

Statement of Ranking Member Doug Collins
Hearing on “Overcrowding and Prolonged Detention at CBP
Facilities”
House Judiciary Committee
Monday, July 15, 2019

Thank you, Madam Chairwoman. I am pleased after months of ignoring the southern border, we are finally having a hearing – if only at subcommittee – about the crisis. For months, the administration has sounded the alarm, saying facilities are strained to the breaking point. And they have been ignored. I’m glad Democrats have finally admitted there is a crisis. But blame for the conditions doesn’t lie with the administration, which begged Congress to act for months. It lies squarely with Members who chose to ignore the administration and let the crisis fester.

Last December, DHS Secretary Nielsen testified, “we face a mounting crisis at our southern border, and again I ask Congress to help us confront it once and for all. Illegal crossings at the southern border are increasing at an alarming rate.” She then asked “that Congress pass legislation to address key loopholes in existing immigration laws and gaps in our enforcement authorities.”

That was in December. Democrats denied there was a crisis.

In January, I introduced H.R. 586, the Fix the Immigration Loopholes Act, to modernize our laws and address the perverse incentives fueling illegal immigration. Democrats offered no solutions.

Border Patrol Chief Provost told this committee in February, "What the men and the women of CBP are seeing every day at and between our ports of entry is nothing short of a border security and humanitarian crisis. Many Border Patrol stations and CBP ports of entry were built decades ago. They were designed to temporarily detain single adults. **Our facilities were not designed for the short-or long-term holding of family units and UAC.** Our priority is to transfer these vulnerable populations to our partners as quickly as possible, but we are now stocking CBP facilities with items such as diapers, meals appropriate for children, and medical support. Our resources are limited, and we are doing more with less."

That was in February. Democrats did nothing, and illegal crossings continued to rise.

Even Obama officials noticed. In March and April, former DHS Secretary Johnson explained officials were making 4,000 apprehensions per day, 100,000 per month. He said, remembering a smaller surge in

2014, "I know that a thousand overwhelms the system. I cannot begin to imagine what 4,000 a day looks like, so we are truly in a crisis," and, "It's a crisis because it overwhelms our Border Patrol and our immigration officials' ability to deal with it."

Apprehension numbers continued growing, to 5,000 per day.

In May, Acting Secretary McAleenan told a Senate committee, "This situation on the border with unprecedented numbers of families and children represents an acute and worsening crisis ... The migration flow and the resulting humanitarian crisis is ... rapidly overwhelming the ability of the Federal Government to respond." He stated further, "Despite heroic efforts, the Nation's ability to humanely and compassionately care for vulnerable populations and expeditiously process and detain those who should not be admitted is being stressed to the breaking point.

Unaccompanied children and families are crowded into U.S. Border Patrol stations that were never intended as long-term shelters."

What did Democrats do? They passed H.R. 6, an amnesty for millions of illegal immigrants that will exacerbate, not mitigate, the crisis.

In May, I visited the border and toured processing facilities and ports of entry. And I saw exactly what the administration said was happening.

Overwhelmed agents handling hundreds of migrants crowded into facilities not designed to accommodate all of them. Hundreds of women in CBP housing, sometimes for weeks, because ICE detention space was full.

So I was not surprised to read the May 30 IG report on overcrowded conditions and prolonged detention at CBP facilities in El Paso, or the IG's July 2 report about similar issues in the Rio Grande Valley. I was not surprised individuals are in CBP custody because ICE detention is full, and HHS struggles to find space for unaccompanied children. I was not surprised to learn almost all family units are simply released into the U.S. interior. Congress allowed this crisis to fester, and is responsible for the resulting chaos.

When I visited the border, I was repeatedly impressed with the professionalism of the men and women of CBP. They are strained to the breaking point but continue striving to do their jobs. One of them told me, "I do my job, now go do yours."

It is time Congress acts. We must fix loopholes incentivizing use of a child as a "passport" into the U.S. Smugglers know if you come here with a child, you will be released. We must end an interpretation of the Flores

Agreement that prevents detaining families together during their immigration proceedings.

We must fix a flaw in the Trafficking Victims Protection Reauthorization Act that prevents repatriating unaccompanied minors from non-contiguous countries and incentivizes smuggling unaccompanied children into the United States. Under the TVPRA, unaccompanied children not from Mexico or Canada cannot be swiftly repatriated and are placed in lengthy removal proceedings. By law, they must be placed in HHS custody. Let me repeat for my Democrat colleagues who apparently don't want us to ever keep children in custody: by law, CBP is required to place a child in HHS custody, and HHS must take custody. If HHS doesn't have space for a child, CBP maintains care of the child until HHS has space. Apparently, my colleagues would rather CBP break the law and release these children onto the streets to fend for themselves.

Finally, we must fix our broken asylum system to address an immigration court backlog of nearly 1 million cases, and reform our laws to ensure those eligible for asylum are quickly granted status, while those not eligible are quickly sent home.

I commend the Assistant Inspector General for her efforts and hope she will continue ensuring government resources are used efficiently to stem this border crisis. The crisis has raged for too long. Let's do our jobs and fix it.

####

[Word count: 985]