



The 47th Flyer

News for California's 47th Congressional District
from Congressman Alan Lowenthal



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The humanitarian crisis on our southern border is a complex issue that has developed over many years, but requires immediate solutions. This will be a special edition of "The 47th Flyer" that will focus entirely on the border crisis, its background, proposed solutions from all sides in Washington, and my thoughts on what needs to be done.

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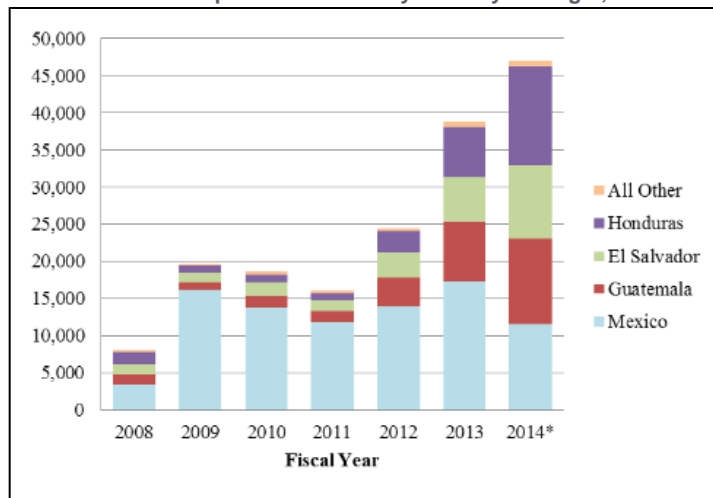


Background On The Crisis

Over the past five years, the numbers of unaccompanied minors arriving at the United States' 2,000-mile-long southern border have increased dramatically year after year. The majority of these children have come from four Central American countries: El Salvador, Guatemala, Honduras, and Mexico.

The evidence shows the majority of these children are fleeing extreme violence and poverty in their own countries.

Apprehensions of Unaccompanied Children by Country of Origin, FY2008-FY2014



Source: From the Congressional Research Service report, "Unaccompanied Alien Children: An Overview," July 28, 2014

Data Source: For FY2008-FY2013: U.S. Department of Homeland Security, United States Border Patrol, Juvenile and Adult Apprehensions—Fiscal Year 2013. For FY2014, unpublished data provided by Customs and Border Protection to CRS.

Notes: FY2014 figures are October 1, 2013, to May 31, 2014, representing two-thirds of a fiscal year.

Complicating matters are two pieces of post-9/11 legislation and a 1980s

lawsuit settlement. Known as the Flores Agreement, the 1980s settlement to lawsuits brought by unaccompanied children against the U.S. Immigration and Naturalization Service (INS) established a national U.S. policy for the detention, treatment, and release of unaccompanied minors.

In the wake of the September 11 attacks, the Homeland Security Act of 2002 split up various responsibilities for unaccompanied children which were formerly managed exclusively within INS, and doled them out to several federal departments, including the Department of Homeland Security (DHS) and the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR).

When concerns arose that unaccompanied children were not being properly screened to see if they had valid asylum or refugee status claims, Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) which was signed by President George W. Bush and set special rules on how children from countries that don't share a border with the U.S. must be transferred to the care and custody of HHS and placed in formal deportation proceedings.

In addition, the economics and explosion of drug-related violence in Central and South America have played a key role in the resulting border crisis.

Latin America, comprising Central and South America, is one of the most horrifically violent regions of the world. According to statistics from the U.N. Office on Drugs and Crime's Global Study on Homicide and compiled by the Wall Street Journal, 31 percent of the world's homicides in 2012 (the most recent year full data was available) occurred in Latin America.

Additionally, the economic situation in Latin American nations is contributing to the wave of immigration.

An annual index of 17 Latin and South American nations compiled by the Americas Society/Council of the Americas (AS/COA) and based on 21 different factors ranging from GDP to available employment, found El Salvador, Honduras and Guatemala in the very bottom of the rankings.

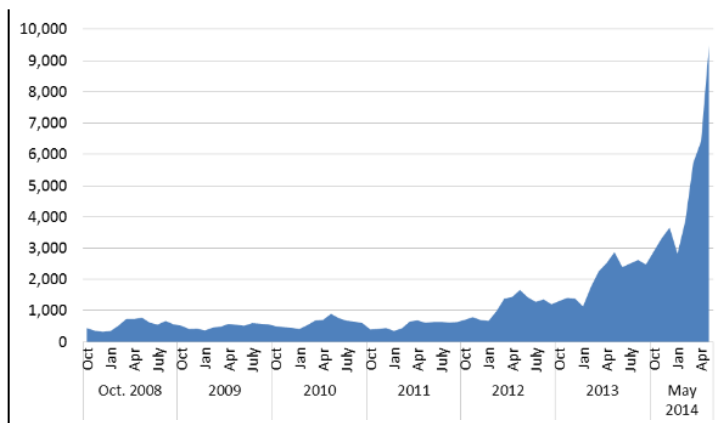
As AS/COA put it, "This year's Index exposes a toxic mix of high poverty rates, lack of opportunities, gender and race disparities, and very low access to formal jobs and education, which is at the root of the growing numbers of unaccompanied youth from Central America entering the United States."

According to the 2014 AS/COA 2014 index, and as an example of the dire situation in these three countries, only 5.1 percent of Honduran men and 10.8 percent of Honduran women had access to a formal job. In Guatemala more than 60 percent of the population lives on less than \$4 a day, and, in El Salvador, nearly 70 percent of the population lacks access to adequate housing.

All of these factors have contributed to a dramatic increase in the number of children arriving at the southern border, which in turn has strained, and in some cases overwhelmed, the federal systems set up to detain, house and process unaccompanied children.

Unaccompanied Children in Office of Refugee Resettlement Custody, October 2008 through May 2014, Monthly Referrals





Source: From the Congressional Research Service report, "Unaccompanied Alien Children: An Overview," July 28, 2014

Data Source: Office of Refugee Resettlement.

Proposed Solutions

In response to an overwhelmed system, the President and both houses of Congress have proposals to address the crisis.

The President's Proposal

The President's proposal to address the current crisis was a \$3.7 billion request to Congress for emergency funds that would be used for deterrence, enforcement, repatriation, public information campaigns, and efforts to address the root causes of the migration.

The proposal included \$1.8 billion for Health & Human Services (HHS) to provide appropriate care for unaccompanied children while maintaining services for refugees.

Another \$1.5 billion was requested for the Department of Homeland Security (DHS) to cover the costs for additional border law enforcement personnel; additional air surveillance of the border; the detention and removal of undocumented adults traveling with children; expansion of alternatives to detention; added prosecution capacity for adults with children; and transportation of unaccompanied children.

The proposal included \$300 million for the U.S. State Department for repatriation, strengthening foreign borders, addressing root causes of migration, and media campaigns in Mexico and Central America to discourage immigration.

Lastly, the proposal requested \$64 million for the U.S. Justice Department for additional immigration judge teams to process the cases and other legal programs related to the unaccompanied children situation.

The Senate Proposal

Following the President's request, the Senate leadership proposed and crafted S.2648, the Emergency Supplemental Act, 2014.

By and large, the Senate bill sought to fund the same components in the President's proposal, but at a total of only \$2.4 billion instead of the \$3.7 billion the President requested. The portion under the Senate proposal slated for HHS was \$1.2 billion, just under \$1 billion for DHS, and \$125 million for the Department of Justice (DOJ). The Senate proposal would approve \$300

million for the Department of State, the same as in the President's request.

This proposal failed to pass in the Senate on Thursday night and the Senate left for the August recess without reintroducing another version.

The House Proposal

Republicans in the House of Representatives introduced H.R. 5320, a package representing \$659 million in supplemental spending—dramatically less than both the Senate or President's proposals. The House proposal includes \$197 million for HHS, \$405 million for Homeland Security, \$35 million to the Department of Defense, and \$22 million to the Department of Justice. The House Republican proposal also includes legislative changes such as amending the 2008 TVPRA legislation to allow children from countries other than Mexico (or Canada) to be deported much faster.

While H.R. 5320 was scheduled to be taken up on Thursday night, a lack of support within the Republican Conference required leadership to amend the bill. The revised bill was passed late Friday night.

Where I Stand

This situation makes me think of two communities in the 47th District, the Cambodian American community in Long Beach and the Vietnamese American community in Orange County.

Nearly four decades ago, following the Killing Fields of Pol Pot, more than 150,000 thousand Cambodian refugees fled to America. Only a few years earlier, hundreds of thousands of Vietnamese refugees fled to the U.S. following the communist takeover of South Vietnam.

In an example of true Americanism, the United States didn't turn these refugees away, but welcomed them into our country, and now I am proud to represent these two vibrant communities that have contributed so much to Southern California and our nation.

Today, we face another humanitarian crisis of people fleeing extreme violence. The Wall Street Journal recently referred to the Central American nations as the modern Killing Fields. Honduras, Guatemala and El Salvador, where most of these children are coming from, are some of the most dangerous countries outside of war zones in the world. Honduras has the highest annual murder rate in the world--20 times higher than that in the United States. Guatemala and El Salvador have the world's fourth and fifth highest murder rates.

The reality is that unaccompanied immigrant children arriving in the United States without parents or resources is not a wholly new phenomenon. What is new in the past five years is the dramatic increase in their numbers arriving at our southern borders.

I believe that to deal with this current crisis, we have to do several things.

First, we have to continue enforcing the laws as they exist.

Second, we have to avoid the knee-jerk reaction to repeal the anti-trafficking provisions in the 2008 TVPRA legislation which provide due process protections for unaccompanied children. These children should have their day in court to plead their case and should not be sent back without properly reviewing their claims.

Lastly, we have to make sure that the various federal government agencies dealing with this situation, such as DHS, HHS, and ORR, have the funds to fully enforce the law and carry out their duties.

At the same time, we must address the real problems behind this crisis, which are the economic and violent crime conditions in countries to our south. That is why I cosponsored the Security and Opportunity for Vulnerable Migrant Children Act to require the State Department to address these root causes by working with, and within, these Latin American countries.

Final Thoughts

We, as a nation, cannot simply turn a blind eye to refugees. It is not who we are as a people. The Emma Lazarus poem ensconced in the Statue of Liberty proudly proclaims, "...Give me your tired, your poor, Your huddled masses yearning to breathe free..." This is the humanity we should be practicing and the message we should be proclaiming to the world.

Thank you,



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