

Congressman Michael C. Burgess, M.D.
House Committee on the Judiciary Member Day
October 22, 2021

I would like to thank Chairman Nadler and Ranking Member Jordan for holding this member hearing today. I am here to request changes to our immigration laws to deter unauthorized entry and improve enforcement.

Due to the immigration policies put in place by President Biden's Administration, we are experiencing a crisis at our southern border greater than we've seen in the last 20 years. Customs and Border Patrol has encountered almost 209,000 individuals attempting to cross our southern border without authorization in August alone. For fiscal year 2021, over 1.5 million individuals have been encountered along our southern border so far.

Since 1997, an agreement known as the *Flores Settlement* has prevented children from being held in immigration detention for more than 20 days regardless of whether they arrived with parents or as unaccompanied minors. As a result, children are required to be released but their parents are not. During the Obama administration, and now during the Biden Administration, this has led to “catch and release” whereby immigrants without proper documentation for entry are apprehended and then released into the interior of the United States. Unfortunately, many of these individuals never show up for their future court appointments to adjudicate their immigration cases.

In July, I introduced a Resolution of Inquiry (ROI) to request information on the care of unaccompanied alien children from the Departments of Health and Human Services and Homeland Security.

For over a year, House Democrats have blocked the use of ROIs, citing COVID-19 as an excuse for turning off procedural changes and the 14-day committee markup requirement.

The disgusting reality is that these children are being used as pawns. Smugglers, traffickers, and foreign banks are profiting while enticing hopeless people into sending their children to make the dangerous journey to unlawfully cross our southern border. These bad actors know how to manipulate our laws to their advantage. They coach those without proper documentation on what to say to our border agents in order to claim asylum. This is not only fraudulent, but it also harms those with real asylum claims.

In addition, the Biden Administration has not thoroughly vetted employees and contractors working in Office of Refugee Resettlement shelters and has ceased fingerprint background checks on potential sponsors of unaccompanied children. Congress must be able to conduct oversight to prevent further mistreatment of an already vulnerable population.

Many who seek to come to the United States do so without authorization because they believe we will eventually give them legal status. Most Americans can agree that our immigration system is broken. We have a crisis at the southern border, whether the Administration wants to admit it or not. It is past time to stop demonizing those who seek to enforce our laws along our southern border.

The first step to halting this crisis is to ensure our law enforcement has the resources and capacity to deter illegal entry and activity along our southern border, and to fully enforce our existing laws.

To that end, I request that the Judiciary Committee conduct rigorous oversight over enforcement of our immigration laws. In addition, the House must pass legislation closing the *Flores Settlement* loophole and strengthening our asylum laws, including specific and up-to-date qualifying criteria, to prevent fraudulent cases. Thank you for your consideration of these requests.

I yield back.