



April 12, 2018

Representative Ron DeSantis, *Chair*
Representative Stephen Lynch, *Ranking Member*
House Committee on Oversight and Government Reform
Subcommittee on National Security
2154 Rayburn House Office Building
Washington, DC 20515

Re: April 12 hearing on “A ‘Caravan’ of Illegal Immigrants: A Test of U.S. Borders”

Dear Chairman DeSantis, Ranking Member Lynch, and Members of the Subcommittee Committee:

On behalf of Amnesty International (“AI”)¹ and our more than seven million members and supporters worldwide, we hereby submit this statement for the record. AI is an international human rights organization with major offices around the world, including the U.S. and Mexico. AI’s top global priority is refugee protection, and has conducted research on the root causes behind the refugee exodus from the northern triangle region of Central America, as well as research on the experience of asylum seekers requesting humanitarian protection at the U.S. border.

The topic of this hearing, along with a slew of recent Trump administration measures, are aimed at addressing a purported U.S. border security crisis. The facts and data, however, do not bear this out and instead point to a very different conclusion. U.S. border apprehensions are at near historic lows, and a large segment of people arriving at the southern border are children and families seeking refuge and humanitarian protection in the U.S.

AI’s statement will not focus on the specific “caravan” in question that is the named subject of this hearing, but will address more broadly the plight of Central Americans, disproportionately children and families, who are seeking humanitarian protection in the U.S. Among those participating in the 2018 “caravan” are reportedly children and families fleeing persecution and violence in

¹ Amnesty International was awarded the Nobel Peace Prize in 1977.

the northern triangle region. In years past, some participants of these caravans have come to the U.S. seeking refugee and humanitarian protection.

According to the [United Nations Refugee Agency](#), many of the children fleeing the northern triangle region (Honduras, El Salvador, Guatemala) have strong protection claims. Those arriving to the U.S. are requesting relief through the long-established legal procedures to review asylum claims, in line with U.S. obligations under international refugee law and human rights law. Many asylum seekers are affirmatively presenting themselves to border agents in order to request asylum, and are not seeking to evade authorities. All arriving asylum seekers are subject to an elaborate legal regime and institutional process established by the Department of Homeland Security (“DHS”) and the Justice Department to assess individual asylum claims. DHS asylum officers are well-versed in interviewing individuals who have suffered trauma, and have specific knowledge of country conditions and training on evaluating witness credibility. A secondary level of review involves an immigration judge who examines witness testimony, documentary evidence, and State Department country conditions in evaluating the individual asylum claim.

The asylum process is extensive and rigorous, and is designed to ensure that those with strong refugee claims are not deported to conditions of persecution or torture, in accordance with U.S. legal obligations under the Refugee Convention and Convention Against Torture. However, due to a longstanding shortage of immigration judges, the asylum process takes years to conclude.

In recent years [AI](#) has conducted on-the-ground research in Central America, Mexico, and the U.S. to assess the push factors driving asylum seekers from their homes, as well as the dangers they face on their perilous routes in search of safety. The grave abuses faced by asylum seekers along those routes continue to persist, as do DHS turn-backs of asylum seekers along the U.S.-Mexico border.

In January 2018 AI met with the DHS Customs Border Protection (“CBP”) Field Operations Director (“FOD”) for the San Diego Sector, who oversees the San Ysidro port of entry (“POE”), the busiest POE on the southern border. The FOD indicated there had only been “a very small surge [of asylum seekers], during a very short period of time” in 2017, which actually surpassed the capacity of DHS officials to process asylum claims. However, the main challenge indicated by the FOD was a lack of bed space and asylum officers, which he blamed for the turning away of asylum seekers at the San Ysidro POE on multiple occasions in 2017. Irrespective of the actual reason, such turn-backs are violations of U.S. and international law, and are the subject of a 2017 [class action lawsuit](#) brought against CBP.

The administration's recently announced policy of indefinite detention of asylum seekers, without bond or humanitarian parole, will only exacerbate the capacity problems stated by CBP. [DHS](#) has stated that the objective of indefinitely detaining asylum seekers is to deter them from entering the U.S. in search of refuge. Moreover, the President's recent announcement to deploy the National Guard to the southern border is part of the administration's plan to deter, detain, and punish people seeking refugee and humanitarian protection, in violation of U.S. obligations under international law and standards.

The situation along the southern border is hardly a crisis requiring the President's deployment of the National Guard or an additional 750 more border patrol agents as requested by CBP. What is desperately needed is more funding to hire immigration judge teams so that the immigration courts can chip away at the multi-year backlog of asylum cases.

In sum, there is indeed a crisis, but it's not a border security crisis embodied by a caravan of children and families traveling through Mexico. The crisis lies with the U.S. immigration courts, which have been underresourced for years and are thus unable to adjudicate asylum claims in a timely manner. That funding crisis, fortunately, can be readily addressed by Congress which controls the power of the purse.

I. Amnesty International's recommendations

To the Trump administration

- Discontinue plans outlined in the Border Security Executive Order to return arriving asylum seekers to Mexico to await their asylum proceedings, in violation of international law.
- End detention of all children, whether unaccompanied or in family units. Locking up children is never in their best interest.
- Implement policies to limit the detention of asylum seekers to a last resort, only when it is determined to be necessary and proportionate to a legitimate purpose, based on an assessment of the individual's particular circumstances.
- Halt plans to deploy the National Guard to the southern border. The world's mightiest military is not needed to respond to children and families fleeing trauma and violence in search of humanitarian protection.

To Congress

- Dramatically increase funding for immigration judge teams and DHS asylum officers, to reduce the multi-year backlogs.

- Decline to fund the President's border wall, expansion of border patrol, and continuation of CBP operations absent rigorous external oversight of CBP and border patrol.
- Decline to fund DHS's unprecedented expansion of immigration detention, which sweeps in children and asylum seekers.

For more information, please contact Joanne Lin at 202/509-8151 or jlin@aiusa.org.

Sincerely,

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