

House Committee on the Judiciary
Subcommittee on Immigration and Citizenship
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Testimony by:
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Good morning.

My name is Fernando Garcia. I am the Executive Director and founder of the Border Network for Human Rights. Today, I am not here representing myself but representing more than 1,000 families who are members of our organization.

First, I would like to thank Chairman Nadler of the Judiciary Committee and all members of the Subcommittee on Immigration and Citizenship. I want to particularly thank our Congresswoman Veronica Escobar for her efforts to bring this hearing to our border region.

Today's hearing is an exercise in how democracy should look. Government must step out of its comfort zone to speak directly to our communities so impacted by policies and strategies discussed and approved in Washington, D.C., yet implemented at the border.

This is the reason we applaud the decision of the Judiciary Committee to come to El Paso, the largest border community in the nation, to listen to the issues faced by border residents in regard to immigration, racism, xenophobia, and white supremacy, and how these issues are impacting us.

My testimony is divided into three sections:

- The first discusses the growth of border and immigration enforcement apparatus.
- The second speaks to the impacts of such enforcement on our border communities.
- The third is a reflection of how to move forward with a narrative and a vision for the future of America that includes a better border, a better nation, and, more than anything, a better society that is inclusive and tolerant.

Growth of the Border and Immigration Enforcement Apparatus

Let me start with the growth of border and enforcement apparatus. Sometimes, it is important to stop and to reflect historically about what we have done as a nation, what we have done to ourselves and to our communities.

During the last 30 years since Operation Blockade in the early 1990s, our border, the 1,954 miles of distance from San Diego to Brownsville, has become one of the most militarized borders in the world. Administration after administration, Republicans and Democrats, have treated our border as a pawn in a chess play where our communities are thrown under the bus for the sake of political gains.

By 2018, not counting the Immigration and Customs Enforcement (ICE) budget, \$14 billion were spent on the implementation of enforcement operations at the US-Mexico border. Today, we have more than 23,000 Border Patrol agents deployed between ports-of-entry and within our border communities. And, if that was not enough, thousands of national guard elements have been deployed time and time again to the US-Mexico border.

Moreover, we have more than 700 miles of fencing and walls already; more than 70 miles of border lighting; more than 12,000 underground sensors; more than 170 aircraft and 8 unmanned air systems “drones” in the skies; more than 84 water vessels—some of them heavily armed; 40 mobile surveillance systems; 170 video surveillance systems; 273 remote surveillance systems; more than 9,000 night vision goggles; 6,000 thermal imaging systems; dozens of immigration check points within 100 miles of the border; and, not to mention, dozens of immigration detention centers with thousands of children, mothers, and fathers that are incarcerated, mistreated, and dehumanized.

And the latest strike to our border, which sets a very bad precedent, is a national emergency declaration issued by the Trump Administration portraying immigrants as a national security threat. Such distorted declaration allowed the deployment of more than 5,000 active duty soldiers, fully armed within our communities.

So, it is not an overstatement when we have said that the United States has built the largest enforcement operation in the nation, infused with a military strategy. And, by any measure, no one today can say we have an open border; rather exactly the opposite.

[For more on this topic please see Appendix A—Breaking the Border-Immigration-Criminal Enforcement Nexus: A View From the Border.]

The Impacts of Enforcement on Our Border Communities

Allow me to move to the second point, which is the impact of such enforcement on our border communities.

What is the impact of all of this in our communities? Let me remind everybody that, per the 2010 Census we have more than 13 million Americans living within 100 km of the border. This is not an isolated piece of land in the middle of the desert. This is a thriving community full of activities of everyday life from commerce traveling across the border to children going to school. Enforcement along the US-Mexico border has already created enormous damage to the lives of border residents.

First, we have an entrapped population that is limited geographically. Their mobility is limited by Border Patrol and immigration checkpoints. For example, one of our community leaders has a degenerative liver disease that can only be treated in San Antonio and Houston, but she can simply cannot travel due to these restrictive checkpoints.

Also, this region has become the only place in America where constitutional rights appear not to exist. I'm talking about the intentionally promoted false narrative that tells immigration enforcement agencies that they can do anything to members of our communities with complete disregard of their rights. I am not talking only about the borderline or ports-of-entry. I am talking about places like UTEP or downtown El Paso or downtown Brownsville and the multiple poor *colonias* and suburbs that are hit hard by these illegal practices. Using this false perception, immigration enforcement agencies have entered properties thousands of times, they have searched homes without search warrants or legal due process.

They have also used racism and racial profiling to stop, question, and detain people. Here, we have experienced collectively, to be people of color and be targeted by this ill-conceived enforcement. Violations of the fourth, fifth, and sixth amendment rights by federal immigration institutions have become the norm. If that was not problematic enough, we have experienced the excessive use of force, sometimes lethal, against immigrant families and border residents.

On top of all of that, today under Trump's Administration, these immigration enforcement agencies have rejected asylum seekers and turned away refugees massively violating the 14th Amendment of the Constitution of the United States and international law. Children are placed in jails without access to water, food, or healthcare. As we speak, more than 6 children have already died under border patrol and ICE custody because they were placed in undignified detention conditions where officers showed a great degree of disrespect, lack of professionalism, and lack of accountability.

Another crisis brewing at the border for many, many years are the unnecessary deaths of people seeking a better life. Every year, an average of 500 migrants have died while trying to cross the border looking for the American dream. Since 1993, more than 10,000 immigrants have died in the deserts, in the mountains, and in the rivers of this border region, many of them still missing and others only counted as unidentified remains.

In sum, what we see today at the border are communities living in fear of the enforcement institutions that are supposed to protect them. How can we make sense or understand the fact that high school teenagers find themselves questioned by Border Patrol or that US citizen children run away when they see them? We have been subjected to a culture of fear imposed by the harsh reality of detention, searches, and arrests without merit.

We must not neglect the long-term psychological trauma of refugees, immigrants, and border residents that have been submitted to family separation. In our case, we have the example of the detention centers in Tornillo and Clint where children and families are subject to the blow of separation and psychological trauma.

When immigrant border residents and refugees are detained, they are sent to detention centers in Border Patrol stations that are ill equipped and that do not guarantee dignified treatment. They are overcrowded and lack the legal support for the individuals and families that are detained. And, to make matters worse, detainees are exposed to harsh and unprofessional treatment by both federal enforcement officers and private security.

If all of this is not a civil and human rights crisis, then what is it?

[For more on this topic please see Appendix B—An Overview of Current Conditions at the U.S.-Mexico Border]

A Reflection on the Need for Accountability Checks and Balances

But all of this could have been prevented.

Previous Administrations, especially the Trump Administration has decided to go down the dangerous path of not only threatening the democratic process but also American values.

The US has built the largest enforcement domestic operation without safeguards for effective accountability mechanisms and very little oversight. When we think of America, we think of the effectiveness of its government. At least, this is what I have thought and learned about this great nation, that American government works best with checks and balances.

We have asked for accountability of the financial markets that led this nation to an economic crisis. And Congress had to implement closer oversight of the wars in Afghanistan and Iraq. But, we have neglected to do so in a domestic enforcement policy area (border and immigration) that is affecting millions of Americans.

And, this is not a question of if we need enforcement at the border. It is a question of what type of enforcement do we want. To ask Border Patrol, ICE, and other immigration agencies to be professional, that is a true American value. To ask them to respect Constitutional rights of residents at the border, it is their duty and their obligation, not an option. To send border immigration agents through more Constitutional, civil, and human rights trainings is the right thing to do. To ask this Administration to stop the separation of families and end family detention it is the just thing to do. Moreover, for all these border and immigration agencies to be accountable to their community, to act transparently in their actions, is not only a mandate but a moral obligation.

I commend Congresswoman Escobar for introducing HR 2203, the Homeland Security Improvement Act which brings the necessary accountability measures to border enforcement institutions. Among the necessary provisions in that bill, it is the creation of oversight commissions composed by members representing the different sectors of our border community to assess, investigate, and report back to Congress on the impacts of immigration strategies on border residents. It would also create the figure the Ombudsman within DHS and CPB to revamp training, the complaint process, and the supervision of law enforcement institutions at the border. I encourage you to review it and put your support behind it.

Before I wrap up, for us it is here at the border where the future of the nation is being shaped. In our history, borders have defined the character of our nation. It was the Statue of Liberty and Ellis island that represented the best of the ideals of America. That

we were an exceptional nation because of immigrants and immigration. And today, it seems that some might want to forget that.

That is why, here, in front of you, our communities declare that the US-Mexico border is indeed the New Ellis Island. Those families, only a few miles away in our sister city of Ciudad Juarez, in refugee camps, and the ones still in the detention centers elsewhere in the United States, they have the same aspirations, hopes, and dreams as those who came a 100 years ago thru Ellis Island. They, just as those before them, will be the backbone that will fortify and bring into the future this great nation.

Today, we must decide what kind of America we want and decide what our future will be. Is it the one that incarcerates families and puts children in jails and builds walls and with immigration officers acting with impunity? Or, the one the one that accepts its destiny, that we are nation of immigrants and that is what makes us exceptional. A nation that is inclusive, diverse, and working for the wellbeing of each other.

Subcommittee Members and Congresswoman Escobar, I thank you for the opportunity to present testimony before you and I look forward to your questions.

[For more on this topic see Appendix C—Building a New Ellis Island Rooted in Accountability and Human Rights.]