



2 July 2024

Representative Paul Gosar
Chair
House Committee on Natural Resources
Subcommittee on Oversight and Investigations
1324 Longworth House Office Building
Washington, DC 20514

Representative Melanie Stansbury
Ranking Member
House Committee on Natural Resources
Subcommittee on Oversight and Investigations
1324 Longworth House Office Building
Washington, DC 20514

Dear Chair Gosar and Ranking Member Stansbury,

Thank you for the opportunity to answer additional questions for the record for the oversight hearing titled *“Destroying America’s Best Idea: Biden’s Border Crisis, Desecrating National Park Lands and Damaging Communities.”* My answers to your questions are included below.

Questions from Rep. Gosar

1. *In your written testimony, you say, “There was a lack of focus on case management focused on resilience and financial independence, housing, and job programs to help get the new arrivals out of the shelters and into their new homes.” Why was that the case?*

Case Management programs connect people seeking safety to the tools and resources they need to settle into their new communities, enroll their children in schools, start providing for themselves so they can leave costly shelter programs, comply with their immigration requirements, and begin contributing to their new communities. These programs should be implemented by nonprofit entities like faith, ethnic, and community-based organizations or resettlement agencies that have experience with helping newly arrived refugees settle into their new communities. When New York City started receiving high numbers of newly arrived asylum seekers, officials focused on building out an emergency structure to receive new arrivals, but failed to invest in the types of programs and services that would then help people be able to exit shelters, work, and live dependently. For example, in 2023, the NYC government signed a [\\$432 million contract with DocGo](#), a private medical services provider with no prior experience caring for asylum seekers, to house and care for new arrivals in NYC shelters. It was only in April of 2024, that NYC then ended that contract with DocGo amid reports of abuse and mismanagement and began seeking contracting services from “nonprofits and internationally recognized resettlement providers.” Amnesty International USA

believes that had the City instead made these investments in 2022 when it began to receive high numbers of people seeking safety in its shelter system, it could have jumpstarted new arrivals' ability to leave shelters and make space for newer arrivals and prevented the resulting ballooning of the shelter population.

2. In your written testimony, you talk about how New Yorkers and Asylum Seekers are bearing the brunt of failed border policies. What policies that are currently in place have failed?

For years, Congress has poured billions of taxpayer dollars into border policies aimed at deterring migration including but not limited to militarization, externalization of borders, widespread use of immigration detention, and expedited removals. On June 4, the Biden Administration issued a [“Presidential Proclamation to Suspend and Limit Entry and Joint DHS-DOJ Interim Final Rule to Restrict Asylum During High Encounters at the Southern Border”](#) which Amnesty International USA considers to violate the US obligations under international human rights and refugee law. This new proclamation adds to the Biden Administration’s [Circumvention of Lawful Pathways Final Rule](#). These current policies require people to use the CBP One application to seek asylum in the United States, and the fact that it is only possible to apply for appointments from central to northern Mexico means that asylum seekers must now wait in Mexico for undetermined amounts of time while they apply for CBP One appointments. Amnesty International [found](#) that asylum seekers traveling through Mexico are often extorted, kidnapped and experience discrimination and sexual and gender-based violence by both state and non-state actors. Increasing wait times for CBP One appointments and uncertainty about when people seeking asylum will be given an appointment, compounded by the dangerous and difficult situation in Mexico, and Mexican authorities blocking access to ports of entry has forced many asylum seekers to make the difficult decision to cross into the United States without a CBP One appointment, and under current policy, they will be removed without access to asylum. Because people are tapping out their resources in order to survive in Mexico, they are arriving to cities like New York without even the most basic of resources. Alternatively, a coordinated system that upholds human rights and invests in systems that welcome people seeking safety would save tax payer dollars while easing pressure at the border, and enabling newcomers to contribute to the communities who receive them.

3. Do you believe that one of the reasons why New Yorkers and Asylum Seekers bear the brunt of these failed policies was because of poor planning by the Biden Administration in the execution of Floyd Bennett Field?

The Biden Administration struggled to adopt a coordinated national response to welcome high numbers of asylum seekers, and instead, ceded the strategy to Governor Abbott’s Operation Lone Star busing program which bused thousands of people seeking safety without existing ties to the United States to New York City, as well as Washington D.C., Chicago, Denver, and Los Angeles. Amnesty believes that an Office of Reception Coordination tasked with leading a whole-of-government response to mobilize federal agencies and serving as a liaison to receiving communities

and programs welcoming people seeking safety would instead prevent Floyd Bennett Field from becoming a necessity. This coordinating office would facilitate cooperation across federal agencies, share timely information with states and localities to better plan responses and ensure efficient use of resources, and help government and nongovernmental service providers navigate and access available federal resources.

- 4. According to the U.N., the massive numbers of deaths and disappearances of migrants on the U.S.-Mexico border has made it the deadliest land migration route for migrants worldwide. Meanwhile, the cartels are exploiting migrants seeking to enter the U.S., demanding thousands of dollars per migrant, and in some instances forcing migrants into cartel labor. Ms. Fischer, would you agree that an unprecedented humanitarian crisis has unfolded at the Southern Border under the President Biden?*

Amnesty International and our colleagues at other prominent human rights organizations have long documented the human rights consequences of deterrence policies on the safety of asylum seekers in Mexico, spanning presidential administrations. Amnesty International has [documented](#) how asylum seekers travelling through the country face the serious risk of being extorted, kidnapped and experiencing discrimination and sexual and gender based violence by both state and non-state actors. According to a survey conducted by [UNHCR](#) and its partners in Mexico in 2023, 56% of those interviewed had been victims of violence during their transit through Mexico, while 42% experienced a violent incident on their journey prior to arriving in Mexico. Eighty-five percent of the migrants [Doctors Without Borders \(MSF\)](#) attended to in the first half of 2023 had been victims of intentional violence on their journey through Mexico. Following the end of Title 42, there has been an increase in kidnappings of asylum seekers, especially on the routes to Matamoros, Reynosa and Piedras Negras, as well as in these cities. Amnesty International has documented incidents of asylum seekers who were kidnapped right outside of shelters, at bus terminals and from apartments that they were renting. [Human Rights First](#) has also extensively documented an increase in kidnappings of asylum seekers in Chihuahua, Matamoros and Reynosa. And a 2024 study by [WOLA](#) found that “the kidnapping and extortion of migrants has increased notably since late 2023” with “many describ[ing] this moment as the worst period of violence they’ve seen, both in numbers and brutality.” There has also been an increase in sexual and gender-based violence committed against asylum seekers in Mexico. [Médecins Sans Frontières](#) (MSF) reported a 70% increase in consultations for sexual violence in Reynosa and Matamoros in the last quarter of 2023 compared with the third quarter of the same year.

Amnesty International has found that the increase in violence targeting asylum seekers in Mexico is a result of deterrence policies that make it more difficult to seek safety and increase the penalties for doing so. Criminal actors have been nimble enough to respond to changing U.S. border policies, particularly the deterrence policies of the last decade that have been proven [ineffective](#) time and time again at reducing the number of people arriving to our borders. Even the extremely cruel practice of President Trump’s family separation failed to deter people coming to the US - by the

end of 2018, the number of families and children coming to the border was going up again. What deterrence policies do accomplish is increase violence facing migrants along the border, fuel private companies who profit off detention in the U.S. and criminal actors in Mexico who profit off of at-risk families seeking safety.

- 5. We know that not all people crossing the border enter for malicious purposes. Some are families. However, government agencies such as the Border Patrol and DEA confirm that the Mexican cartels exploit our open Southern Border and the migrant crisis to smuggle massive amounts of fentanyl into the U.S., now found in every community in our nation. Not to mention the cartel's human trafficking trade, which forces young men and women into terrible lives of cartel labor and crime. What do you believe is the appropriate solution for President Biden's crisis at the Southern Border, that will end the cartels' rampant abuse of our immigration system?*

Fentanyl is smuggled into the United States by [U.S. Citizens](#) who do so at U.S. ports of entry, not between ports of entry. Furthermore, only .02% of people who have crossed into the United States between ports of entry possessed any fentanyl. There is simply no factual connection between the people arriving to our borders to seek safety and the issue of fentanyl impacting communities across the United States. The United States should adopt public health solutions to address the addiction issues facing people struggling with drug use rather than placing the blame at the feet of people seeking safety. Furthermore, Congress should fund CBP's Office of Field Operations to capacitate and staff ports of entry along the border to quickly and effectively process people seeking safety without having to wait in Mexico or be denied access to ports. Such an investment would allow border agents to focus on intercepting the fentanyl brought to the United States by U.S. citizens at ports rather than being diverted to respond to humanitarian issues across the border.

- 6. On June 4, 2024, you tweeted out, "@POTUS just announced his most restrictive border policy to date - a first of its kind cap on asylum using the same legal authority Trump used for the Muslim Ban. Children and families who fled their homes in search of safety will now be stranded and in danger." Has President Biden failed our nation regarding immigration?*

Amnesty International USA is a human rights organization that is dedicated to ensuring the United States abides by its international human rights obligations and does not determine if any president has "failed" or not. Amnesty has long documented U.S. immigration policies that violate human rights spanning multiple presidential administrations.

- 7. Does President Biden currently have the authority to resolve some of the issues you see contributing to the humanitarian crisis through executive action?*

Yes. Amnesty International has called upon the Biden Administration to reverse course on both his most recent Presidential Proclamation as well as the Circumvention of Lawful Pathways Final Rule. We have also called upon the Biden Administration to expand humanitarian pathways to the United States, expand the number of appointments available in the CBP One mobile application and ensure that it is not mandatory, end all policies that punish asylum seekers for their manner of entry, and invest in programs so people can proceed with their asylum claims in communities supported by lawyers, social workers, and community, not in costly, abusive cages or detention centers.

8. The Floyd Bennett Field Migrant Camp is a flailing effort by the Biden administration to deal with the Southern Border crisis of their own creation. Unsurprisingly, we have received near constant reports of increasing crime at the Camp and in surrounding communities, displaced migrant families, and unsafe living conditions. For these reasons, the migrants themselves do not want to reside at Floyd Bennet Field. Do you believe that the Floyd Bennett Field encampment was a mistake? That it should not have been done?

Amnesty International USA has not independently visited Floyd Bennett Field to verify the above. However, as noted in my answers above and in my testimony, we strongly believe that with better federal coordination and city and state authorities investing earlier in evidence-based case management, the situation at Floyd Bennett Field could have been avoided.

9. What do you believe led to the rise in crime in New York City following the opening of Floyd Bennett Field?

There has been [no rise](#) in [crime](#) in New York City. In fact, since April 2022 when New York City first started receiving high numbers of newly arrived people seeking safety, the overall crime rate in New York City has remained flat, and as the [New York Times](#) reported, “many major categories of crime – including rape, murder, and shootings – have decreased, according to an analysis of New York Police Department’s month-by-month statistics since April 2022.”

10. What do you believe led to the rise in crime in New York City following the opening of Floyd Bennett Field?

There has been [no rise](#) in [crime](#) in New York City. In fact, since April 2022 when New York City first started receiving high numbers of newly arrived people seeking safety, the overall crime rate in New York City has remained flat, and as the [New York Times](#) reported, “many major categories of crime – including rape, murder, and shootings – have decreased, according to an analysis of New York Police Department’s month-by-month statistics since April 2022.”

Questions from Rep. Melanie Stansbury

- 1. Republicans claim that the influx of migrants into the United States is responsible for a surge in violent crime in New York City and nationwide. Is there any evidence to support this claim?*

No, there is [no evidence](#) that [supports](#) the notion that migrants or asylum seekers increase crime in their communities. As noted above, crime rates in New York City have stayed flat since the city started receiving high numbers of new arrivals. Moreover, violent crime in New York City has decreased over this period of time. This data also holds nationally and over time. In 2023, researchers [at Stanford University](#) found that immigrants are 60% less likely than those born in the US to be incarcerated. Researchers from the [Marshall Project](#) also looked at the connection between undocumented immigrants and crime and found that there was no link between crime rates and undocumented populations.

Thank you again for the opportunity to testify and respond to these additional questions for the record.

Sincerely,

Amy Fischer
Director, Refugee and Migrant Rights
Amnesty International USA
www.amnestyusa.org