



Testimony of Andrew Selee

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Policy Options for Responding to Changing Migration Flows at the Southwest Border

Before

Senate Committee on Homeland Security and Governmental Affairs

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Chairman Johnson, Ranking Member Peters, and Members of the Committee:

Thank you for the opportunity to testify before the Senate Committee on Homeland Security and Governmental Affairs. My name is Andrew Selee and I am the president of the Migration Policy Institute, a non-partisan, independent research institution focused on practical and effective policy options for managing immigration in the United States and around the world.

We have always had migration across our shared border with Mexico, and most of it has always been legal and part of the normal economic exchange that takes place between our two countries. Illegal immigration flows from Mexico, which were once so significant, have been dropping dramatically since 2008 and are now only a fraction of what they used to be.¹ In the meantime, we have seen a rise in Central American unauthorized crossings since 2012 and most notably since 2014, but the long-term decline of Mexican unauthorized flows has meant that — until recently — the overall numbers crossing the Southwest border illegally were still at historically low levels.²

However, over the past few months, we have seen a significant rise in the number of apprehensions at the southwest border, mostly of Guatemalan and Honduran nationals, which are unlike anything seen in the past decade. Overall, apprehensions are still below prior peaks in the late 1990s and early 2000s, but have steeply increased in only a few months to levels not seen in years. There were 66,450 Southwest border apprehensions in February—the highest monthly total in the past nine years — and they are expected to reach nearly 100,000 in March.³

This migration flow is substantially different from those earlier peaks in terms of its origins, characteristics, and drivers—as well as prospective policy solutions that are needed to manage and control it.

¹ Ana Gonzalez-Barrera and Jens Manuel Krogstad, “What We Know About Illegal Immigration from Mexico,” Pew Research Center, December 3, 2018, www.pewresearch.org/fact-tank/2018/12/03/what-we-know-about-illegal-immigration-from-mexico/.

² U.S. Border Patrol, “Southwest Border Sectors: Total Illegal Alien Apprehensions By Fiscal Year (Oct. 1st through Sept. 30th),” accessed April 1, 2019, www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-southwest-border-sector-apps-fy1960-fy2018.pdf.

³ U.S. Customs and Border Protection (CBP), “Southwest Border Migration FY 2019,” updated March 5, 2019, www.cbp.gov/newsroom/stats/sw-border-migration; U.S. Border Patrol, “Total Illegal Alien Apprehensions By Month,” accessed April 1, 2019, www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-total-monthly-apps-sector-area-fy2018.pdf; Letter from Kirstjen Nielsen, Secretary of Homeland Security, to U.S. Senate and U.S. House of Representatives, March 28, 2019, www.dhs.gov/sites/default/files/publications/19_0328_Border-Situation-Update.pdf.

This current flow is predominantly Central American, not Mexican.⁴ It is comprised mainly of families and unaccompanied children (61 percent thus far in FY 2019: 51 percent family units and 10 percent unaccompanied children), rather than adults traveling alone.⁵ And it is also driven by a complex set of factors that include not only economic opportunity in the United States, but also the effects of chronic violence and poor governance in the countries of origin and the incentives created by the ballooning backlog in the U.S. immigration courts, which exceeded 850,000 cases in February.⁶ While the overall numbers are lower than they used to be at the height of previous migration waves, this mix presents a more complex picture to address in terms of policy.

Why an Increase Now?

At least four specific factors have driven this sudden increase in Central American apprehensions across the southwest border:

1. Changing Smuggling Patterns. The caravans that have received so much publicity have contributed only a small percentage of the rise in migration flows, but they have driven a dramatic change in the business model of the smuggling networks that move migrants from Central America to the U.S. border. The caravans presented an existential threat to the smuggling networks by offering potential migrants a way to travel more safely and cheaply through Mexico and to the U.S. border. The smuggling networks responded by innovating their prices and services, offering group rates for those traveling in larger numbers to the border and cutting prices for those who travel with children. U.S. Customs and Border Protection (CBP) reports that there have been at least 100 incidents of groups of 100 or more migrants traveling together in the first few months of fiscal year (FY) 2019, compared to only 13 of these in all of FY18.⁷
2. US Policy Chaos. Several U.S. government policy efforts to prevent migrants from crossing the Southwest border over the past year may have actually served to encourage additional

⁴ Thus far in fiscal year 2019, 87 percent of family unit apprehensions were from Guatemala or Honduras. And the Department of Homeland Security (DHS) announced in January 2019 that for the first three months of the fiscal year, apprehensions from Guatemala exceeded those from Mexico. CBP, “U.S. Border Patrol Southwest Border Apprehensions by Sector Fiscal Year 2019,” updated March 5, 2019, www.cbp.gov/newsroom/stats/sw-border-migration/usbp-sw-border-apprehensions; DHS, “DHS Releases Southwest Border Enforcement Statistics” (news release, January 9, 2019), www.dhs.gov/news/2019/01/09/dhs-releases-southwest-border-enforcement-statistics.

⁵ CBP, “Southwest Border Migration FY 2019.”

⁶ Transactional Resource Clearinghouse, “Immigration Court Backlog Tool,” accessed March 31, 2019, https://trac.syr.edu/phptools/immigration/court_backlog/.

⁷ Anna Giaritelli, “Border Patrol Just Took in a Mini-Caravan of More Than 100 People. It's the 100th One This Fiscal Year,” *Washington Examiner*, March 28, 2019, www.washingtonexaminer.com/news/border-patrol-just-took-in-a-mini-caravan-of-more-than-100-people-its-the-100th-one-this-year.

migration rather than deter it. The brief period of family separation, which was well covered in regional media in Central America, highlighted the fact that families will, in fact, not be detained for long in the United States. Metering, which limits access to asylum processes at border ports of entry, may well have dissuaded many asylum seekers with legitimate claims from presenting their cases at ports of entry and redirected them to crossing routes between ports. And smugglers have proven adept at reinforcing the messages that potential migrants had already absorbed through the media. This policy chaos, coupled with a sense that the US government may at some point really shut down the border, has generated an urgency to migrate now while it is still possible.

3. Worsening Conditions in Guatemala and Honduras. Four years of drought in Central America's "Dry Corridor" are affecting 5 million people in Guatemala and Honduras; in 2018, Honduras lost an estimated 82 percent of its maize and bean crops.⁸ While homicide rates have been falling across the Northern Triangle — one of several factors that has likely contributed to the sizable drop in migration from El Salvador, at one point the most violent country in the world. Gangs, once a mostly Salvadoran phenomenon, have proliferated across Honduras and Guatemala, creating a kind of predatory violence (extortion, kidnapping, robbery) that often escapes homicide statistics. Compounding this local-level violence, governance has worsened noticeably in the past year in Guatemala and Honduras, where national leaders are under siege for corruption and are pushing back against internationally sanctioned anti-corruption bodies that were designed to help citizens hold their government accountable.⁹ In contrast, El Salvador has seen a successful national election, with the winner bucking the country's traditional two-party system, something that highlighted that country's generally more functional democratic process.¹⁰ It is, perhaps, no coincidence that migration from El Salvador is dropping, though that may well also be tied to its comparatively older and more urbanized population, which has reduced long-term migration pressures.¹¹

⁸ World Food Program, *Seguridad Alimentaria Y Emigración*, September 2017, p. 22, <https://docs.wfp.org/api/documents/WFP-0000019630/download/>; Food and Agriculture Organization of the United Nations, "FAO and WFP Concerned About the Impact of Drought on The Most Vulnerable in Central America," August 23, 2018, www.fao.org/americas/noticias/ver/en/c/1150344/.

⁹ Peter Meyer, "U.S. Strategy for Engagement in Central America: An Overview," *In Focus 10731* (Washington, D.C.: Congressional Research Service, January 3, 2019), <https://fas.org/sgp/crs/row/IF10371.pdf>

¹⁰ Charles T. Call, "The Significance of Nayib Bukele's Surprising Election as President of El Salvador," *Order from Chaos* (Washington, D.C.: Brookings Institution, February 5, 2019), www.brookings.edu/blog/order-from-chaos/2019/02/05/the-significance-of-nayib-bukeles-surprising-election-as-president-of-el-salvador/.

¹¹ In 2018, 28 percent of El Salvador's population was under age 15, compared with 34 percent in Honduras and 40 percent in Guatemala. Urban residents comprised 70 percent of Salvadorans, compared with 54 percent of Hondurans and 51 percent of Guatemalans. See Population Reference Bureau (PRB), "2018 World Population Data Sheet," accessed March 31, 2019, www.prb.org/wp-content/uploads/2018/08/2018_WPDS.pdf.

4. A Strong US Economy. With US unemployment down to 3.8 percent and growth at 3 percent,¹² there is also a powerful magnet for potential economic migrants to make the journey north knowing that they may well find work. Interestingly enough, Mexican and Salvadoran migration has dropped despite these strong economic incentives, which suggests that those living in neighboring countries do not migrate unless there are a strong push factors at home as well.

One other possible explanation for the rise in Central American migration is worth considering but seems far less plausible: that Mexico's new government has not enforced its borders and simply lets migrants pass through. That doesn't seem to be borne out by the statistics. It is a little-known fact that the Mexican government has actually removed more Central American migrants since FY 2015 than has the U.S. government.¹³ And both detentions and removals of Central Americans from Mexico since December, when the new Mexican president took office, are similar to what they were during the same period last year.¹⁴ The Mexican government's decision to grant humanitarian visas to 13,000 migrants during a three week period in January might well have contributed to a sense that migrants could get through Mexico easily, but there doesn't seem to have been an overall drop in enforcement. Nonetheless, the Mexican government is clearly just as overwhelmed by the numbers and characteristics of the new migration flow as the U.S. government is.

Policy Options

Just as there is no single factor leading to the rise in migration from Central America — it is a result of at least four different factors interacting with each other — there is also no single solution to address this. Instead, there are several policy options that, taken together, could be helpful in reducing this migration and restoring a sense of control over flows at the border.¹⁵ Here are three that should be a priority:

¹² Bureau of Economic Analysis, US Commerce Department, "Gross Domestic Product, Fourth Quarter," News Release, March 29, 2019, <https://www.bea.gov/news/2019/gross-domestic-product-4th-quarter-and-annual-2018-third-estimate-corporate-profits-4th>; Bureau of Labor Statistics, US Department of Labor, "Labor Force Statistics from the Current Population Survey," accessed April 2, 2019, <https://data.bls.gov/timeseries/lms14000000>.

¹³ Ariel G. Ruiz Soto, Rodrigo Dominguez-Villegas, Luis Argueta, and Randy Capps, *Sustainable Reintegration: Strategies to Support Migrants Returning to Mexico and Central America* (Washington, DC: Migration Policy Institute, 2019), 8, www.migrationpolicy.org/research/sustainable-reintegration-migrants-mexico-central-america.

¹⁴ MPI calculations using data from the Mexican Interior Ministry (SEGOB), "Boletín mensual de estadísticas migratorias, 2011-19," accessed April 1, 2019, www.politicamigratoria.gob.mx/es/SEGOB/Boletines_Estadisticos.

¹⁵ For a further discussion of some of these points, see Doris Meissner and Sarah Pierce, "Policy Solutions to Address Crisis at Border Exist, But Require Will and Staying Power to Execute," Migration Policy Institute, April 1, 2019, <https://www.migrationpolicy.org/news/policy-solutions-address-crisis-border-exist-require-will-staying-power>.

1. Fixing the Asylum System. The existing asylum system has become overwhelmed and sclerotic under the surge of applications for asylum over the past few years. The number of people initiating the asylum process by requesting credible fear interviews at the Southwest border reached 93,000 in FY 2018, up from about 7,000 a decade prior.¹⁶ When these asylum seekers go on to file official applications, they add to the more than 850,000-case backlog in the immigration courts.¹⁷ Today, the asylum process provides neither quick resolution for those who are seeking protection from persecution, nor does it dissuade those who do not have strong claims but can use an asylum application as a means to stay in the United States while their claim is adjudicated.¹⁸ To make the asylum system efficient again, the administration could allow asylum applications filed by those arriving at the Southwest border to be adjudicated by U.S. Citizenship and Immigration Services (USCIS) asylum officers rather than sending them to the already overburdened immigration courts. Decisions could be made within months instead of years, and DHS could, in many cases, monitor applicants through case management or other forms of supervised release that help ensure that applicants show up for their court dates.¹⁹ This approach would both ensure timely protection for those fleeing from persecution and provide a deterrent to those without a demonstrated claim for asylum, as they would be removed more rapidly. My colleague Doris Meissner and her collaborators have offered a detailed plan on how to address this.²⁰

¹⁶ CBP, “Claims of Fear,” updated December 10, 2018, www.cbp.gov/newsroom/stats/sw-border-migration/claims-fear; DHS, *Department of Homeland Security Border Security Metrics Report* (Washington, DC: DHS, 2018), 57, www.dhs.gov/sites/default/files/publications/18_0718_PLCY_FY2017-Border-Security-Metrics-Report.pdf. The 93,000 requests in FY 2018 include those apprehended or determined to be inadmissible at the Southwest border who requested a credible fear interview. The 7,000 requests in FY 2008 include those apprehended at the Southwest border who requested a credible or reasonable fear interview.

¹⁷ Separately, within U.S. Citizenship and Immigration Services, 325,000 asylum cases are pending. U.S. Citizenship and Immigration Services, “Asylum Office Workload: January 2019,” accessed April 1, 2019, www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/PED_AffirmativeAsylumStatisticsJan2019.pdf.

¹⁸ One Department of Homeland Security (DHS) cohort analysis of migrants apprehended at the border in FY 2014 showed that by September 2017, only 38 percent of those seeking asylum by claiming credible fear of persecution were either deported or granted asylum, while 41 percent were still in immigration court proceedings. DHS, *2014 Southwest Border Encounters: Three-Year Cohort Outcomes Analysis* (Washington, DC: DHS, 2018), 6-7, www.dhs.gov/sites/default/files/publications/18_0918_DHS_Cohort_Outcomes_Report.pdf

¹⁹ For instance, during FY 2015-17, the U.S. Immigration and Customs Enforcement (ICE) Family Case Management Program, a pilot program serving over 2,000 apprehended family members in five cities, witnessed only four households missing their court dates, resulting in a 99 percent compliance rate. GeoCare, *Family Case Management Program: September 21, 2015-June 20, 2017* (unpublished Summary Report, no date).

²⁰ This approach would require an investment in asylum officers, immigration judges, and reception centers, but this would be more than off-set by the diminishing costs associated with detention. Doris Meissner, Faye Hipsman, and T. Alexander Aleinikoff, *The US Asylum System in Crisis: Charting a Way Forward*, Migration Policy Institute, September 2018, <https://www.migrationpolicy.org/sites/default/files/publications/MPI-AsylumSystemInCrisis-Final.pdf>.

2. Strengthening Mexico's Migration System. The current Mexican administration has stated that reforming its migration and asylum system is a priority, arguing that the government should offer asylum and employment-based visas to more Central Americans so that they can stay in Mexico rather than heading to the U.S. border. Mexico has significant labor market needs in the center and north of the country, which would make this approach work well for both Mexico, by filling labor needs, and the United States, by taking pressure off the shared border. However, it requires significant investments in institutional reform of Mexico's chronically weak Migration Institute and overburdened asylum system and the know-how to carry this out. The U.S. government should consider supporting these efforts, directly and through the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), so that Mexico can continue to strengthen its role in stemming migration northward by becoming a country of asylum and employment. There may also be opportunities to work with the Mexican government on external U.S. asylum processing (in Mexico or in Central America), something that the Secretary of Homeland Security has indicated is of interest.

3. Tackling Smuggling Networks. The U.S. government should explore additional ways of addressing smuggling networks in partnership with the Mexican and Central American governments, not only in combatting the messages of these illicit networks but in degrading their logistical and financial structures. To win support from regional governments, it will be important to focus on those smuggling networks that are the most predatory towards migrants and those that transport special-interest immigrants, often from countries outside the hemisphere, who present potential national security challenges.

4. Investing in Governance, Public Security, and Youth Employment in Central America. In the long term, the only sustainable solution to illegal migration from Central America is to ensure rule of law and economic development. These have been key components leading to the dramatic drop in the number of Mexicans attempting to migrate illegally over the past decade, and it may help explain why fewer Salvadorans seem to be leaving their homes. In the case of El Salvador it appears that some targeted, place-based U.S. investments in youth employment, reintegration services for returned migrants, and public security have also helped reduce gang involvement and created opportunities for young people.²¹ El Salvador has also gained some stability in terms of governance over time, and the homicide rate has declined noticeably in the past year. While there is no certainty that migration will remain low from El Salvador, there has been a noticeable drop so far. In contrast, Guatemala and Honduras have experienced a worsening political situation that has probably undermined many of the gains of local investments in similar programs. Therefore, going forward, development policy needs to focus not only on local interventions but on governance reforms — such as the anti-corruption commissions now active in the region — that anchor the more specific projects in a virtuous cycle of accountability. There is no guarantee that development

²¹ On reintegration services, in particular, see Ruiz Soto, Argueta, Rodriguez-Dominguez, and Capps, *Sustainable Reintegration*, cited above.

efforts, even under the best conditions, will lower migration pressures, but cutting these programs would almost certainly prolong these pressures over time.

Final Thoughts

To address migration from Central America, we need to be aware that there is no magic formula to stop migration flows and that we need a range of policy strategies to address this. It starts by understanding that some people are legitimate asylum seekers who need protection, and that we need to have an asylum system that can offer them refuge. At the same time, we need to make sure that our asylum system is sufficiently efficient and timely in making decisions that it discourages applications from those who do not have protection needs, and that we are working closely with the Mexican government to strengthen its own asylum system and to build new legal pathways for Central Americans to work in Mexico. Finally, we cannot stop addressing the root causes of migration — chronic violence, poor governance, and economic collapse — which fuel a desire to migrate northward. The example of Mexico, which once was a country of significant out-migration, should give us some hope for the future, but it also underscores the hard work that goes into changing circumstances on the ground enough that people have hope for the future, something that may still be a long way off in Central America, particularly in Honduras and Guatemala.