

Congresswoman Veronica Escobar  
Texas' 16<sup>th</sup> Congressional District  
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Thank you Chairwoman Roybal-Allard and Ranking Member Fleischmann. I am here today to speak on behalf of a number of requests that would benefit border communities like El Paso, Texas.

**Improve Ports of Entry, Field Operations, and Border Patrol**

I would like to begin my testimony today with what we are seeing at El Paso's ports of entry. Since March of last year, El Paso's ports have been hardened to resemble a war zone. My constituents, including business and trade leaders, have shared their opposition with me regarding these hardening measures that are in direct contrast with values espoused in our binational community and familial connections at our historic border. Further, these unsightly and dangerous barriers are an impediment to trade and travel and reduce lanes and traffic flow at our ports. Border crossing delays impact the over \$1 billion in trade between the U.S. and Mexico each day, causing a ripple effect in supply chains. As such, I urge the Committee to consider including report language that prohibits port hardening measures, including the use of concertina wire.

Next, I urge the Committee to address the further modernization of Customs and Border Protection (CBP). The Committee should consider language directing an outside consultant to audit the staffing model for CBP. While DHS has conducted its own staffing model, we have taken staffing information available to us and through a comparative analysis found that the model DHS uses is flawed. An outside review will ensure that our ports run as efficiently as possible and are provided with an adequate and fair number of OFO agents. As an example of

the inequity we found, the El Paso Field Office and the San Diego Field Office both have nine ports but San Diego has 881 more staff. My office found that even though San Diego has twice the number of volume, El Paso ports are more complex because of our geographic area. The El Paso ports spans over 300 miles while San Diego spans under 200 miles. An accurate and fair staffing assessment will ensure we move commerce and people effectively at each port.

Similarly, the Committee should consider directing language to have an outside entity evaluate Border Patrol processing regulations and standards. I appreciated the \$13 million for Border Patrol Processing Coordinators in the FY20 minibus package to help process and care for migrants, however, more should be done to ensure migrants are processed humanely and in a timely manner, and to ensure that agents are able to do what they were trained to do – enforce the law and not care for families and children. This means a thoughtful evaluation of processing facilities, holding cells, and job descriptions to ensure the Border Patrol of today represents the current challenges we face.

### **Defund Harmful Immigration Policies**

El Paso has been the testing ground for Trump's heinous immigration policies. As you know, the Trump Administration piloted family separation there in 2017. These anti-immigrant measures erode due process and place vulnerable migrants in danger. Today, Remain in Mexico (formally known as the Migrant Protection Protocols), Prompt Asylum Claim Review, Humanitarian Asylum Review Process, and safe third country agreements with dangerous countries have been wreaking havoc in the region. I strongly urge the Committee to defund all these measures to ensure asylum-seekers maintain their ability to seek refuge in the United States.

## **Ensure Migrant Rights and Safety While Detained**

Advocates and attorneys in El Paso know the realities of the border firsthand. I rely on them to share their experiences with me and make recommendations for how to better the current system. One recommendation that is consistent is the need for attorney access to clients in CBP and ICE facilities. With the Trump Administration so focused on ensuring quick deportations of recent arrivals or prolonged detention, it is critical that migrants have the opportunity to consult with an attorney in a private space. The Committee should direct CBP and ICE to create private spaces at each facility where detainees can either meet in person with an attorney or connect with them telephonically. A dedicated area for attorney - client meetings will guarantee migrants can fully exercise their right to counsel.

The Committee can help increase migrant safety and wellbeing by defunding ICE's ability to force-feed detainees, an ongoing issue in El Paso and across the country, as well as by defunding ICE's ability to use solitary confinement. Force-feeding and the use of solitary confinement – in ways that are tantamount to torture -- are cruel and must be because eliminated. Further, because of these harmful practices against detainees, it is also imperative that the Committee increase funding for mental health care for those in DHS custody have the services they need to work through such trauma.

Another ongoing issue under the Trump Administration is prolonged detention in both CBP and ICE custody. CBP holding cells were not made for long-term detention and, in fact, CBP is supposed to release detainees within 72 hours either to a sponsor or to ICE. Two things can help speed up releases – concurrent processing and the increase in Alternatives to Detention. I again this year urge the Committee to include report language to encourage CBP to allow nongovernmental organizations (NGOs) to work in their processing centers, much like the

language that was included in the report accompanying the FY20 bill, H.R. 3931. This would allow migrants to be concurrently processed and connected to sponsors immediately after their release. Secondly, in El Paso, CBP was unable to release migrants into ICE custody because of a capacity issues – there was no space for ICE to take on new detainees. Through casework my office received, we heard of detainees being held for one to two years in the local ICE facilities. Prolonged detention can be alleviated by utilizing evidenced-based Alternatives to Detention like the Family Case Management Program where, out of the families enrolled, over 90% attended their immigration hearings and their ICE appointments. I urge the Committee to increase funding for Alternatives to Detention and to reinstate the Family Case Management Program. Further, I recommend the committee prohibit the funding of long-term detention. If after 20 days, ICE detainees are found not to be a threat to society and have a sponsor, funding for detaining that individual should be cut off.

### **Redress of Grievances**

I would also like to thank the Committee for establishing and funding an Immigration Detention Ombudsman in the FY20 minibus package that is modeled after a provision of one of my bills, the Homeland Security Improvement Act. While this is a welcome development, the Trump Administration recently appointed a former hate group leader to lead its creation. I urge the Committee through bill language to clarify the intent of the position and create baseline standards and requirements for the position. The Trump Administration is undercutting the Ombudsman’s credibility by such an appointment and, in order to ensure that the office is robust, Congress’ intent should be made clear: the Immigration Detention Ombudsman position is intended to help resolve misconduct at DHS.

Unfortunately, since my time in office, I have seen an increase in detainee deaths in both ICE and CBP custody. In order to ensure this never happens again, it is important that the Committee direct the DHS OIG to hire more investigators who can best analyze what went wrong in these tragic situations and identify gaps in processes. For example, in the deaths of the children that occurred in and around El Paso, the DHS OIG only looked for misconduct or malfeasance by DHS personnel. I feel like this was a missed opportunity to provide critical feedback for Congress on DHS operations and policies, and to give Congress the ability to improve migrant care through legislation.

### **Continue Community Reimbursements**

My final request relates to more funding to allow localities and NGOs the ability to be reimbursed for the humanitarian relief services they provide to migrants. The \$30 million included in H.R. 3401 was a welcome start. So far, El Paso has received over \$600,000 in reimbursements but organizations like the El Pasoans Fighting Hunger Food Bank and localities like the County of El Paso are still in the process of recouping costs. Given that the second round of reimbursements are underway, I request that the Committee consider funding a third round if the need is still there. Communities like El Paso, on the frontlines of the humanitarian crisis, should be made whole for the services they provided to help care for migrants.

### **Conclusion**

I thank you all for the opportunity to testify before you today and for your consideration of these requests.