

Eroding the Law and Diverting Taxpayer Resources:
An Examination of the Administration's Central American Minors Refugee/Parole Program
U.S. Senate Committee on the Judiciary
Subcommittee on Immigration and the National Interest
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Thank you, Chairman Sessions and Ranking Member Schumer, for the opportunity to testify on the new Central American Minors (CAM) Refugee/Parole Program, and the impact this controversial program will have on American communities. Both the CAM Program and the Haitian Family Reunification Program (HFRP), a similarly problematic endeavor, are dramatic departures from existing law and policy on the admission of refugees, grants of parole, and the family reunification process established by Congress. The criteria for participating in the program differ significantly from what the law stipulates for refugees and parolees. The programs have been presented to the public in a deceptive way, perhaps in an effort to avoid public criticism for what are plainly unlawful, unprecedented, and costly schemes. These programs are an egregious abuse of executive authority; perhaps with good intentions, but that is no substitute for the law. Worst of all, there is no indication that either program can succeed in achieving the stated goal of deterring people from contracting with criminal smuggling organizations to bring their family members to the United States. The result will be a continued erosion of the integrity of immigration law, exploding costs for taxpayers, needless public safety problems, and continued illegal immigration from this part of the world.

Background on Refugee Programs. U.S. refugee policy traditionally has been based on principles consistent with those of the international community and the office of the U.N. High Commissioner on Refugees. Historically the top priority has been policy responses that lead to the “safe, voluntary return of refugees to their homeland.”¹ If repatriation is impossible and resettlement is needed, the priority is to resettle refugees within the same geographic region as their homeland. Resettlement in the United States is to be reserved for refugees “in urgent need of protection and refugees for whom other durable solutions are inappropriate or unavailable.”

These internationally accepted principles were codified in U.S. immigration law by the Refugee Act of 1980. This bill adopted the language of the 1951 U.N. Convention Relative to the Status of Refugees and its 1967 Protocol.

The definition of refugee is as follows:

(A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social

¹ See, for example, State Department, “U.S. Overview of Refugee Policy,” <http://www.state.gov/j/drl/rls/irf/2001/5562.htm>.

*group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.*²

CAM Is Not a Refugee Program. The CAM clearly is not a true refugee program, as the administration has claimed, but an end run around the law to create a new admissions program for the families of citizens of three Central American countries, most of whom entered the country illegally and now have been awarded some kind of quasi-lawful status by the administration. Most of these individuals are not eligible to sponsor family members for admission because they are not legal residents. In addition, the program will allow the entry of family members who are not qualified for legal admission because of prior deportations or criminal convictions.

The program was announced by the State Department on November 14, 2014:³

*The United States is establishing an in-country refugee/parole program in El Salvador, Guatemala, and Honduras to provide a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to the United States. This program will allow certain parents who are lawfully present in the United States to request access to the U.S. Refugee Admissions Program for their children still in one of these three countries. Children who are found ineligible for refugee admission but still at risk of harm may be considered for parole on a case-by-case basis. **The refugee/parole program will not be a pathway for undocumented parents to bring their children to the United States, but instead, the program will provide certain vulnerable, at-risk children an opportunity to be reunited with parents lawfully resident in the United States.** [emphasis mine]*

The clear focus of the program is on family reunification, not escaping persecution, which is the legal basis for U.S. and international refugee programs. The stated goal is to provide an alternative to traditional – and dangerous – pathways of illegal migration to the United States to join family members who migrated earlier. The existence of persecution is not mentioned in the statement, nor in other official explanations about the CAM program. For example, in his recent testimony before a Senate committee hearing on “Understanding and Addressing the Root Causes of Central American Migration to the United States,” a top State Department official discussed violence and poverty, but never mentioned persecution as a significant problem in the three countries that are the source of the surge of illegal arrivals of juveniles and families.⁴

² Section 101(a)(42) of the Immigration and Nationality Act.

³ U.S. Department of State, Fact Sheet: In-Country Refugee/Parole Program for Minors in El Salvador, Guatemala, and Honduras With Parents Lawfully Present in the United States, November 14, 2014, <http://www.state.gov/j/prm/releases/factsheets/2014/234067.htm>.

⁴ Testimony of Francisco Palmieri, Deputy Assistant Secretary for Central American and the Caribbean, before the Senate Committee on Homeland Security and Government Affairs, March 25, 2015, <http://www.hsgac.senate.gov/hearings/securing-the-border-understanding-and-addressing-the-root-causes-of-central-american-migration-to-the-united-states>.

Indeed, government and news media reports all indicate that the main reason for the influx of juveniles from Central America is not rampant or particularized persecution, but to join family members who are already living here, to escape difficult living conditions, and because Obama administration policies allow it. For example, a June 2014 DHS intelligence report stated:

*There is no single reason for the increase in [non- Mexican Unaccompanied Children] migration to the United States. Migration push factors include poor economies, lack of opportunity, and violence in [the Unaccompanied Child's] home countries. Migration pull factors include reunification with family members already in the United States and successful migration attempts....*⁵

While the problems of violence, poverty and lack of opportunity in Central America are real and pervasive, and we cannot be oblivious to them, Congress wisely has not recognized these conditions as appropriate grounds for refugee status. If it had, then much of the world could demand resettlement, including many in the United States.

Furthermore, the statutory definition of a refugee states that before admitting refugees who are still living within their country of nationality (and thus presumably not displaced and/or less at risk), the president must first consult with Congress. Section 207(e) of the law specifies that the consultation to explain the urgent humanitarian reasons for taking the presumably unusual step of resettling refugees who are still living in their home countries is to take the form of in-person Cabinet-level discussions with members of the House and Senate Judiciary committees. My understanding is that such consultation has not taken place.

A State Department Fact Sheet describes the CAM application process, which must be completed with the assistance of a U.S.-based designated refugee resettlement contractor. Then, the International Organization for Migration, a multinational resettlement contractor, will assist the children in going through the motions of applying for refugee status.⁶ The State Department expects that “a relatively small number” of children ultimately will be approved for refugee status. Those who do not qualify will be considered automatically for parole.

Background on Parole. Parole is a mechanism by which the government (in the form of DHS) may grant entry to an alien who is otherwise inadmissible. The Secretary may:

in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall . . . have been served the alien shall forthwith return or be returned to the custody from which he

⁵ U.S. Immigration and Customs Enforcement, Homeland Security Intelligence Report, “Increase in Number of Unaccompanied Children from Central America Arriving in the United States,” June 3, 2014.

⁶ Interestingly, the IOM website does not mention persecution as a factor in the recent surge of migrants from this region: “Unaccompanied children migrating from Mesoamerica to the United States is a growing trend. The most important drivers of this trend are family reunification, labour opportunities, and insecurity and violence in countries of origin.” See <http://www.iom.int/cms/en/sites/iom/home/where-we-work/americas/central-and-north-america-and-th.html>.

*was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.*⁷

Humanitarian parole⁸ is in most cases meant to be a temporary benefit (usually no more than one year) that enables ineligible or unqualified aliens to enter the United States for a specific purpose, after which the alien departs. It is to be granted only in exceptional circumstances for urgent and compelling humanitarian reasons, such as to obtain emergency medical treatment that is not available in the applicant's home country. [According to USCIS, a grant of humanitarian parole is to be good for "a period of time that corresponds with the length of the emergency or humanitarian situation."⁹] Applicants are expected to first attempt to apply for a visa, and generally are not eligible to be considered for parole until standard legal avenues are exhausted. USCIS guidelines state that parole is not to be used to "circumvent normal visa issuance procedures and is not a means to bypass delays in visa issuance." Those convicted of immigration violations or other crimes are generally ineligible for humanitarian parole.¹⁰ The filing fee is currently \$360, unless it is waived due to financial hardship.

In addition, the government has allowed for grants of humanitarian parole in certain cases "to facilitate the family reunification of minors in circumstances of compelling humanitarian need," according to a GAO description of the USCIS protocols.

While statistics on grants of parole are rarely disclosed, we know from the 2008 GAO report that the grants have been infrequent and have faced a relatively high standard of review. Over a period of more than five and one-half years (October 1, 2001 to June 30, 2007), the government adjudicated 8,748 applications for humanitarian parole, for an average of about 1,500 per year. Of these, only 2,133 were approved (24%), or an average of about 370 total approvals per year.

Of the total number of applications, about half were for the purpose of family reunification, and 27 percent on behalf of minors. The applications of minors were slightly more likely to be approved (35% vs 24% overall), although the GAO did not note whether the approvals for minors were family, medical, or other types of applications. That means roughly 2,360 minors were approved over the period, for an annual average of about 410 per year.

CAM Program is an Abuse of Executive Parole Authority. The CAM program clearly goes well beyond the statutory basis for grants of humanitarian parole. First of all, there is no requirement that the applicants demonstrate a compelling or exceptional humanitarian justification for the grant of parole – no persecution, no connection to violence, no hardship, just an undefined "risk of harm." Applicants simply must have a qualifying family relationship; i.e. be the child of the sponsor in the United States. In addition, spouses of the "anchor parent" and children of the qualifying child can also receive parole.

⁷ Section 212(d)(5)(A) of the INA.

⁸ For the purposes of this discussion, I am referring to humanitarian parole, as distinct from Significant Public Benefit Parole, which generally is used for law enforcement purposes and Advance Parole, which is granted to illegal aliens seeking to return to the United States, such as DACA recipients, or Parole in Place, which is to legalize the status of illegal alien family members of the military.

⁹ USCIS, Humanitarian Parole Home Page, <http://www.uscis.gov/humanitarian/humanitarian-parole>.

¹⁰ See Government Accountability Office report, *Internal Controls for Adjudicating Humanitarian Parole Cases Are Generally Effective, but Some Can Be Strengthened*, February, 2008, p. 7.

Further, there is no indication that the Obama administration intends for the grants of parole to be temporary. On the contrary, the expectation seems to be for a long stay; the Office of Refugee Resettlement description of the program states that CAM parolees may become eligible for federal benefits after a five years in the United States.¹¹ While the GAO report states that juvenile parolees routinely have been allowed to stay longer than the one-year limit when they are joining families and appear eligible for legal permanent residency (a green card), there appears to be no statutory basis for this policy.

CAM is a Rogue Family Reunification Program. In contrast, the most of the parents of the minors who will apply for parole under the CAM program have no legal status in the United States; they merely have a “lawful presence,” which is a term of art (not law) that means the government is not currently seeking to deport them. Thus the program will be allowing the entry of children for whom no legal status is available or likely to be available in the foreseeable future. They could be in parole status forever.

Most of the parents of the likely applicants will be in the following categories:

- Temporary Protected Status (TPS) - There are approximately 276,000 aliens from El Salvador and Honduras with TPS.
- Arriving Alien Credible Fear Parole – Since January, 2010, aliens who claimed a fear of return upon arrival at ports of entry or after apprehension by the Border Patrol have been allowed to enter with a grant of parole.¹² Today, more than 90 percent of those who make “credible fear” claims, which are the first step in applying for asylum, are approved for it. Not surprisingly, the number of applicants has increased dramatically since the policy change in 2010. In 2013 alone, there were nearly 20,000 “credible fear” requests approved for citizens of El Salvador, Guatemala and Honduras.¹³
- Other Parole – Many of the aliens who were apprehended as a family unit in the recent border surge received a grant of parole to stay in the country. A total of about 88,000 aliens who were apprehended as part of a family unit, including parents and children.
- Lawful Permanent Residents whose children are inadmissible because of prior deportations, criminal convictions, fraud, or other grounds of ineligibility. Qualified children of Central American green card holders would not need a grant of parole, because they can acquire a green card at the same time as the parent.

The total number of parents who could seek to bring in their children through the CAM program potentially could be as high as 150,000. If so, this parole program would be the largest in recent history

¹¹ Office of Refugee Resettlement, State Letter 15-01, “In-Country Refugee/Parole Program for Children in El Salvador, Guatemala, and Honduras with Parents Lawfully Present in the United States – Eligibility for ORR Benefits and Services,” January 7, 2015.

¹² See John Morton, Immigration and Customs Enforcement Memo, “Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture,” issued December 8, 2009, http://www.ice.gov/doclib/dro/pdf/11002.1-hd-parole_of_arriving_alien_found_credible_fear.pdf.

¹³ Testimony of Ruth Ellen Wasem, “Asylum Abuse: Is It Overwhelming Our Borders?,” before the House Judiciary Committee, December 12, 2013, <http://judiciary.house.gov/cache/files/5d634f9d-d515-4545-a3f7-f8e6c83da86d/wasem-testimony.pdf>.

by far, possibly exceeding the scale of the Mariel boatlift of 1980, in which about 125,000 Cubans were granted parole.¹⁴

It is reasonable to assume that President Obama originally intended for the CAM program to be even larger than what is currently contemplated. The program was announced just one week before the president released the details of a new set of broad executive actions, including the Deferred Action for Parental Accountability (DAPA) program. That program would have granted work permits and quasi-lawful status to several million illegal aliens, including many citizens of the three Central American countries covered by CAM, but its implementation has been blocked by a lawsuit filed by 26 states. If the administration is ever allowed to launch DAPA, then several hundred thousand more Central American parents now in the United States illegally would be able to apply for their children to enter under the CAM program.

Meanwhile, there are 77,000 people in El Salvador alone, plus thousands more in Honduras and Guatemala, who have been sponsored by a legally present family member or employer through the legal immigration process who are waiting for their turn to file their paperwork for an immigrant visa or green card. Not only do these legal applicants have to wait years for their turn, they also have to pay the full application fees and meet higher eligibility standards.

I am especially troubled by a USCIS statement that CAM parole applicants who have been deported before or who have criminal convictions, both of which would disqualify them under current USCIS policy, will be considered for a waiver of these ineligibilities.¹⁵ This waiver is currently available only to refugees, and should be used with great caution. There are a large number of juveniles who have been deported to the three Central American countries covered in this program, and a significant share of the juvenile aliens were targeted for removal because of criminal convictions and/or criminal gang involvement. According to ICE records, in 2012 and 2013 alone, there were more than 2,400 juveniles deported to El Salvador, Guatemala and Honduras who had criminal convictions and who are still under age 21, and theoretically eligible for the program if their parents are still in the United States. None of these individuals should be allowed back into the United States without an extremely compelling reason that outweighs the public safety risks that they represent.

Finally, I was very surprised to see that CAM applicants will not be expected to pay the standard fee for this extraordinary grant of immigration largesse, or for any expenses other than airfare. If any arrive as refugees, they will receive complimentary airfare.

Haitian Family Reunification Program (HFRP). The Obama administration has implemented another unauthorized family reunification parole program for certain Haitians. While somewhat less expansive in scale and slightly less egregiously deviant from Congressional intent for immigration, the HFRP still clearly violates the statutory parameters of humanitarian parole and flouts the legal immigration process. The administration's official rationale for this program is that it will support Haiti's "reconstruction and development by providing the opportunity for certain eligible Haitians to

¹⁴ See American Immigration Council, "Executive Grants of Temporary Immigration Relief, 1956-Present," October, 2014.

¹⁵ Ryan Lovelace, "Previously Deported Immigrants Can Now Enter U.S. On Taxpayer's Dime," *National Review*, April 7, 2015, <http://www.nationalreview.com/article/416545/previously-deported-immigrants-can-now-enter-us-taxpayers-dime-ryan-lovelace?target=topic&tid=3267>.

safely and legally immigrate sooner to the United States.”¹⁶ This is described as a “significant public benefit” and the administration argues that this meets the requirements of the statutory parole authority.

The parolees will be Haitians who have been sponsored for a green card by a U.S. citizen or permanent resident, and who are within two years of being able to apply to come to the United States as a legal immigrant. While they will not receive their green cards early, they will be allowed to get work permits upon arrival. Essentially, these individuals are being allowed to wait two years less than everyone else in the world that is equally eligible for immigrant visas. USCIS states that 5,000 applicants are expected to be processed each year.

Like the CAM, the HFRP is a new family reunification program set up to bypass the regular immigrant visa process. There is no indication of requirements that the applicants demonstrate unique and compelling humanitarian reasons for the government to make an exception to the standard immigrant visa issuance procedures. Again, these are not temporary grants of humanitarian parole; they clearly are meant to circumvent normal visa issuance procedures, and thus are contrary to the law and to Congressional intentions for how our immigration system operates.

Furthermore, unlike most legal immigrants, upon arrival Haitian (and Cuban) entrants are eligible to receive special resettlement benefits and other services that are typically provided to refugees. These include: cash assistance, health assessment and screening, food, housing, clothing, job counseling and training services, follow-up medical care, English language classes, and more. Additional services provided by ORR include: day care; transportation assistance; translation and interpretation services; assistance in applying for Social Security cards; registering children for school; assistance with immigration-related matters; community orientation concerning public services and facilities, personal and public safety, public transportation, standards of personal and public hygiene; briefings on their entitlement to publicly supported refugee services, procedures for renewing immigration documents, health care services, and accessing free legal services. Some of these benefits can be received for years after entry.¹⁷

In addition, unlike other regular legal immigrants, who must wait five years to be eligible for federal welfare benefits, the Haitians who receive parole can immediately apply for federal cash assistance payments and medical care, to include Supplemental Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Full Medicaid, Children’s Health Insurance Program (CHIP) and Section 8 Public Housing.

The provision of these benefits and services to Haitians being sponsored as family preference immigrants immediately upon their arrival is in direct conflict with Congressional intent that family-based immigrants should not be admitted if they will be dependent on government assistance, or a “public charge.”¹⁸ Refugees, of course, are exempt from the self-sufficiency requirement, but the HFRP entrants are not refugees; they are regular family-based immigrants who have been allowed to skip the visa line.

¹⁶ Statement of DHS Deputy Secretary Alejandro Mayorkas, in USCIS press release, “DHS To Implement Haitian Family Reunification Parole Program,” October 17, 2014.

¹⁷ Office of Refugee Resettlement, “Fact Sheet: ORR Benefits At A Glance,” https://www.acf.hhs.gov/sites/default/files/orr/orr_fact_sheet_benefits_at_a_glance.pdf.

¹⁸ See INA Section 212 (a)(4).

Ironically, one of the officially-stated purposes of the HFRP is to allow these entrants to work in the United States so that they can “contribute to Haiti’s post- earthquake reconstruction and development” by sending money home. Yet the expectation of the resettlement agencies and contractors seems to be that these entrants will be so destitute that they will need intensive government services. It is unclear how many of the new arrivals will actually be in a position to, or inclined to, send money back to Haiti, and that is certainly not a condition for participation in the program.

Impact on Communities. The CAM and HFRP programs will be tremendously costly for U.S. taxpayers and impose huge new burdens on the communities that will have to accommodate the new arrivals.

First, the HFRP programs will artificially expand the population that receives both federally-funded refugee resettlement services and state-funded social services. Refugee expenses are already a billion dollar line item in the federal appropriations, and these programs will have to expand further to accommodate the HFRP entrants.

Haitian immigrants already are heavy users of welfare program. The share of Haitian immigrants and their young children (under 18) living in poverty is 20 percent (for native-born Americans and their young children it is 12%). Of households headed by Haitian immigrants, 46 percent use at least one major welfare program (compared to 20% of native households).¹⁹

The federal costs are spread across the entire population of U.S. taxpayers, but Haitian immigrants, like all immigrants, tend to be more concentrated in certain parts of the country. This means that certain states, cities and towns will bear a disproportionate burden in providing the state-funded services that the new entrants will receive. These include not only the state share of welfare programs like Medicaid, SSI, SNAP and other federally-run programs, but also the educational, health care, and public safety expenses that are primarily a state or local responsibility.

The CAM Program promises to be even more costly than the HFRP, because of the size of the program and the fact that a large share of the entrants will all be children in need of educational and health services, and who presumably will not be working. Any CAM entrants who are awarded refugee status of course will receive the entire panoply of refugee services and federal and state benefits. Government statements on the question of services for CAM entrants who are granted parole has been contradictory. On the one hand, an ORR document states that CAM parolees “will not receive ORR benefits and services.”²⁰ On the other hand, a State Department spokesman stated told one news outlet that “Each [CAM entrant] is provided initial services and support by the U.S. Department of State equivalent to \$1,975.”²¹

Regardless of the amount of federal agency support services, many states and localities consider those who enter on a grant of parole to be lawfully present, and thus they can receive a variety of

¹⁹ Steven Camarota, “Fact Sheet on Haitian Immigrants in the United States,” Center for Immigration Studies, January, 2010, <http://cis.org/HaitianImmigrantFactSheet>.

²⁰ January 7 ORR letter, cited above.

²¹ Dan Langenkamp, quoted in Ryan Lovelace, op.cit.

welfare benefits (and some states allow all residents to receive benefits regardless of immigration status).

Already, the population of Central Americans in the United States is making heavy use of welfare programs. For example, 57 percent of households headed by immigrants from El Salvador use at least one major welfare program, as do 54 percent of Honduran households, and 49 percent of Guatemalan immigrant households (among native households it is 24%).²²

We also know from recent experience in dealing with the surge of unaccompanied alien children (UACs), who are essentially the same population as the CAM entrants, that there are extraordinary costs associated in accommodating an influx of entrants who are juveniles.

Education is the Most Significant Cost. Like the Haitians and UACs, the CAM entrants will be concentrated in certain communities, and these are places that are already struggling to manage the costs and issues associated with the UACs. The problem is not just the numbers, but also that typically many of the new arrivals had only a few years of schooling in their home country, had not learned to read nor acquired other basic skills fundamental to education beyond elementary school, spoke indigenous languages, and were more likely to require individualized educational plans and tutoring support due to emotional trauma, learning disabilities, or other special needs.

One Massachusetts school committee chair told me that the UAC arrivals were a “shock to the system” because there were so many who came at once, and because most were older than the typical new immigrant children, who are more likely to enter elementary or middle school, not high school. According to ICE records, nearly half of the UAC arrivals in FY2014 were males aged 15 to 17 (or claimed to be).

Everyone agrees that these students need support to succeed; the problem is how to pay for it, and how to anticipate the flows so that plans can be made. Says the mayor of Lynn, Mass., which has received a disproportionate share of refugee and UAC arrivals: “We have gotten enough new students to build a school, but unfortunately we don’t have the money to build a school.” Last year, as a result of the influx, the city of Lynn’s required contribution to the education budget went up by nine percent, meaning the city had to find an additional \$8 million (with no corresponding increase in tax revenue to cover it). As a result, the city had to cut other agency budgets by two percent across the board. City staff salaries were frozen; the community policing program was ended; an order for a new hook-and-ladder fire truck was cancelled, among other belt-tightening measures.

This story has been repeated all over the country. Louisiana’s Jefferson Parish, which received 533 UACs, said it needed to hire 27 new ESL teachers, 20 new ESL para-educators, 19 regular teachers, and three special education teachers to accommodate the influx. The total cost was estimated to be \$4.6 million, split between the state and the parish. The state was not expecting any additional support from the federal government for the Limited English Proficiency students, because most of them arrived at the last minute.²³

²² Steven Camarota, “Central American Immigrants in the U.S.,” Center for Immigration Studies, July, 2014, <http://cis.org/central-american-immigrants-us>.

²³ Letter from John White, Louisiana Superintendent of Education to Sen. David Vitter, September 12, 2014, <http://freebeacon.com/wp-content/uploads/2014/09/Sen.-David-Vitter-Response-ltr-9-12-14.pdf>.

Other states report the following outlays per UAC student:

- Texas -- \$9,500 (source: Texas Legislative Budget Board)
- Florida -- \$8,900 per child + \$1,900 per UAC for special needs (source: Florida Department of Education) for a total cost of \$30-40 million per year.
- Fairfax County, Virginia -- \$14,755 per English Language Learner, for a total estimated cost per year for UACs of \$14 million. (source: Fairfax County Supervisor).
- National Average: \$11,153 to 12,608 (source: National Center on Educational Statistics).
- Total Cost Nationwide: \$580 million to \$670 million for the FY2014 UAC cohort per year (not counting children who arrived as part of family units).

Health Care Costs. Health care costs for the CAM entrants also will present a major burden for state and local governments. “I think the biggest issue for us is the big handoff to local governments in terms of service costs and wraparound for these families and children. There’s no getting around that,” said Uma Ahluwalia, director of the Montgomery County, Maryland, Department of Health and Human Services. “In the meantime, the children are going to be attending local schools, they’re going to have health and mental health needs . . . I think it will definitely strain our capacities.”²⁴

According to the Census Bureau, 47 percent of Guatemalan immigrants and their young children (under 18) do not have health insurance. The figure for both Salvadoran and Honduran immigrants and their young children is 41 percent (compared to 13% for natives and their children).²⁵

Conclusion. The Obama administration’s establishment of the CAM and HFRP programs is an egregious violation of the boundaries of immigration law set by Congress. These programs do not comport with the statutory definition for awards of humanitarian parole. They are not temporary, the circumstances of the applicants to not appear to be particularly urgent or even new, the applicants are not expected to first exhaust legal pathways, and the awards of parole will be awarded merely to circumvent the normal legal immigration process. The bottom line is that these are rogue family reunification programs.

Further, based on this administration’s record of administering immigration benefits, in which the expectation is that adjudicators will “get to yes” at all costs, the public can have no confidence whatsoever that these awards will be made on a case by case basis as required by the law, with proper vetting.²⁶

Members of this committee should be troubled that the administration has greatly mischaracterized the nature of these programs to give the impression that they are for refugees, with the

²⁴ Quoted in the International City/County Management Association newsletter, August 15, 2014: http://icma.org/en/Article/104850/Preparing_for_Costs_of_Unaccompanied_Children_Influx?pub=108&issue=8.19.2014.

²⁵ Camarota Fact Sheet on Central American immigrants, op. cit.

²⁶ For the most recent example of this chronic problem, see Sen. Chuck Grassley, “Man Charged with Murders was Erroneously Shielded from Deportation Despite Gang Ties,” April 21, 2015, <http://www.grassley.senate.gov/news/news-releases/man-charged-murders-was-erroneously-shielded-deportation-despite-gang-ties>.

implication that there is an internationally-recognized urgent humanitarian need for resettlement of these individuals. On the contrary – in the case of the Central Americans, there is little likelihood that the applicants will meet the statutory definition of a victim of persecution; in the case of the Haitians, they are not described as refugees, but simply shoe-horned into eligibility for refugee services by way of the executive grants of parole. In addition, has taken pains to declare that only “lawfully present” Central Americans in the United States will be able to bring in their families, without explaining that “lawfully present” does not refer to an alien with legal status, but that most of the aliens bringing in their children are illegal aliens who have no right or entitlement to sponsor family members, or even to receive legal status themselves.

The direct cost of these programs together is likely to be over one billion dollars per year, for education, health care and refugee services, although no one knows for sure how many will ultimately be able to take advantage of it. Beyond the financial costs, there will be less tangible costs of depressed wages and job opportunities for natives, not to mention the strong potential for additional criminal activity and violence from some number of parolees who are a threat to public safety but are not screened out.

The Obama administration claims that these programs are a necessary alternative to the problem of illegal migration across dangerous waters and territories in the hands of criminal smuggling organizations. Perhaps one could argue that it would be worth the cost of these initiatives if they actually could succeed in stopping the surge of illegal arrivals from these countries – but they won’t. Instead the president’s abuse of authority on such a scale will only encourage even more people to attempt to come illegally with the understanding that they will be allowed to stay, work, receive benefits, and eventually send for their families. The CAM program, in particular, is a huge incentive for any Central American to migrate illegally to establish a foothold for the family. The continuation of policies that resettle illegal Central American arrivals is no doubt the main reason that the surge continues. In fact, the number of new illegal arrivals in March, 2015 was the highest it has been since last July, at the height of the surge²⁷ – and this is two months *after* the administration began publicizing the CAM program.

Certainly America should not entirely turn its back on the refugees of the world just because it can be disruptive or costly to resettle them; nor should we ignore poverty and violence that exists in our own hemisphere, and how it suppresses the quality of life and human potential in certain other countries. But these problems cannot be solved by resettling an open-ended number of people who live in difficult conditions. Instead, our government should return to the traditional principles of seeking durable solutions nearby the home countries of displaced persons, and work on the goal of eventual repatriation whenever possible. As many respected leaders in U.S. refugee policy have noted over the year, we can help more people by directing aid overseas than attempting to bring a fraction of them to the United States.

Numerous alternatives exist. Other prosperous countries in the hemisphere, such as Mexico and some South American and Caribbean countries, can absorb Central American and Haitian migrants who are looking to flee poverty and violence.

²⁷ Jessica Vaughan, “Influx of Central American Teen and Family Arrivals Continues,” Center for Immigration Studies, March 31, 2015, <http://cis.org/vaughan/influx-central-american-teen-and-family-arrivals-continues>.

Furthermore, our constitution gives Congress the authority to make the difficult choices and compromises about how many immigrants will be admitted, and under what rules and circumstances. The Obama administration's move to create new immigration programs out of whole cloth, and then mischaracterize them as refugee programs in order to deflect public skepticism, will only anger the public and erode the integrity of our legal immigration system. In addition, it prompts political pressure for "me too" treatment from advocates for immigrants from other countries.

In response to this abuse of executive authority, at a minimum, Congress should take steps to ensure that no agency funds or fee revenues can be used to provide services or benefits to aliens who are not inspected and admitted as legal immigrants or refugees in Congressional authorized programs of admission. In addition, Congress should press the agencies involved to disclose details about the aliens who enter, how they are processed, the services they receive, and the total cost to the government.

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