regional cooperation between destination and source countries will be required to ensure programs focused on stopping criminal syndicates, supporting reintegration of returnees, and sustaining economic growth and governance reforms are effective and take hold.

- ◆ a. How will the supplemental request support high level, and sustained regional cooperation?

*Answer.* The Governments of El Salvador, Guatemala, and Honduras have reiterated their shared responsibility on this issue and desire to coordinate a response with the United State. The Presidents of the three governments expressed their political will to invest in the futures of their own countries; therefore, this supplemental request responds to the short-term humanitarian situation on the border and repatriation needs. It also addresses the underlying factors of migration to deal with the issue over the longer term. Of the total \$300 million FY 2014 Supplemental Request, \$295 million of Economic Support funds are distributed for economic prosperity, governance, and security of borders and in sending communities. The request focuses not only on bolstering security, but also on efforts to improve governments' capacity to govern, to promote economic growth, and to create jobs. These funds will help provide opportunities these three Central American economies currently lack. This supplemental request is a downpayment on our comprehensive approach in the region, which includes the sending nations, other regional partners, and international financial institutions. Our partner countries in Central America need to address the pressing citizen security, economic and social development issues that are the underlying causes driving irregular migration. The remaining \$5 million of the request will increase our public diplomacy outreach in the region to counter the false messages of smuggling networks that there are immigration benefits in the United States for those who risk the dangerous journey north.

- ◆ b. How will the State Department coordinate efforts to address these issues and ensure that the ground work is laid for a more comprehensive long-term approach to the region?

*Answer.* The migration of these children is the result of the economic and social conditions in El Salvador, Guatemala, and Honduras. A combination of poverty, ineffective public institutions, violence, and crime have combined to push these children from their homes and to begin an arduous and dangerous journey. These issues cannot be solved overnight. The administration, led by the Department of State, is working with the Governments of El Salvador, Guatemala, Honduras, and Mexico to develop a comprehensive, long-term strategy to address these underlying factors. The Department of State works closely with the interagency to ensure each agency's expertise and experience is utilized to develop this strategy.

The United States cannot solve these problems alone. The Presidents of El Salvador, Guatemala, and Honduras discussed plans for addressing long-term issues in Central America during their visits to Washington the week of July 21, including meeting with both Chambers of Congress. Their engagement is essential to address factors giving rise to migration. On July 8, President Obama submitted a supplemental budget request of \$3.7 billion to respond to the surge in unaccompanied minors arriving at the U.S. Southwestern border. Of this, \$300 million was requested for the Department of State and USAID to address the security, economic prosperity, and governance issues contributing to this situation. This request is only an initial down payment on a broader strategic effort to address underlying factors in Central America. Our embassies are already implementing plans to ramp up proven programs in the region. The Department of State is committed to working with the interagency, Congress, and our regional partners to develop and implement a long-term strategy for the region.

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RESPONSES OF AMBASSADOR THOMAS SHANNON TO QUESTIONS  
SUBMITTED BY SENATOR JOHN BARRASSO

*Question.* On June 15, 2012, the Department of Homeland Security (DHS) announced the rollout of the Deferred Action for Childhood Arrivals (DACA) policy. This new policy would allow individuals under the age of 31 who were brought to the United States illegally, that meet a certain criteria, to remain here legally.

- ◆ Was the State Department briefed by the White House or Department of Homeland Security prior to the rollout of the Deferred Action for Childhood Arrivals policy?
- ◆ Prior to the Department of Homeland Security rollout of the DACA policy, was the State Department consulted or involved in an interagency process to mitigate misperceptions? If the State Department was involved, who was the State Department representative(s) that participated?
- ◆ Has the State Department been involved with the interagency working group that has been working on Unaccompanied Children (UAC) issue over the past year? If so, who was the State Department representative(s) that participated?

*Answer.* The administration announced the Deferred Action for Childhood Arrivals (DACA) program in 2012 following an extensive interagency process that included the Department of State.

Eligibility under DACA is based on guidelines developed by the U.S. interagency, including the requirement that applicants must have been present in the United States on or before June 15, 2012. Before the announcement of DACA, these requirements were carefully discussed within the interagency. Following the rollout of DACA, the Departments of State and Homeland Security publicly reiterated that potential migrants would not benefit from this program.

The Department of State—led by representatives from the Bureau of Western Hemisphere Affairs and the Bureau of Population, Refugees, and Migration—has actively participated in the stakeholders meeting on unaccompanied children since 2012. These meetings bring together interagency colleagues, faith-based organizations, and nongovernmental organizations to discuss the latest developments and potential engagement and coordination opportunities for children already in the United States.

*Question.* According to Customs and Border Protection, the surge in unaccompanied children started in 2012, the same year that the administration rolled out the Deferred Action for Childhood Arrivals policy.

2009—6,000 children;  
2010—7,000 children;  
2011—6,500 children;  
2012—13,000 children;  
2013—24,000 children;  
2014—43,000 (approximately to date from Central America).

- ◆ Given this trend, how did the State Department not see this crisis coming?
- ◆ Did DHS engage the State Department in 2013 after the number of unaccompanied children quadrupled to 24,000 children?
- ◆ If these engagements did occur, what actions did the State Department take to mitigate the flow of unaccompanied children?
- ◆ Do you believe the State Department should have been engaging the Central American governments and media outlets after the surge of unaccompanied children in 2012?

*Answer.* The Department of State regularly participated in the interagency stakeholders meeting on unaccompanied children with the Department of Homeland Security since 2012. The stakeholders' meeting includes U.S. Government agencies as well as nongovernmental and faith-based organizations in order to develop a comprehensive perspective and response to this issue. As part of our engagement to promote more economically viable and safe communities, the Department of State works closely with our Central American partners to address the complex and systemic challenges these countries face. Slow economic growth, poor job creation, low investment in vocational education and training, increased violence, declining rural incomes, and ineffective use of limited public sector resources are among the various factors encouraging families and unaccompanied children to migrate.

We recognized these factors as early as 2008 when we requested U.S. assistance to first and foremost address the security crisis in Central America through the Central America Regional Security Initiative (CARSI). Through CARSI, the United States works with partner nations to strengthen institutions to counter the effects of organized crime and street gangs, uphold the rule of law, and protect human rights. CARSI prevention programs dissuade at-risk youth from turning to crime

and community policing programs facilitate trust between police and community members to enhance neighborhood safety.

The United States promotes regional economic growth, infrastructure modernization, and collaboration. Millennium Challenge Corporation (MCC) programs in Honduras and El Salvador focused on improving infrastructure and market access. In addition, Honduras is engaged in an MCC threshold program to improve its efficiency and transparency in providing public services. Pathways to Prosperity in the Americas, the Small Business Network of the Americas, Women's Entrepreneurship in the Americas (WEAmericas), La Idea, 100,000 Strong in the Americas, and Feed the Future are Department of State or USAID initiatives designed to provide critical economic, educational, and commercial opportunities.

Public affairs officers at U.S. embassies in the region continuously communicate direct messaging about the facts of U.S. immigration policy, and consult with host governments on public service announcement campaigns to stem the flow of unaccompanied minors to the United States.

*Question.* State Department's Consultations with Central American Countries.—In 2012 and 2013, did the State Department engage the governments Honduras, El Salvador, and Guatemala in a campaign to inform Central American families that their children will not qualify for the Deferred Action for Childhood Arrivals policy?

*Answer.* When the Deferred Action for Childhood Arrivals (DACA) policy was announced in 2012, the U.S. Government continually publicized the requirements for eligibility. Specifically, the administration emphasized the essential requirement that applicants must have been present in the United States on June 15, 2012. In addition to U.S.-based statements on DACA eligibility, the Department of State—through our embassies in the region—continuously communicates direct messaging about the facts of U.S. immigration policy and consults with host governments on public service announcement campaigns to stem the flow of unaccompanied minors to the United States. The Department of Homeland Security led two sessions in 2012 on DACA with foreign embassy staff based in Washington.

*Question.* This week, an El Paso Intelligence Center (EPIC) intelligence assessment dated July 7, 2014, was leaked to press. The report cites a U.S. Border patrol survey from May that interviewed 230 migrants. This assessment concludes that the driving factor behind the surge in unaccompanied children crossing the border is the “misperception of recent U.S. immigration policies” such as the Deferred Action for Childhood Arrivals policy. Meanwhile this administration has been primarily blaming the border crisis on gang violence in Honduras, El Salvador, and Guatemala.

- ◆ Do you agree with the El Paso Intelligence Center assessment that the misperception of DACA is a principle factor in the increase unaccompanied children migration?
- ◆ Does the State Department have a presence at the El Paso Intelligence Center?
- ◆ Do you believe the State Department has achieved its mission of promoting U.S. policy?

*Answer.* We are aware of the El Paso Intelligence Center (EPIC) assessment regarding the impact that misperception of U.S. immigration policies and benefits has on potential migrants. EPIC houses a number of different U.S. agencies, including the Department of State.

The majority of the children who arrive at the U.S. southern border reports migrating for more than one reason. Violence is one of the underlying factors that contributes to the surge of unaccompanied children arriving in the United States from Central America. Weak governance and lack of economic and educational opportunity are other contributing factors to out-migration. The prospect of family reunification and misinformation spread by smuggling organizations about potential immigration benefits in the United States are also factors that can influence parents' decisions to send their children to the United States as well as the minor's decision to emigrate. Smuggling organizations have spread false messages that incorrectly promise immigration benefits.

Public messaging campaigns, led by our embassies in coordination with the Governments of El Salvador, Guatemala, Honduras, and Mexico, have helped create a dynamic debate about illegal migration that undermines efforts by smugglers to entice young people and their parents into migration through misinformation. The messages of these campaigns have been reiterated in public comments from U.S. officials—including the President—urging parents not to send their children on this dangerous journey and underscoring that they will not be eligible for DACA or DREAM Act benefits if they reach the United States.

*Question.* Violence in Central America is not a new phenomenon but yet this administration continues to blame the surge of unaccompanied children on gang vio-

lence in Honduras, El Salvador, and Guatemala. There is no question that violence in Central America is a contributing factor but it is not the root cause for the crisis on our border. Honduras, El Salvador, and Guatemala have all decreased their murder rates.

- ◆ If the Honduran murder rate went down from 91.4 per 100,000 in 2011 to 80 per 100,000 in 2013, why does the surge of UACs continue?
- ◆ Do you agree with the El Paso Intelligence Center assessment that murder rates in Central America are not the principle factor increasing Unaccompanied Children migration?
- ◆ What is the assessment of the State Department Bureau of Intelligence and Research on the root cause for the spike in Unaccompanied Children crossing the U.S. border?

Answer. The Department of State shares your belief that violence is only one of the underlying factors that contribute to the surge of unaccompanied children arriving in the United States from Central America; there is no one primary cause driving the flow. Weak governance and lack of economic and educational opportunity are among other factors that contribute to out-migration. U.S. foreign assistance can enhance our cooperation with Central American countries in these areas. Many migrants are also motivated by the potential prospects of family reunification and better education or drawn by misinformation about United States immigration policy. The Department is engaged with governments and media outlets in El Salvador, Guatemala, and Honduras on public service announcement campaigns and public diplomacy outreach to correct these misperceptions about immigration policy.

Although homicide statistics in Central America decreased slightly, the rates continue to be among the highest in the world. According to United Nations statistics from 2012—the latest figures publicly available—the murder rate faced by Hondurans citizens is 14.6 times the global average of 6.2 per 100,000. In addition to high homicide rates, gangs, extortion, poverty, food insecurity, and impunity are pervasive in these countries and contribute to the flow of migrants.

*Question.* Media Campaigns.—The State Department as part of the supplemental appropriations request has asked for only \$600,000 for media campaigns in Mexico, Guatemala, El Salvador, and Honduras. This campaign will focus on the dangers of the journey for unaccompanied children. We know the major pull factor for unaccompanied children is the misperception that they will be able to stay here legally.

- ◆ Why is this media campaign not focusing on the fact these children cannot stay here legally?
- ◆ Of the \$5 million requested by the President, how much money is actually going toward a media campaign?
- ◆ Is this enough money to effectively deter parents from sending their children across the border?

Answer. Our public awareness campaigns promote facts about deportation proceedings and U.S. immigration laws to dispel the belief children can benefit from misinformation about U.S. immigration policies, and to inform parents who are considering sending their children, that their children will not be allowed to remain in the United States.

U.S. Ambassadors, Embassy public affairs officers, and other U.S. officials are active in local media to discuss the facts and emphasize both dangers of the journey to the United States and the lack of legal immigration benefits for those making the trip. To augment that media activity with widely disseminated U.S.-branded public service announcement campaigns, including in indigenous languages, we would dedicate \$1.6 million of the supplemental request to increase targeted messaging, focusing on Facebook (bought ads and content placement), leveraging the U.S. Customs and Border Patrol-produced public service announcements, host country government campaigns, and locally produced, U.S.-branded messaging.

The supplemental request is a downpayment on a more comprehensive, longer term Central America strategy keyed to our vision of an economically integrated Central America that provides economic opportunities to its people; is more democratic, accountable, transparent, and has effective public institutions; and offers a safe environment for its citizens to build their lives in peace and stability. The United States cannot solve these problems alone. We expect the Central American governments to provide complementary financial and political commitments to address the factors driving migration.

## STATEMENT SUBMITTED BY AFL-CIO PRESIDENT RICHARD TRUMKA

(Washington, DC) The humanitarian crisis of families and children fleeing violence in Central America and turning themselves in to U.S. Border Patrol agents has brought out both the best and the worst in our nation.

Alarming, in places like Murrieta, California, and Vassar, Michigan, we have seen ugly reminders of racism and hatred directed toward children. The spewing of nativist venom, the taking up of arms and the fear-mongering about crime and disease harken back to dark periods in our history and have no business taking place under the banner of our flag.

On the other hand, around the country we have also seen a tremendous outpouring of compassion and concern for the plight of these women and children. We are proud to say that local unions have joined with faith and community groups to collect needed supplies, provide shelter and support, and call for humane treatment.

The situation along the border is a refugee crisis that requires a humane, lawful response and must not be politicized. The labor movement calls upon national and community leaders to respond to the crisis in a manner that meets our obligations under U.S. and international law, and comports with basic human rights and American values. This means ensuring full due process and providing the additional resources necessary to ensure the well-being and fair treatment of children and refugees. It also requires taking an honest assessment of the root causes of the crisis, including the long-term impact of U.S. policies on immigration, trade, and foreign affairs.

We cannot lend credibility to Republican assertions that a refugee crisis is proof that we should continue to deport hard working people who have been contributing members of our society for years. These are simply new excuses to justify failed policies. Lifting the pressure on immigrant workers was needed before the child refugee story developed, and it is no less urgent today. The Administration must act now to keep all families together, uphold our standards as a humanitarian nation, and advance the decent work agenda necessary to improve conditions both at home and abroad.

## CHILD MIGRANTS, ALONE IN COURT

[The New York Times, Apr. 10, 2013]

(By Sonia Nazario)

LOS ANGELES—Belkis Rivera, 14 years old, sat in the Los Angeles immigration courtroom, in a black coat and purple scarf, shaking with fear.

When Belkis was 6, the gang that controlled her neighborhood in San Pedro Sula, Honduras, killed her grandmother and then her uncle, and demanded that her brothers join as lookouts. Belkis's mother took the boys and fled to the United States, leaving Belkis behind with family. When the gang started stalking and threatening Belkis, then 13, she followed, making the terrifying six-month journey across Mexico by herself. She was caught by the Border Patrol last September, while crossing into the United States.

Now she faced one more trauma: America's judicial system.

In a nation that prides itself on the fact that everyone accused of a crime—murderers, rapists—has the right to a lawyer, undocumented immigrants, even when they are unaccompanied children, are not entitled to a public defender. Although some children are represented by pro bono lawyers or, for the few whose families can afford it, private lawyers, it's estimated that more than half of them go to court alone. These children—some as young as 2 years old—have no one to help them make the case that they should not be deported.

The issue is gaining urgency. While the overall number of apprehensions of immigrants unlawfully entering the country is at a 40-year low, the number of children coming illegally and alone is surging, largely as a result of increasing drug-fueled violence in Central America, particularly Guatemala, Honduras and El Salvador. One in 13 people caught by the Border Patrol last fiscal year were under 18. Seventeen percent of them were 13 or younger. Close to 14,000 minors, twice as many as the previous year, were placed in federal custody. (This figure doesn't include an equal number of Mexican children who were quickly deported.)

Many of these children have a legitimate fear of what could happen to them if they are sent back to their home countries. A recent study by the Vera Institute of Justice, a nonprofit group, showed that 40 percent of unaccompanied children potentially qualify for statuses that exempt them from deportation. Among the most

likely possibilities: asylum, because they fear persecution in their home country, or a special immigrant juvenile status for children abused or abandoned by a parent.

And yet, while more recent legislation has improved the odds, only around 7 percent of those who were placed in federal custody between 2007 and 2009, and who had received a ruling by mid-2010, were winning their cases. Not surprisingly, those with legal representation were nearly nine times more likely to win.

In court, these children are up against trained government lawyers. They must testify under oath, file supporting documents and navigate the complexities of immigration law, with no knowledge of the country's language or customs, and often with only the help of a translator. Children in the courtroom often seem confused and frightened. Staff members with Kids in Need of Defense, or KIND, a group whose board I serve on and the principal provider of pro bono lawyers for these children, told me of a boy in Los Angeles who carried his teddy bear for comfort and a toddler in a Texas courtroom who wet his pants when he faced the judge.

Most immigrant children come to reunite with family members, and are released to those families while their hearings proceed. But many are also fleeing harm.

Take Estefany Aracely Climaco Acosta, who left El Salvador at 12 to join her mother in Los Angeles. When Estefany was 10, an uncle arrived one morning at the mud hut the girl shared with her grandmother and other relatives. The uncle knew that only Estefany was home at that hour. He tied her hands behind her back and raped her. She screamed, but the hut was in an isolated spot. "No one could hear me," she said, of the rapes she endured for two years. A KIND pro bono lawyer took her case and she was granted asylum last August.

Wilmer Villalobos Ortiz was orphaned in Honduras when he was 8. He was left with an abusive aunt, who whipped him with an electrical cord and forced him to quit school in the seventh grade. She put him to work 17 hours a day at her pool hall and bar, where the patrons included members of the 18th Street gang, who targeted him as ripe for recruitment. When he was 14, they asked him to join, and then they threatened him. "We will kill you," one of them said, putting a knife to Wilmer's stomach. "You are either with us, or against us." They did worse things to him that Wilmer won't discuss.

In 2008, when he was 15, Wilmer escaped, heading to the United States. He spent a month and a half riding on top of freight trains to get through Mexico. He saw members of the Zeta narco-traffickers stop his train, club a woman unconscious and snatch her young son from her arms. Another time, he saw a boy his age stumble getting on a moving train and heard his screams as the boy's legs were cut off by the wheels.

He was caught by the Border Patrol after crossing the Rio Grande into Texas. He spent a year in two detention centers for children before landing in a group foster home in Arlington, Mass., where he attended high school while his deportation case proceeded.

His case was taken on by Daniel White of Goodwin Procter, a volunteer lawyer with KIND who normally handles transactional corporate law. He showed Wilmer what would happen in court, what questions would be asked, what to say. Last spring, Wilmer got his green card, after winning the right to stay in the United States.

Wilmer is luckier than most—each day, immigration courtrooms are filled with children who have no lawyer to represent them, and whose stories we rarely hear. These children share one constant: their suffering doesn't end when they cross the border.

UNDER normal circumstances, the Border Patrol is supposed to transfer captured children out of its holding cells and into the custody of Health and Human Services' Office of Refugee Resettlement within 72 hours. But last year children were held for up to two weeks in Border Patrol cells with no windows to the outside, showers or recreation space, according to a report by the Women's Refugee Commission based on interviews with 151 detained children. Some complained of inadequate food and water. One described a cell so crowded the children had to take turns lying down on the concrete floor to sleep. The lights were never turned off.

These children need our help. In recent years KIND has recruited more than 5,000 lawyers. But they are still only able to triage their limited resources; we need far more volunteers, and more law firms willing to count pro bono work toward lawyers' billable hours.

Pro bono lawyers are only part of the solution. These children need public defenders who are experts in immigration law. Congress should include money to hire lawyers for all unaccompanied minors as part of any comprehensive immigration reform. Yes, these children broke the law coming to this country, but if deporting them will put them in danger, they deserve a fair hearing in our courts, something anyone, especially a child, cannot get without a lawyer.

Ana Suruy wants every child to have the help she believes saved her life. In Guatemala, a drug trafficking cartel targeted Ana's mother for extortion. When the cartel threatened to kidnap her family, Ana's mother agreed to pay. But it wasn't enough; the cartel poisoned the family's dog and cat, and twisted the necks of their flock of ducks. A man left a threatening note one day under their door, singling out Ana, then 13 years old, for harm. Her mother, terrified, called the police, and then put Ana in the hands of a smuggler to take her north.

Ana made six attempts to cross into the United States. She was robbed at gunpoint, abandoned by a smuggler, saw dead migrants in the Arizona desert, and spent two days walking with no food or water, before the Border Patrol caught her and put her in a detention center in Phoenix. After three months, she was released to a cousin on Long Island. He went with Ana to her first court hearing. People had warned Ana that without a lawyer she didn't stand a chance, but her relatives, landscapers making minimum wage, had no money to spare.

"I had so much fear," Ana said. "I didn't want to go back to Guatemala." The man who wrote the threatening note had somehow obtained her cellphone number and was calling, saying he knew where she went to school in New York, and making sexually suggestive sounds. As she waited in the hallway of the Manhattan courtroom for the judge to summon her, KIND's local pro bono coordinator came up and asked if she needed a lawyer.

Five lawyers from the firm Paul Hastings in New York would tag-team her representation over four years. They obtained Guatemalan police reports, hired an expert to testify on narco-threats and prepared Ana for what felt to her like a sustained grilling.

Last December, Ana, then 19, was granted asylum. Without a lawyer, she would most likely have been deported, like so many others. That could be the fate of Belkis Rivera, who has to return to court in Los Angeles this summer. Her mother works at a nail polish factory, and can't afford \$3,500 for a private lawyer. Now a seventh grader, Belkis will have no one to stand beside her.

On Wednesday, thousands of supporters of immigration reform rallied in Washington, while opponents of the measure tried to shout them down. People can be of different minds on the immigration issue and how to handle it, said Justin Goggins, one of Ana's lawyers. But this is one aspect we ought to be able to agree on. Federal officials are predicting that the number of unaccompanied minors crossing the border illegally will jump by around 70 percent in this fiscal year. "At the end of the day," Mr. Goggins said, "no kid should be out there to defend themselves in this situation with no voice."

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THE CHILDREN OF THE DRUG WARS—A REFUGEE CRISIS,  
NOT AN IMMIGRATION CRISIS

New York Times, Sunday Review/Opinion, July 11, 2014

(By Sonia Nazario)

CRISTIAN OMAR REYES, an 11-year-old sixth grader in the neighborhood of Nueva Suyapa, on the outskirts of Tegucigalpa, tells me he has to get out of Honduras soon—"no matter what."

In March, his father was robbed and murdered by gangs while working as a security guard protecting a pastry truck. His mother used the life insurance payout to hire a smuggler to take her to Florida. She promised to send for him quickly, but she has not.

Three people he knows were murdered this year. Four others were gunned down on a nearby corner in the span of two weeks at the beginning of this year. A girl his age resisted being robbed of \$5. She was clubbed over the head and dragged off by two men who cut a hole in her throat, stuffed her panties in it, and left her body in a ravine across the street from Cristian's house.

"I'm going this year," he tells me.

I last went to Nueva Suyapa in 2003, to write about another boy, Luis Enrique Motiño Pineda, who had grown up there and left to find his mother in the United States. Children from Central America have been making that journey, often without their parents, for two decades. But lately something has changed, and the predictable flow has turned into an exodus. Three years ago, about 6,800 children were detained by United States immigration authorities and placed in federal custody; this year, as many as 90,000 children are expected to be picked up. Around a quarter come from Honduras—more than from anywhere else.



Children still leave Honduras to reunite with a parent, or for better educational and economic opportunities. But, as I learned when I returned to Nueva Suyapa last month, a vast majority of child migrants are fleeing not poverty, but violence. As a result, what the United States is seeing on its borders now is not an immigration crisis. It is a refugee crisis.

Gangs arrived in force in Honduras in the 1990s, as 18th Street and Mara Salvatrucha members were deported in large numbers from Los Angeles to Central America, joining homegrown groups like Los Puchos. But the dominance in the past few years of foreign drug cartels in Honduras, especially ones from Mexico, has increased the reach and viciousness of the violence. As the United States and Colombia spent billions of dollars to disrupt the movement of drugs up the Caribbean corridor, traffickers rerouted inland through Honduras, and 79 percent of cocaine-smuggling flights bound for the United States now pass through there.

Narco groups and gangs are vying for control over this turf, neighborhood by neighborhood, to gain more foot soldiers for drug sales and distribution, expand their customer base, and make money through extortion in a country left with an especially weak, corrupt government following a 2009 coup.

Enrique's 33-year-old sister, Belky, who still lives in Nueva Suyapa, says children began leaving en masse for the United States three years ago. That was around the time that the narcos started putting serious pressure on kids to work for them. At Cristian's school, older students working with the cartels push drugs on the younger ones—some as young as 6. If they agree, children are recruited to serve as lookouts, make deliveries in backpacks, rob people and extort businesses. They are given food, shoes and money in return. Later, they might work as traffickers or hit men.

Teachers at Cristian's school described a 12-year-old who demanded that the school release three students one day to help him distribute crack cocaine; he brandished a pistol and threatened to kill a teacher when she tried to question him.

At Nueva Suyapa's only public high school, narcos "recruit inside the school," says Yadira Saucedo, a counselor there. Until he was killed a few weeks ago, a 23-year-old "student" controlled the school. Each day, he was checked by security at the door, then had someone sneak his gun to him over the school wall. Five students, mostly 12- and 13-year-olds, tearfully told Ms. Saucedo that the man had ordered them to use and distribute drugs or he would kill their parents. By March, one month into the new school year, 67 of 450 students had left the school.

Teachers must pay a "war tax" to teach in certain neighborhoods, and students must pay to attend.

Carlos Baquedano Sánchez, a slender 14-year-old with hair sticking straight up, explained how hard it was to stay away from the cartels. He lives in a shack made of corrugated tin in a neighborhood in Nueva Suyapa called El Infiernito—Little Hell—and usually doesn't have anything to eat one out of every three days. He started working in a dump when he was 7, picking out iron or copper to recycle, for \$1 or \$2 a day. But bigger boys often beat him to steal his haul, and he quit a year ago when an older man nearly killed him for a coveted car-engine piston. Now he sells scrap wood.

But all of this was nothing, he says, compared to the relentless pressure to join narco gangs and the constant danger they have brought to his life. When he was 9, he barely escaped from two narcos who were trying to rape him, while terrified neighbors looked on. When he was 10, he was pressured to try marijuana and crack. "You'll feel better. Like you are in the clouds," a teenager working with a gang told him. But he resisted.

He has known eight people who were murdered and seen three killed right in front of him. He saw a man shot three years ago and still remembers the plums the man was holding rolling down the street, coated in blood. Recently he witnessed two teenage hit men shooting a pair of brothers for refusing to hand over the keys and title to their motorcycle. Carlos hit the dirt and prayed. The killers calmly walked down the street. Carlos shrugs. "Now seeing someone dead is nothing."

He longs to be an engineer or mechanic, but he quit school after sixth grade, too poor and too afraid to attend. "A lot of kids know what can happen in school. So they leave."

He wants to go to the United States, even though he knows how dangerous the journey can be; a man in his neighborhood lost both legs after falling off the top of a Mexican freight train, and a family friend drowned in the Rio Grande. "I want to avoid drugs and death. The government can't pull up its pants and help people," he says angrily. "My country has lost its way."

Girls face particular dangers—one reason around 40 percent of children who arrived in the United States this year were girls, compared with 27 percent in the past. Recently three girls were raped and killed in Nueva Suyapa, one only 8 years old. Two 15-year-olds were abducted and raped. The kidnappers told them that if

they didn't get in the car they would kill their entire families. Some parents no longer let their girls go to school for fear of their being kidnapped, says Luis López, an educator with Asociación Compartir, a nonprofit in Nueva Suyapa.

Milagro Noemi Martínez, a petite 19-year-old with clear green eyes, has been told repeatedly by narcos that she would be theirs—or end up dead. Last summer, she made her first attempt to reach the United States. “Here there is only evil,” she says. “It's better to leave than have them kill me here.” She headed north with her 21-year-old sister, a friend who had also been threatened, and \$170 among them. But she was stopped and deported from Mexico. Now back in Nueva Suyapa, she stays locked inside her mother's house. “I hope God protects me. I am afraid to step outside.” Last year, she says, six minors, as young as 15, were killed in her neighborhood. Some were hacked apart. She plans to try the journey again soon. Asking for help from the police or the government is not an option in what some consider a failed state. The drugs that pass through Honduras each year are worth more than the country's entire gross domestic product. Narcos have bought off police officers, politicians and judges. In recent years, four out of five homicides were never investigated. No one is immune to the carnage. Several Honduran mayors have been killed. The sons of both the former head of the police department and the head of the national university were murdered, the latter, an investigation showed, by the police.

“You never call the cops. The cops themselves will retaliate and kill you,” says Henry Carias Aguilar, a pastor in Nueva Suyapa. A majority of small businesses in Nueva Suyapa have shuttered because of extortion demands, while churches have doubled in number in the past decade, as people pray for salvation from what they see as the plague predicted in the Bible. Taxis and homes have signs on them asking God for mercy.

The United Nations High Commissioner for Refugees recently interviewed 404 children who had arrived in the United States from Honduras, El Salvador, Guatemala and Mexico; 58 percent said their primary reason for leaving was violence. (A similar survey in 2006, of Central American children coming into Mexico, found that only 13 percent were fleeing violence.) They aren't just going to the United States: Less conflicted countries in Central America had a 712 percent increase in asylum claims between 2008 and 2013.

“If a house is burning, people will jump out the window,” says Michelle Brané, director of the migrant rights and justice program at the Women's Refugee Commission.

To permanently stem this flow of children, we must address the complex root causes of violence in Honduras, as well as the demand for illegal drugs in the United States that is fueling that violence.

In the meantime, however, we must recognize this as a refugee crisis, as the United Nations just recommended. These children are facing threats similar to the forceful conscription of child soldiers by warlords in Sudan or during the civil war in Bosnia. Being forced to sell drugs by narcos is no different from being forced into military service.

Many Americans, myself included, believe in deporting unlawful immigrants, but see a different imperative with refugees.

The United States should immediately create emergency refugee centers inside our borders, tent cities—operated by the United Nations and other relief groups like the International Rescue Committee—where immigrant children could be held for 60 to 90 days instead of being released. The government would post immigration judges at these centers and adjudicate children's cases there.

To ensure this isn't a sham process, asylum officers and judges must be trained in child-sensitive interviewing techniques to help elicit information from fearful, traumatized youngsters. All children must also be represented by a volunteer or government-funded lawyer. Kids in Need of Defense, a nonprofit that recruits pro bono lawyers to represent immigrant children and whose board I serve on, estimates that 40 percent to 60 percent of these children potentially qualify to stay under current immigration laws—and do, if they have a lawyer by their side. The vast majority do not. The only way to ensure we are not hurtling children back to circumstances that could cost them their lives is by providing them with real due process.

Judges, who currently deny seven in 10 applications for asylum by people who are in deportation proceedings, must better understand the conditions these children are facing. They should be more open to considering relief for those fleeing gang recruitment or threats by criminal organizations when they come from countries like Honduras that are clearly unwilling or unable to protect them.

If many children don't meet strict asylum criteria but face significant dangers if they return, the United States should consider allowing them to stay using humanitarian parole procedures we have employed in the past, for Cambodians and Hai-

tians. It may be possible to transfer children and resettle them in other safe countries willing to share the burden. We should also make it easier for children to apply as refugees when they are still in Central America, as we have done for people in Iraq, Cuba, countries in the former Soviet Union, Vietnam and Haiti. Those who showed a well-founded fear of persecution wouldn't have to make the perilous journey north alone.

Of course, many migrant children come for economic reasons, and not because they fear for their lives. In those cases, they should quickly be deported if they have at least one parent in their country of origin. By deporting them directly from the refugee centers, the United States would discourage future non-refugees by showing that immigrants cannot be caught and released, and then avoid deportation by ignoring court orders to attend immigration hearings.

Instead of advocating such a humane, practical approach, the Obama administration wants to intercept and return children en route. On Tuesday the president asked for \$3.7 billion in emergency funding. Some money would be spent on new detention facilities and more immigration judges, but the main goal seems to be to strengthen border control and speed up deportations. He also asked Congress to grant powers that could eliminate legal protections for children from Central America in order to expedite removals, a change that Republicans in Congress have also advocated.


This would allow life-or-death decisions to be made within hours by Homeland Security officials, even though studies have shown that border patrol agents fail to adequately screen Mexican children to see if they are being sexually exploited by traffickers or fear persecution, as the agents are supposed to do. Why would they start asking Central American children key questions needed to prove refugee status?

The United States expects other countries to take in hundreds of thousands of refugees on humanitarian grounds. Countries neighboring Syria have absorbed nearly 3 million people. Jordan has accepted in two days what the United States has received in an entire month during the height of this immigration flow—more than 9,000 children in May. The United States should also increase to pre-9/11 levels the number of refugees we accept to 90,000 from the current 70,000 per year and, unlike in recent years, actually admit that many.

By sending these children away, “you are handing them a death sentence,” says José Arnulfo Ochoa Ochoa, an expert in Honduras with World Vision International, a Christian humanitarian aid group. This abrogates international conventions we have signed and undermines our credibility as a humane country. It would be a disgrace if this wealthy nation turned its back on the 52,000 children who have arrived since October, many of them legitimate refugees.

This is not how a great nation treats children.

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 Official website of the Department of Homeland Security



## Homeland Security

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### Eligibility for Deferred Action

Those who demonstrate that they meet the criteria may be eligible to receive deferred action for a period of two years, subject to renewal. Each application will be reviewed on a case by case bases. To be eligible, individuals must:

1. Have come to the United States under the age of sixteen;
2. Have continuously resided in the United States for at least five years preceding the date of this memorandum and are present in the United States on the date of this memorandum;
3. Are currently in school, have graduated from high school, have obtained a general education development certificate, or are honorably discharged veterans of the Coast Guard or Armed Forces of the United States;
4. Have not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety;
5. Are not above the age of thirty.

- Individuals must also complete a background check and, for the process to be developed by USCIS, must be 15 years or older unless they are subject to a final order of removal. Only those individuals who can prove through verifiable documentation that they meet these criteria will be eligible for deferred action.
- DHS and its components will implement a process by August 15, 2012 to allow eligible young people to request deferred action and employment authorization. In the meantime, individuals who believe they are eligible should not submit a deferred action request.
- Individuals who are not in removal proceedings or who are subject to a final order of removal will need to submit a request for a review of their case and supporting evidence to USCIS. In the coming weeks, USCIS will outline and announce the procedures by which individuals can engage in this process. Individuals with questions or seeking more information on the new process may call the USCIS hotline or visit the USCIS website.
- For individuals who are in removal proceedings before the Executive Office for Immigration Review, ICE will, in the coming weeks, announce the process by which qualified individuals may request a review of their case. Additional information is available from the ICE Office of the Public Advocate.

#### More from DHS

- [Deferred Action](#)
- [Secretary Napolitano Announces Deferred Action Process for Young People Who Are Low Enforcement Priorities](#), June 15, 2012
- [Fact Sheet: Transforming the Immigration Enforcement System](#), June 15, 2012
- [La Secretaria Napolitano Anuncia Proceso De Acción Diferida Para Jóvenes Que Sean De Baja Prioridad Para La Aplicación De La Ley](#), 15 de junio, 2012
- [Deferred Action for Childhood Arrivals flyer](#) (1317KB PDF)
- [DHS Memo: Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children](#) (144KB PDF)

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## FEW CHILDREN ARE DEPORTED

Wall Street Journal, July 11, 2014

(By Laura Meckler and Ana Compoy)

Thousands of children from Central America are undertaking a perilous journey to the U.S. border despite warnings from the U.S. that they will be sent back. In fact, many will get to stay.

Data from immigration courts, along with interviews with the children and their advocates, show that few minors are sent home and many are able to stay for years in the U.S., if not permanently. That presents a deep challenge for President Barack Obama and lawmakers as they try to shore up an overburdened deportation system. In fiscal year 2013, immigration judges ordered 3,525 migrant children to be deported, according to Justice Department figures. Judges allowed an additional 888 to voluntarily return home without a formal removal order.

Those figures pale in comparison with the number of children apprehended by the border patrol. In each of the last five years, at least 23,000 and as many as 47,000 juveniles have been apprehended. Those totals include Mexicans, who often are sent home without formal deportation proceedings and so may not be among those ordered removed last year.

There are many reasons children end up staying. Some see their cases linger in backlogged courts and administrative proceedings. Some win the legal right to remain in the U.S. And some ignore orders to appear in court.

Children who enter the U.S. illegally often are trying to reunite with family members or escaping gang violence and poverty. The U.S. has been overwhelmed finding shelters for them, and Mr. Obama has repeatedly said that they won't be allowed to stay. But the reality on the ground—that so few are returned to their home countries—will continue to encourage more to make the journey north, said Doris Meissner, director of the Immigration Policy Program at the nonpartisan Migration Policy Institute.

"They're here, and they're staying, and whatever else might happen to them is at least a year or more away," said Ms. Meissner, a former Immigration and Naturalization Service commissioner. "Until people's experience changes, more are going to continue to come, because they're achieving what they need: safety and reunification with their families."

Last fiscal year, immigration judges reached a decision in 6,437 juvenile cases, according to the court data. About two-thirds of the minors were ordered deported or allowed to leave the country voluntarily, and 361 were given legal status. In most other cases, the judge terminated the case, meaning the child wasn't ordered out of the U.S. but wasn't given explicit permission to stay, either.

Separate data from the Department of Homeland Security show that in fiscal 2013, about 1,600 children were actually returned to their home countries—less than half the number who were ordered removed—suggesting that some are evading deportation orders.

The head of the immigration court system told a Senate hearing this week that 46% of juveniles failed to appear at their hearings between the start of the 2014 fiscal year last Oct. 1 and the end of June. And court figures show that last year, more than 2,600 out of about 6,400 orders were entered without the juvenile present—in absentia.

Simply reaching a decision in these cases can take years, and the backlog is growing worse. As of June 30, there were 41,832 pending juvenile cases, up from about 30,000 nine months earlier. In some jurisdictions, it is common for court dates to be set two or three years out.

Most illegal border crossers are adults, children traveling with adults, or juveniles from Mexico. Their cases tend to be heard quickly, and most are immediately sent back to their home countries.

The current crisis at the border is due to a different set of illegal immigrants, unaccompanied minors from Central America. The long delays largely can be traced to a 2008 federal law that requires cases involving children traveling alone from countries other than Mexico and Canada be heard in immigration court. The wait can stretch to several years for a decision, even in a straightforward case.

The vast majority of these children are placed with family members in the U.S. while the proceedings unfold, but first they must travel through facilities run by two different government agencies, which further extends the process.

On top of that, judges often delay cases repeatedly to give the children time to find legal representation. Just 15% of some 21,000 children sheltered by the Depart-

ment of Health and Human Services between August 2012 and July 2013 were matched with attorneys while in government custody, an HHS spokesman said.

Helen Cruz, 16, said gang violence in her home of Tegucigalpa, Honduras, pushed her to make the 1,900-mile trek to the Texas border with her 17-year-old sister.

More than seven months after she arrived, Ms. Cruz's legal proceedings have barely begun. Her first court appearance is scheduled for August, and it could take another year or more for her case to be adjudicated, said Wendi Adelson, a professor at the Florida State University College of law who is representing her pro bono.

Her August hearing will likely be a short affair to inform the judge she plans to apply for special immigrant juvenile status, a process that could take many months. That will require Ms. Cruz to obtain an order from state juvenile court stating that she has been abandoned by her father and it isn't in her best interest to return to Honduras. She then will need to file an application with the U.S. Citizen and Immigration Service, where the number of pending special immigrant juvenile status cases ballooned to 702 in the year ending September 2013 from 47 during the same period in 2011, agency statistics show.

"Sometimes I feel like going back, but I'm in danger over there" from gang violence, Ms. Cruz said. "If I can stay here, I will get a chance to get an education and be able to help the people I love back home."

Under U.S. rulings, threat of gang violence by itself doesn't qualify someone for asylum. Nor does economic hardship at home qualify someone for legal status in the U.S.

At the same time, the U.S. sometimes is unable or unwilling to return children who have been ordered removed. So far, that is a small problem, one official said, but it is likely to grow as the U.S. seeks to return many more youths to their home countries. "We just want to make sure that kids don't fall through the cracks," a senior administration official said. "You can't send them back without making sure there's a system in place that makes sure they don't wind up in an unsafe environment."

Because of court backlogs, most of the 2013 court and deportation data represent cases of children who arrived in earlier years. One explanation for the low deportation figures is that people apprehended as juveniles turn 18 during the course of court proceedings and so become counted as adults. Deportation figures also don't include Mexican youth who are turned around at the border each year.

Some children are able to stay because they qualify for asylum or special visas given to victims of crime or human trafficking. Advocates say that a robust court system is necessary to be sure those claims are properly considered.

The White House has proposed modifying the 2008 law to speed up deportation cases for Central American children. This week it sent Congress a \$3.7 billion plan that would add more detention facilities and immigration judges, and help Central American countries repatriate children.

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Number of Aliens Removed and Returned During  
the Bush and Obama Administrations

| Year                 | Removals <sup>1</sup> | Returns <sup>2</sup> | Total      |
|----------------------|-----------------------|----------------------|------------|
| 2001                 | 189,026               | 1,349,371            | 1,538,397  |
| 2002                 | 165,168               | 1,012,116            | 1,177,284  |
| 2003                 | 211,098               | 945,294              | 1,156,392  |
| 2004                 | 240,665               | 1,166,576            | 1,407,241  |
| Bush First Term      | 805,957               | 4,473,357            | 5,279,314  |
| 2005                 | 246,431               | 1,096,920            | 1,343,351  |
| 2006                 | 280,974               | 1,043,381            | 1,324,355  |
| 2007                 | 319,382               | 891,390              | 1,210,772  |
| 2008                 | 359,795               | 811,263              | 1,171,058  |
| Bush Second Term     | 1,206,582             | 3,842,954            | 5,049,536  |
| Bush Total           | 2,012,539             | 8,316,311            | 10,328,850 |
| 2009                 | 391,932               | 582,648              | 974,580    |
| 2010                 | 383,031               | 474,275              | 857,306    |
| 2011                 | 388,409               | 322,164              | 710,573    |
| 2012                 | 419,384               | 229,968              | 649,352    |
| Obama First Term     | 1,582,756             | 1,609,055            | 3,191,811  |
| 2013                 | 368,644               | N/A                  | 368,644    |
| 2014                 | N/A                   | N/A                  | N/A        |
| Obama Second Term    | 368,644               | N/A                  | 368,644    |
| Obama Total          | 1,951,400             | 1,609,055            | 3,560,455  |
| Bush and Obama Total | 3,963,939             | 9,925,366            | 13,889,305 |

N/A = Not Available

<sup>1</sup> Removals are the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal. An alien who is removed has administrative or criminal consequences placed on subsequent reentry owing to the fact of the removal.

<sup>2</sup> Returns are the confirmed movement of an inadmissible or deportable alien out of the United States not based on an order of removal.

Sources: 2012 Yearbook of Immigration Statistics, Office of Immigration Statistics; Annual Report, Immigration Enforcement Actions: 2012, December 2013, Office of Immigration Statistics, Policy Directorate; Annual Report, Immigration Enforcement Actions: 2013, September 2014, Office of Immigration Statistics, Policy Directorate; ERO Annual Report, FY 2013 ICE Immigration Removals.

STATEMENT SUBMITTED BY JANA MASON, SENIOR ADVISOR FOR GOVERNMENT  
RELATIONS, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. Chairman, Members of the Senate Foreign Relations Committee, thank you for the opportunity to submit a statement on today's hearing on "Dangerous Passage: Central America in Crisis and the Exodus of Unaccompanied Minors."

**As the UN Refugee Agency, UNHCR has particular expertise in the area of protecting children displaced by violence and conflict.**

About half of the world's refugees are children, and they are considered by UNHCR to be particularly vulnerable in situations of forced displacement. Because the vulnerability of children is largely the result of their age and dependence on adults, exceptional protection efforts for children are needed. In situations of violence and conflict, children are both indirect and direct targets because of their age. Unaccompanied refugee children are the most vulnerable, as they have no adult who is legally recognized to be responsible for their care. Refugee girls are also more likely than boys to be the subjects of neglect and abuse, including sexual abuse, assault and exploitation.

Drawing from our decades of experience and expertise working with children, UNHCR developed a *Framework for the Protection of Children*. This Framework informs our position on the international protection of children, including those who are unaccompanied, in the context of forced displacement.

UNHCR recognizes the enormous challenges facing the U.S. and other countries as a result of the recent large movement of people. We are witnessing a complex situation in which children are leaving home for a variety of reasons, including poverty, the desire for family reunion, and the growing influence of trafficking networks. For some children, these reasons include violence at the hands of transnational organized criminal groups and powerful local gangs.

**UNHCR recognizes that children are fleeing Central America for a variety of reasons and that not all of them are refugees; however, our interviews and our knowledge of the situation in these countries indicate that a significant number of the kids could potentially face harm if returned home.**

In late 2011, UNHCR and others noted a considerable uptick - the beginning of what is now known as the "surge" - in the number of unaccompanied children coming across the U.S. border. Every year since, the numbers of UACs crossing the border has essentially doubled. These children are primarily from three Central American countries - El Salvador, Guatemala, and Honduras - and from Mexico. Given our mandate to ensure the protection of those fleeing for their lives and freedoms, UNHCR undertook a study to understand the reasons for the increase.

Working closely with the U.S. Government and with child protection experts, UNHCR developed and implemented a sound, fully vetted methodology to learn from the children themselves why they decided to leave. Applying this methodology, UNHCR interviewed 404 children from the four countries, aged 12 to 17, in U.S. federal custody. Launched in March 2014, our report, "Children on the Run: Unaccompanied Children from El Salvador, Guatemala,



Honduras and Mexico and the Need for International Protection,”<sup>1</sup> reflects the findings and recommendations of our study.

The children gave multiple reasons for leaving, including violence, family, opportunity and improved living conditions. Shockingly, 58% of the children cited violence in their home countries as at least one key reason for leaving. This number varied by country: El Salvador (72%), Honduras (57%), and Guatemala (38%).<sup>2</sup>

These children shared stories of violence, threats, intimidation and abuse – experiences that, like for so many children in situations of widespread violence and conflict, they should never have to face.

*My grandmother wanted me to leave. She told me: “If you don’t join, the gang will shoot you. If you do join, the rival gang will shoot you—or the cops will shoot you. But if you leave, no one will shoot you.”*

- Kevin, Honduras, Age 17

**Unaccompanied children and families who fear for their lives and freedoms must not be forcibly returned without access to proper asylum procedures. UNHCR calls on all countries in the Americas to uphold their shared responsibility to protect displaced children, families or adults who are in need. This is critical over both the short and long term, as governments implement solutions to address forced displacement and its root causes.**

At the core of refugee protection is the prohibition of returning a refugee to persecution. This prohibition, known as the principle of *non-refoulement*, is the fundamental obligation of States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, and one that is binding on the United States. A critical first step in complying with this obligation is to ensure that asylum-seekers are identified, screened and given full and meaningful access to

<sup>1</sup> UN High Commissioner for Refugees (UNHCR), *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection*, 13 March 2014, available at [http://www.unhcrwashington.org/sites/default/files/1\\_UAC\\_Children%20on%20the%20Run\\_Full%20Report.pdf](http://www.unhcrwashington.org/sites/default/files/1_UAC_Children%20on%20the%20Run_Full%20Report.pdf)

<sup>2</sup> UNHCR is not alone among UN agencies and other intergovernmental bodies in the region noting the violent roots of this displacement. UNICEF, the UN agency charged with protecting children, recently released a statement saying, “Clear and compelling evidence . . . show distinct ‘push factors’ are at the heart of why these children flee. They are often escaping persecution from gangs and other criminal groups, brutality and violence in their own communities and even in their homes, as well as persistent conditions of poverty and inequality. . . .” *Bernt Aasen, UNICEF Regional Director for Latin America and Caribbean*, “Dramatic increase of unaccompanied children seeking to enter the United States”, 10 June 2014, [http://www.unicef.org/media/media\\_73755.html](http://www.unicef.org/media/media_73755.html).

The Inter-American Commission on Human Rights (IACHR) also released a statement expressing its “deep concern over the situation of unaccompanied children migrants that are arriving to the southern border of the United States of America.” Commissioner Felipe González, the Rapporteur on the Rights of Migrants of the IACHR and country Rapporteur for the United States, went on to highlight, “We are dealing with a humanitarian crisis involving record numbers of migrant children on the southern border of the United States, but also in other countries of the region. Through on-site visits and hearings, we have seen that our children are dying or being victims of several forms of violence in many parts of the region, and in this context there are some children who have been able to flee from these forms of violence, both inside and outside of their countries. . . .” [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/067.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/067.asp)

asylum. This is particularly critical for children, whose age and comprehension capacity limits their ability to engage protection systems on their own.

With the knowledge that nearly 60% of the unaccompanied children from El Salvador, Guatemala and Honduras have potential claims for international protection, it is critical that they be identified, screened and given access to the U.S. asylum system. Strengthening identification procedures in the U.S. and all other neighboring countries is the critical first step in a humanitarian response to ensure that those who fear persecution are not turned away.

**Reception of asylum-seekers must focus on protection and not on deterrence.**

As a global leader in refugee protection, the United States has long led by example in encouraging other countries in the region and around the world to develop and strengthen their own protection systems. As the United States decides what actions to take in responding to the increase in unaccompanied children and families crossing the southern border, a crucial element to that response is ensuring that they are treated with dignity and respect. The solution to the spike in unaccompanied children and families is not to make seeking protection more difficult.

The right to seek asylum is a protected right reflected in U.S. law. Seeking asylum is not a crime, nor is it a prohibited act. Any response to the “surge” should not seek to deter children and families from seeking safety and security. Policies and practices designed to deter those fleeing persecution from seeking safety and protection are contrary to both the letter and the spirit of the 1951 Refugee Convention and its 1967 Protocol as well as other international human rights instruments.

**This is a regional humanitarian problem that needs a regional humanitarian solution.**

UNHCR calls for regional cooperation to:

- Recognize that violence and insecurity in El Salvador, Guatemala and Honduras have led to the displacement of children and others in these countries, creating international protection needs;
- Ensure a child protection approach to the regional and national humanitarian response;
- Identify solutions that are in the best interests of children, including, where appropriate, family reunification and return and reintegration;
- Reinforce asylum systems in countries of transit and asylum in Central America and Mexico;
- Enhance child protection systems in source countries and transit countries; and
- Address the root causes of child displacement by collaborating on violence prevention, citizen security, and unaccompanied children issues with relevant agencies in source countries and transit countries.

While the United States receives the vast majority of asylum claims from the Northern Triangle, forced displacement from these three countries is clearly felt elsewhere in the region. At the time

that UNHCR published our “Children on the Run” report, available data from 2008 to 2012 showed a 435% increase in the number of asylum applications overall from El Salvador, Guatemala and Honduras filed in Belize, Costa Rica, Mexico, Nicaragua, and Panama. Updating the data to include 2013 figures, the increase from 2008 to 2013 is now 712%.

Moreover, the trends of displacement over the last few years from the Northern Triangle are not out of sync with other situations of forced displacement due to conflict. Individuals and families do not want to flee their homes or their countries if they can avoid it. Many will often displace internally before seeking refuge outside their countries.

**Given the regional nature of this displacement crisis, the United States cannot and should not bear the burden of addressing the situation alone. UNHCR stands ready to support the U.S. and other asylum countries in the region – particularly Mexico and Guatemala – to enhance protection systems throughout the region and to provide protection to those whose lives and freedoms are under threat. The U.S. has been a leader globally and regionally in refugee protection, particularly in protecting unaccompanied children and others of our most vulnerable. UNHCR hopes that the U.S. will continue to lead by example to encourage and support strong protection for children and families throughout Central American and Mexico.**

#### **Conclusion**

The increase in arrivals of unaccompanied children and families along the southern border has no doubt placed great pressures on the United States’ long-standing commitment to protecting those seeking safe haven in the U.S. Understanding what has propelled these children and families from their homes, providing appropriate reception conditions, and ensuring protection to those who cannot return, is fundamental to meeting U.S. obligations to protect refugees and other vulnerable persons. Perhaps more importantly, it is fundamental to the United States’ moral authority and long-standing identity as a beacon of hope to the persecuted. UNHCR stands ready to support the United States and other countries in the region in providing protection to these children—and families—on the run.

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