

**Written Testimony of Grant Newman,
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Project, before the Subcommittee on Immigration Integrity,
Security, and Enforcement of the Judiciary Committee of the House
of Representatives**

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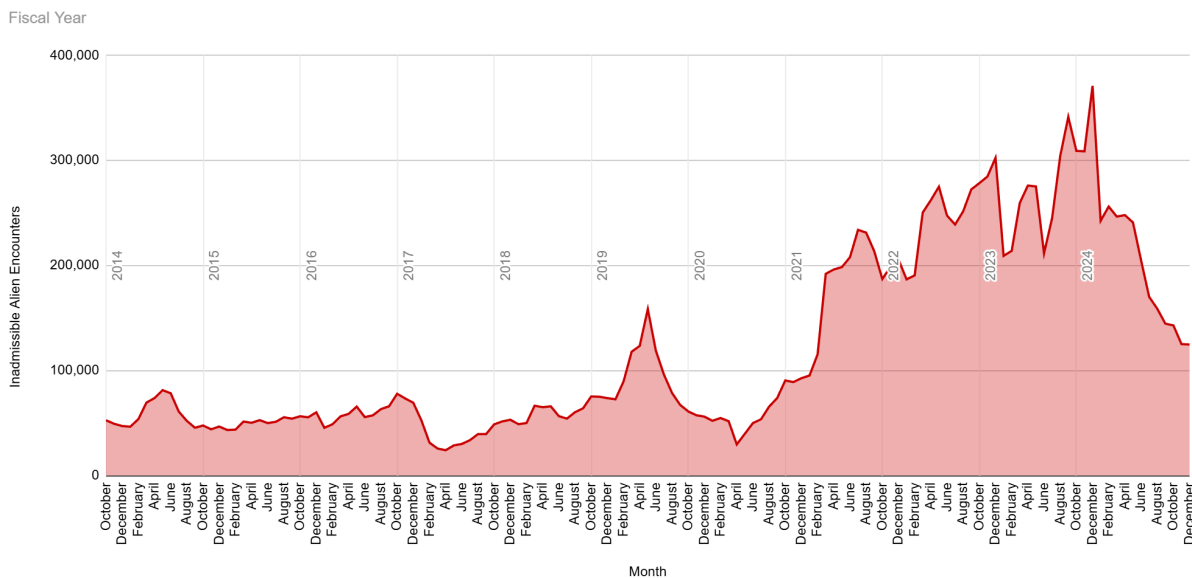
“Restoring Immigration Enforcement in America”

Chairman McClintock, Ranking Member Jayapal, and Members of the Subcommittee, thank you for holding this important hearing at what I hope will be a pivotal moment for immigration enforcement.

I am the Director of Government Relations for the Immigration Accountability Project (IAP). IAP is a nonpartisan organization that analyzes current and proposed federal immigration policies to educate the public and hold elected officials accountable to their oath to defend the United States and its citizens. We support America First policies that secure the border, stop illegal immigration, uphold the rule of law, protect American workers and their wages by reducing immigration levels, and serve the national interest.

Based on every publicly available metric, it is unmistakable that we have reached year four of a historic border surge of illegal aliens. Relying on data on nationwide encounters from the Department of Homeland Security (DHS) [Office of Homeland Security Statistics](#) (OHSS) and U.S. Customs and Border Protection’s (CBP) Nationwide Encounters [chart](#), we nearly have a complete picture to compare the previous two administrations.

Customs and Border Protection Nationwide Encounters



To be clear, this border crisis was a deliberate policy choice by the Biden Administration. President Joe Biden [promised](#) during his campaign in 2019 to welcome illegal aliens seeking asylum in the United States, saying we should “surge to the border all those people who are seeking asylum.” Once in office, President Biden [rescinded](#) the Migrant Protection Protocols (MPP or Remain in Mexico), attempted to place a [moratorium](#) on deportations for 100 days, and ended enforcement tools like [worksite enforcement](#). When the crisis-level numbers commenced, the Biden Administration first denied that it was happening. In early 2021, President Biden [claimed](#) the numbers were seasonal and happen “every single solitary year.” As that position became untenable, Secretary Mayorkas insisted that the [border was secure](#) while advocates for mass migration [extolled](#) the border crisis as a way to keep wages low. This public posture of denial and deceit persisted until the election of 2024 drew near. The impact of the deliberate policy choices of the Biden Administration compared to the Trump Administration, which created policies and public messaging designed to deter illegal migration to the United States, is stark.

During the first four years of the Trump Administration, from January 2017 to December 2020, CBP encountered 3,058,780 inadmissible aliens nationwide. That number does not reflect a period of total stability, as there was a notable surge in the spring of 2019 that was contained by the fall. Notably, the Trump Administration’s response to that surge was not denial and

celebration, but rather deliberate action to change policies to address exploited loopholes in the system.

By comparison, under the Biden Administration, CBP encountered 10,945,916 inadmissible aliens. Encounter numbers began rapidly declining beginning in June of 2024 before leveling off, as CBP glowingly noted in the [December 2024 Monthly Update](#): “Since the Biden-Harris Administration took executive action in June, there has been a significant and sustained decrease in unlawful border crossings – including a 60% decrease in encounters between ports of entry along the southwest border from May to December.” Most of this decrease is actually attributable to the Mexican government, which [agreed](#) to increase enforcement along its northern and southern borders significantly. Despite taking action at the last possible moment, however, the Biden-Harris Administration will exit with more than three and a half times the illegal alien encounters than the Trump Administration.

The nationwide encounters data includes repeat offenders, and CBP [reported](#) higher recidivism rates when Title 42 expulsion authority was in place from March 2020 through May 2023. As the DHS Office of Inspector General [reported](#) in 2023, “The use of Title 42 has resulted in people repeatedly trying to reenter the United States because Border Patrol agents could not deliver consequences at the first interdiction.” That could explain part of the increase in encounters during the last several months of the Trump Administration and a fraction of the encounters in the first two years of the Biden Administration. Still, the numbers continued to climb when the Biden Administration fully ended the use of the authority.

Encounter data, however, only captures when an inadmissible alien comes into contact with CBP officials. An illegal alien returned to Mexico does not have the same impact on our country as one released into the interior of the United States, and the Biden Administration embraced catch-and-release from day one. While [public data](#) on total CBP releases is only available through August 2024, the total Southwest border releases and paroles by the end of the summer was already above 3.7 million, compared to under 315,000 for the entire Trump Administration. CBP’s monthly updates, which contain topline nationwide numbers through December of 2024, give a more complete view of the Biden Administration’s parole scheme.

In addition to CBP's releases of illegal aliens with Notices to Appear (NTAs) and Notices to Report (NTRs), the Biden Administration created new illegal parole programs without Congressional authorization. They initiated the systematic processing of inadmissible aliens into the United States under the guise of "humanitarian parole" and issued them open-market employment authorization.

What began as the Venezuelan Parole Program in October 2023 evolved into a program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV). In just over two years, the Biden Administration allowed [531,690](#) otherwise inadmissible aliens to fly over the border to American airports, get work authorization, and disappear into the country's interior. These illegal aliens rightfully should be counted as illegal encounters in CBP border metrics, and it is fair to assume the parole programs were created to mask the actual number of illegal entries. CBP added in its December report, "Since DHS has implemented these safe, orderly and lawful processes, encounters of CHNV nationals in between ports of entry are down 91%." Of course, moving a border crisis to airports doesn't solve the crisis; it just obscures the facts from the publicly reported statistics.

Similarly, in January 2023, the Biden Administration began using the CBP One app to move illegal border crossings to ports of entry. Instead of crossing between ports of entry, illegal aliens were encouraged to schedule their illegal entry using the app. In just two years, [936,500](#) aliens scheduled their appointments to be released into the United States.

[8 U.S.C. 1182\(d\)\(5\)\(A\)](#) states that "The Attorney General may... in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States..." Despite the clear "case-by-case" limiting language in the statute, the Biden Administration granted categorical parole to 1,468,190 inadmissible aliens in two parole programs alone.

Any serious attempt at restoring integrity to our immigration system needs to begin with ending the rampant abuse of immigration law, and parole abuse is one of the most egregious.

Humanitarian parole cannot continue to be used by administrations to get around statutory limits, all while they claim to have made illegal immigration “safe and lawful” while doling out employment authorization documents. The categorical parole programs must end, and parole should be limited to actual cases of real medical or family emergencies or for aliens assisting law enforcement.

Along with parole abuse, Temporary Protected Status (TPS) has been abused for decades, though perhaps most flagrantly during the Biden Administration. [8 U.S. Code § 1254a](#) authorizes TPS designation when countries are in armed conflict and safe return of nationals to their home countries is not possible, when national disasters make the return of a country’s nationals impractical and the foreign government requests designation, and when the U.S. government determines “extraordinary and temporary conditions” prevent the safe return of a country’s nationals. It’s important to note that the law allows waivers so illegal aliens in the United States can qualify, and TPS comes with work authorization. Even though the law requires a review 60 days prior to the end of the designated period of TPS to “determine whether the conditions for such designation under this subsection continue to be met,” countries continue to be renewed indefinitely up to 18 months at a time. Despite that, Nicaragua and Honduras have maintained TPS since 1999 due to Hurricane Mitch. [Estimates](#) as of March of last year place the TPS population at 863,880, but Secretary Mayorkas dramatically increased the eligible population since then.

Rather than renewing TPS, which only benefits those in the country prior to designation as opposed to the date of renewal, Secretary Mayorkas extended *and* redesignated several countries in order to allow the full population of illegal aliens from those TPS-designated countries to qualify for TPS. Since the March estimate, the Secretary [redesignated](#) or designated [Ethiopia](#), [Haiti](#), [Somalia](#), [Yemen](#), and [Lebanon](#). By DHS’s estimates, since March of 2024, 338,800 aliens have become newly eligible for TPS and work authorization. If the estimates are accurate, the total population of aliens with TPS could reach 1.2 million.

In [FY2023](#), the State Department issued over 365,000 nonimmigrant visas to countries now designated for TPS. Last [October](#), we awarded nonimmigrant visas to nationals of every country currently designated for TPS, but nonimmigrants are required to return home at the end of the period of their visa. That fact defies logic. Either it is safe to return home, or it isn't. TPS abuse must end and be limited to actual, short-term relief for lawful aliens as opposed to being used as an indefinite executive amnesty.

MPP, also called the Remain in Mexico program, was a highly effective tool in reducing illegal entries from 2019 until President Biden terminated the program. [8 USC 1225\(b\)\(2\)\(C\)](#) gives DHS the authority to return aliens arriving from a contiguous territory to that territory to await their removal proceedings. For the period in which MPP was fully implemented, from March 2019 through February 2021, only [67,690](#) aliens were sent back to Mexico to await their proceedings. Just a few months after the program began, the number of illegal arrivals started to plummet.

The point is that the mere existence of MPP can have an enormous deterrent impact that decreases the flow. The vast majority of illegal aliens are coming here for economic opportunities. If people think their attempt to skip existing statutory pathways to get into the United States will mean they are forced to remain in Mexico for an extended period, more will stay home rather than risk the dangerous journey. If friends, family members, non-government organizations (NGOs), and cartels can credibly promise an easy path to be released into the United States, people will come. And they have. We could spend hours pouring over the data, attempting to attach specific policy actions with migrant flows, but for us, it's no mystery why the numbers began climbing as we approached 2021. There's also no mystery why numbers have fallen as we've approached 2025. The same story has happened repeatedly, including when President Trump first took office and encounters dropped nearly 55% in two months. Perception of the enforcement of immigration law matters.

President Trump should expeditiously move to reinstate and expand MPP. Any illegal immigrant seeking asylum who is encountered at or between ports of entry should be returned to Mexico to await the adjudication of their claims. Instead of release with a court date years in the future,

return obviates any hope of making fraudulent credible fear claims at the border in exchange for a golden ticket to the United States with unrestricted employment authorization. This is the determinative policy step to deter fraudulent asylum claims.

Mass deportation is the primary focus of political rhetoric, but Congress has already written [laws](#) that require the President to remove illegal aliens from the United States. It's not a mere policy option. The truth is that "mass" deportations are needed because the government has allowed and/or welcomed mass numbers of illegal immigrants into the interior. While it may seem the population of illegal aliens in the country makes the job impossible, one has to remember that robust interior enforcement has the same benefit as robust border enforcement. If people credibly believe that the United States will no longer turn a blind eye to illegal immigration, people will decide to return home.

A willing administration has no shortage of solutions in existing law to solve the immigration crisis. In addition to the reinstatement of MPP, the end of parole and TPS abuse, and the use of deportations, regulatory changes to asylum, fees to deter frivolous applications, visa sanctions for recalcitrant nations that refuse to take back their nationals, workplace enforcement, safe third country agreements, and the broad 212(f) authority¹ ([8 U.S.C. 1182\(f\)](#)) can be combined to restore integrity to the immigration system.

However, what has been made abundantly clear over the past eight years is that what can be done by the executive branch can easily be undone. Congress has plenary power over immigration (U.S. Const. art. I, § 8, cl. 4) and an obligation to patch the loopholes in the law that have been exploited. Parole and TPS should be strictly limited in the statute. Congress can end asylum shopping and loopholes in asylum law, and provisions that have created a pull factor for unaccompanied alien children can and should be reformed. When someone arrives at the border illegally, the executive branch should be limited to three options: detain, return, or remove. To address an administration that chooses to violate the law, Congress can give state Attorneys

¹ "[W]henver the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate."

General the power to fight back by establishing standing for violations of immigration law, as was done in H.R. 29, the Laken Riley Act.

Policy changes can help to restore order in the interior, as well. The most salient of these is mandating the use of E-Verify for all employers in the United States. E-Verify is the sole arrow in the policy quiver to eliminate the primary pull factor inspiring mass illegal immigration effectively: jobs. This policy change would also dramatically increase employment prospects for U.S. citizens, which is a bonus to its significant impact on discouraging illegal immigration.

In addition to the Laken Riley Act, the House passed a major piece of legislation last Congress that would accomplish most of these policy proposals: H.R. 2, [The Secure the Border Act](#). Congress should finish the job and make this bill law.

TPS reform has been [proposed](#) in Congress in the past and can be reformed and improved.

Finally, Congress must expeditiously provide the administration with the resources—including additional ICE ERO officers and detention beds—necessary to implement credible interior enforcement.

Thank you, and I look forward to your questions.