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House of Representatives

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Opening Statement

Subcommittee Chairman Jamie Raskin

Hearing on “Kids in Cages: Inhumane Treatment at the Border”

Subcommittee on Civil Rights and Civil Liberties

July 10, 2019

Welcome Members, Witnesses, and Guests to the Subcommittee’s hearing on the humanitarian crisis at the border. The American people are up in arms over reports about the dangerous overcrowding, spreading infections, influenza, diarrhea and lice, pervasive medical inattention, and systematic abuse of the rights of migrants in U.S. government custody at the border. We hope to shine a bright light on these dark developments to enable rapid and effective legislative responses.

I especially want to thank Yazmin Juarez for coming to share the painful story of her 19-month-old daughter Maricee, who experienced serious untreated respiratory complications during her detention by Immigration and Customs Enforcement and died shortly thereafter. We also know that six children have lost their lives while still in detention at the border.

I want to thank the Members of Congress and this Committee who have traveled to the border to investigate. And I want to thank all of our witnesses for coming today.

The human rights violations and family catastrophes happening at the border under the policies of the Trump Administration are not *improving* a serious regional refugee crisis but *worsening* and *exacerbating* it.

What is driving this refugee crisis? Gang violence and intimidation, government dysfunction and police corruption, political persecution, rape and unchecked gender violence--they are all driving unprecedented numbers of desperate families and terrified children out of the Northern Triangle of Central America to the United States. Many of these migrants amassing at our border are escaping threats of imminent death or bodily harm or the prospect of their children being forced into violent gangs or criminal networks of sexual abuse and human trafficking. Some are climate change refugees, fleeing the devastating effects of extreme drought and flooding.

The journey to the border today for these huddled masses is traumatic and filled with deadly peril. Along the way, many are robbed, assaulted or raped. Some have been killed. Parents have drowned alongside their children in the Rio Grande.

Hundreds of thousands have made it to our border. They turn themselves in to border officials and make their legal claim for asylum, a claim they have a right to make under American and international law.

Yet they have been greeted not as refugees whose asylum claims must be heard and taken seriously, but as presumptive criminals and threats to the American people. The Trump Administration has prosecuted them, subjected their families to prolonged and miserable detention, separated children from their parents, and forced migrants back into Mexico. The entire thrust of this policy is punishment, both court-ordered and government-ordered, and deterrence by means of mass trauma.

While the Trump Administration did not cause the refugee crisis in Central America, it has clearly exacerbated it by cutting off hundreds of millions of dollars in foreign aid for education, health care, and community development to precisely the countries which the refugees are now desperately fleeing in huge numbers to promote economic opportunity and the rule of law in the Northern Triangle. We owe the region at least that much given that we are the key market for the drug trade that has wreaked so much violence and insecurity in these countries. And all of us are implicated in foreign policies towards Central America over the last several decades which have emphasized war and military assistance over economic and social development.

The Administration's punitive and chaotic policy responses have produced a severe humanitarian crisis at the border, with dangerous overcrowding, widespread sickness and disease, and a shocking failure to provide adequate medical care, food, water, and sanitation. America is watching scenes of sick children packed into holding cells or cages, pregnant women sleeping on cold floors, and mothers trying to warm newborn babies with aluminum blankets.

The policy of separating thousands of migrant children from their parents is designed to make conditions at the border so miserable that the refugees will stop coming to America. Last May, then-Attorney General Sessions stated, "If you don't want your child to be separated, then don't bring them across the border illegally."

But these policies are failing to deter asylum-seeking families because the underlying causes of their migration are so grave and overwhelming. In fact, the Trump deterrence policy seems to be having no deterrent effect.

According to Customs and Border Protection's own data, family migrations spiked in the month after the Administration announced the family separation policy, and there have been sharp increases ever since, unlike anything we have seen in our lifetimes. Whatever else these harsh policies are intended to accomplish, the message received by hundreds of thousands of people seems to be: migrate now before things get even worse.

The Administration has failed to respond in a way that meets the actual humanitarian challenges at the border.

Our government should be sending doctors and humanitarian supplies to the border, along with asylum officers and legal resources to help identify and process claims. We should be making

sure that all of the money being spent at the border is not being wasted but used to meet the urgent nutritional and medical needs of the migrants.

Last week, the Department of Homeland Security's Inspector General warned of a "ticking time bomb" at border patrol detention facilities. The IG cited children crammed into cages with no access to showers or hot meals, and "serious overcrowding and prolonged detention" for adults, some in standing room only conditions, with no room to lie down or even sit down.

At the border patrol station in Clint, Texas, the *New York Times* reported:

"Outbreaks of scabies, shingles and chickenpox were spreading among the hundreds of children in cramped cells, agents said. The stench of the children's dirty clothing was so strong it spread to the agents' own clothing—people in town would scrunch their noses when they left work. The children cried constantly. One girl seemed likely enough to try to kill herself that the agents made her sleep on a cot in front of them, so they could watch her as they were processing new arrivals."

There is no excuse for our government being so unprepared for refugee flows that have been steadily mounting for months.

These conditions violate American laws and international human rights standards. We would not accept these conditions for refugees anywhere else in the world.

The Trump Administration reversed a policy that largely protected pregnant women from detention. Over 250 civil and human rights organizations called for the policy's reinstatement, noting the current "arbitrary detention of pregnant people... violates international human rights norms."

Last week, the DHS Inspector General reported that 31% of children across five facilities had been held longer than 72 hours, in violation of *Flores*, the 1997 settlement agreement that requires children to be placed in "safe and sanitary" conditions and directs children to be transferred out of DHS detention facilities "as expeditiously as possible."

There have now been news reports of migrant children detained for far longer and some for many weeks.

There is a dangerous lack of accountability at detention facilities. We know that many officers are doing their best under these excruciating conditions, but after recent reports, there is little doubt that a contingent of border agents is acting in callous and scandalous ways, punishing scared and helpless children, mocking migrant deaths on Facebook, and even attacking in vile ways Members of Congress who demand fair treatment for these migrants under the rule of law.

I'm pleased that Acting Secretary McAleenan has pledged to investigate these reports, but reportedly top border patrol officials have been aware of the Facebook group and its egregious contents for many months and even years. What sort of culture exists within DHS that would tolerate this behavior, or even foster it, for so long? Why did the Administration and its allies

block efforts to ensure that increased funding for the border be accompanied by provisions to ensure responsible Congressional oversight over how taxpayer money is being spent? How can we end official tolerance for such shameful actions?

I hope our hearing today will bring difficult facts into the light and pose hard questions about official actions that shame us as a society, not as Democrats or Republicans, but as Americans. I also hope that this hearing, in conjunction with Chairman Cummings' full committee hearing on Friday, will identify immediate steps to provide relief and change in these conditions

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