

Written Testimony-Chris T. Clem 9/17/25

Senate Judiciary Sub-Committee

Good afternoon, Chairman and members of the committee. My name is Chris Clem, and I am a retired Chief Patrol Agent of the US Border Patrol. I began my career in 1995 in Lordsburg, NM as a GS-5 Border Patrol Trainee and retired on December 31, 2022, as the Senior Executive Service Chief Patrol Agent in Yuma, AZ. In January of this year, I was appointed to the position of Senior Advisor at Health and Human Services (HHS) to be part of the transition into the Trump Administration for the First 100 days. I am a resident of the State of Arizona and have lived most of my professional life along the southern border. Therefore, my responses to your questions will be based on my best recollection of my experiences and observations over the last 30 plus years.

I spent most of my career along the Southwest Border, where I was a canine handler, collateral duty intelligence officer, firearms instructor, and I spent a few years in Washington, DC and New Orleans, LA. As a border patrol agent, I was career government employee who served under five Presidential Administrations starting under Clinton and ending under Biden. As a border patrol agent and chief, I was not a political appointee. I promoted through the ranks through the competitive process and commanded five border patrol stations across New Mexico, Texas, and Arizona. I served as the Deputy Chief Patrol Agent in New Orleans Sector and in El Paso Sector, and the Acting Chief in Big Bend, Texas Sector before being promoted to the Chief Patrol Agent of the Yuma, AZ Sector for two years until retirement. I spent time as an agent in remote locations as well as urban environments, and it is important to reiterate, if you have been to one station you have been to one station, if you have been to one sector you have been to one sector. Each location is different with its own set of unique circumstances from terrain to infrastructure, to communities and to threats. However, the one thing that is consistent across the spectrum, without border security, our agents, our community, the migrants, and our country are vulnerable. Without the collaborative efforts of the community and other agencies the mission is compromised. While immigration and border security are closely related, they are not mutually exclusive. However, without proper border security, in the form of physical security, border patrol agents, strong policies and consequences, the integrity of the immigration system is compromised and the founding principles surrounding the rule of law suffer. This is exceptionally prominent when dealing with unaccompanied alien children (UAC). During my time at HHS, my direct assignment was overseeing the Office of Refugee Resettlement and focusing on finding the missing children and directing changes to prevent this from happening again. I was laser focused on this narrow scope; it was my opinion that the country expected nothing less than that from me. My testimony and responses today will be focused on the issues impacting Unaccompanied Alien Children while at HHS and my experience with this issue throughout my professional career.

The phenomenon surrounding UAC was nearly unheard of until approximately 2014 during the Obama/Biden Administration when we saw a drastic increase of UAC and families in South Texas. This influx gathered national attention and even resulted in a DHS Secretarial Proclamations and an "all hands-on deck" approach to placing children. I was part of the team that stood up the National Operations Center to address this in Washington, DC until FEMA took the lead. So much has been made about "kids in cages", the fact is these holding facilities were created to temporarily house and keep these children safe from unrelated adults, for their safety. These were in fact built in 2014

and 2015 to handle the UAC crisis because ORR was ineffective at managing the placement of children. For the better part of 12 years, I have experienced systemic problems at ORR, never being prepared, woefully responsive to emerging needs, and constantly scrambling to meet the needs of the children. From 2014-2015 I spoke at numerous hearings and committee meetings on Capitol Hill on the same issue regarding ORR and the handling of UAC. During the Biden/Harris Administration we saw the record setting number of approximately 479,000 UAC enter into the United States illegally. The children who entered the US illegally ranged from months old to 17 years old, the reality is many of these children were adolescents and aware of what they were doing, many of the younger and tender-aged ones did not. This is the ugly truth regarding our border and immigration policies that encourage and exploit these vulnerable populations.

ORR Sponsorship falls into four categories; Category 1 a parent or legal guardian, which would be the priority, Category 2, an adult relative, Category 3 an unrelated adult or Category 4 which is the last option of foster care. All these sponsors require documentation and verification.

While serving at HHS, I must say I was not surprised by the findings and horror stories I was made aware of, some were shocking, but again not surprised. Bottomline, the system at ORR prioritized placement speed over protection of the children, this complicates the entire system. For example, the Biden Administration delayed Notice to Appear filings by 120 days which impeded the ability of the federal government to track and monitor UACs after release from ORR custody. Additionally, ORR field guidance in 2021 relaxed sponsor vetting by removing biometric background check requirements for Category 1 or close relative sponsors, not requiring background checks of adult household members for Category 1 or Category 2 cases and eliminating coordination between case managers and case coordinators to expedite releases to keep up with the surge of arrivals. Any organization involving children should be prioritizing their safety above all, especially knowing that many were exposed to violence and in horrible conditions throughout their journey to our border. I am confident in stating that oftentimes the safest the child had been on their journey was when in the care of the border patrol, while a border patrol station is no place for a child, given the circumstances, they were taken care of and prioritized, until placed.

I also observed that if sponsor applications met the minimum requirements or appeared to “make an effort” it was generally acceptable. The follow up and verification and vetting process of sponsors was abysmal. I recall one case where a home site visit was conducted to assess the environment for the placement of a teen. The location was in Illinois and the site visit concluded with a Do Not Place based on the alleged mother’s gang affiliation, numerous unrelated adults, and general unsafe environment. The decision was overruled. The child, who was 17 was found dead a few months later, with his pants down, with an adult male who was unconscious, in the back seat of the car. The question remains, why did we place this child? Additionally, there was a case involving a fraudulent sponsor who claimed to be the adult brother of a 14-year-old female. The documents used were fraudulent, no family verification such as biometrics, fingerprints, however the 14-year-old was placed with a 30-year-old male. The child was raped multiple times and became pregnant. The DOJ under Biden refused to prosecute the case, fortunately the State of Ohio detained the subject, and the current DOJ filed federal charges, and received an indictment by a Grand Jury. There are countless heinous crimes involving UAC that have resulted from the practices at ORR. It was my opportunity to fix that.

Information sharing across US Departments and agencies is in the best interest of the US Government. All the UAC information received by ORR comes from encounters by DHS, the majority from Customs and Border Protection (CBP). In fact, referrals to ORR from CBP have increased recently, it begs the question; are these continuing lawsuits and injunctions presenting a false sense of security and are traffickers exploiting this and creating “a pull factor”? Only time will tell.

During my time from January to May, I immediately stood up an internal task force from the ORR Integrity and Accountability Team to go through all the cases that were suspected of fraud. I also created what is referred to as “The War Room” where federal law enforcement agencies from DHS, DOJ and others work side-by-side to review cases and leads to find missing UACs as well as target fraudulent sponsors. Additionally, because of my background and relationships with fellow federal law enforcement, specifically CBP, collectively we were able to ensure every UAC encounter at the border, whether between or at the ports, an HSI Special Agent would respond to conduct an interview into the encounter. In other words, an immediate action was taking place to address the smuggled or trafficked UAC, to include responses to alleged sponsors or family members’ locations the child or smuggler claimed to have planned with prior to the entry. This helps ensure any criminal activity is addressed early in the event, rather than responding days, weeks or months later. Recent reports indicate that over 22,000 kids have been found and over 400 sponsors have had charges filed against them. This is only the tip of the iceberg as more UACs will be found, and more criminal charges will be filed.

One of the more dumbfounding discoveries revealed immediately to me upon arriving in January was an internal review by the Office of General Counsel at HHS. The review was conducted in 2023 based on a Florida Grand Jury investigation on the failures and fraud at ORR and the impact to Florida. The OGC National Complex Litigation Team was directed to conduct an internal audit to validate or invalidate the Florida case. The information found by OGC not only verified and corroborated the Florida case it found more evidence of fraud with placement and sponsorship of UAC. The findings were briefed to politically appointed leaders at HHS, however, no known or meaningful actions were put in place. That said, I authorized an additional OGC review to determine the status of ORR and the earlier findings. Once again, the results revealed that the previous findings were accurate, and more evidence of suspected fraud was found. In fact, a sampling of approximately 1000 suspected fraud cases confirmed evidence of fraud in over 70% of the files. The timeline for the case reviewed was from August 2023-January 2025.

Throughout my 100-day tenure at HHS we were continuously looking for information, leads, etc to find more about the missing kids, the practices and solutions to all the above. During this time, we found several caches of unanswered Notices of Concerns. These notices were instruments used to communicate with ORR after a child had been placed outside of ORR. Anyone associated with the child; the child themselves, a sponsor, family, neighbor or anonymous could report via the Notice of Concern. We found an initial tranche of over 50,000 and then additional caches totaling approximately 65,000 notices that went unanswered. These notices could range from complaints about the food being served to inappropriate contact. The fact is that this was 65,000 opportunities to make a difference in a child’s life that went unanswered. While I was there, we made huge strides in addressing these notices and it is my understanding that they are down to just a few thousand.

It is my hope that by attending this hearing and providing information we can learn from the failures of the past and move forward to prevent this from happening again. The reason for UAC coming to this country is not the issue, the issue is that the way they were handled by the very government agency that was designed to help them failed them and failed the US. We must make sharing information between all government agencies in this space a priority, no exception, this is about safety and preventing children from being placed back in some instances the very same environment many were trying to escape. It is my opinion that ORR be moved from HHS and placed in DHS so there is direct oversight from apprehension, criminal investigation, to placement and immigration resolution. This would be more efficient operationally and administratively.

I am honored to appear here today and look forward to your questions.