

Oral testimony, as delivered: Adam Isacson, Director for Defense Oversight, Washington Office on Latin America, hearing of the House Foreign Affairs Committee on [“The U.S. Border Crisis and the American Solution to an International Problem,”](#) November 30, 2023

Chairman McCaul, Ranking Member Meeks, I thank you for holding this hearing and for inviting me to participate. You’re holding it at an important time.

We’re seeing the most migration since World War II. And not just here, but in the whole hemisphere. The UN Refugee Agency estimates that right now in the Western Hemisphere, there are over 22 million people on the move. Of these, maybe 3 million tried to come to the United States in 2023, and many of them were deported. So the United States is actually getting less than one seventh of the regional total.

Many people are seeking asylum. That population started increasing 10 years ago. We’ve been seeing this for a while, but neither the United States nor most countries around the region have adjusted to it. That’s why much migration looks chaotic right now.

Adjusting to, and managing, asylum-seeker flows is an administrative problem. It’s solvable: it’s about throughput and due process. But we *don’t* solve it by abandoning a core value about preserving human life.

This value solidified after World War II. It’s in our laws.

It says: if someone on your soil says they fear for their life or freedom if returned to their country, then you at least have to give them due process before deporting them, and allow them to stay if they prove that fear is real.

Due process is key. If we improved it, we’d actually see fewer asylum seekers than we do now, because they wouldn’t be here so long. “Due process” means not having to wait years for your immigration court hearings to start. That’s the case right now, though, because we have 659 immigration courts struggling to hear 2.2 million cases, many of them asylum cases.

The wait inside the United States does become its own pull factor. We can fix that.

But we don’t fix it through deterrence. People who fear for their lives just aren’t going to stop coming here.

You’ve seen the videos of people crawling through the barbed wire. They’re not going to stop coming just because the experience is miserable.

That's never worked, and I think if you look at the data over the last 20 years, it shows that.

Instead, we—there's not really much time to talk about it right now—but we need more processing on the line, too. If we had more processing coordinators, waits would be less, there'd be greater efficiencies, and we'd free up a lot more Border Patrol agents and CBP officers.

But in fact, asylum shouldn't be at the center here. It's pretty terrible that people need to travel overland for hundreds or thousands of very dangerous miles just to set foot on U.S. soil and ask for protection.

This year I've spent two weeks each in Honduras and Colombia. I've seen entire families with tiny kids, some with strollers, believe it or not, getting on boats to go walk through the Darién Gap. I've found myself talking to people from Pakistan fleeing religious prosecution in a dusty town along the Honduras-Nicaragua border. I've watched people from China fleeing authoritarianism cross the border from Ecuador into Colombia, on line with me, with no idea what awaits them.

That's awful. Asylum really should be a last resort for people who need protection. We have to make the journey unnecessary.

There need to be other pathways. Until we can change our 1990s immigration laws, the presidential humanitarian parole authority is not ideal, but it's one of a handful of existing options.

And U.S. diplomacy and aid programs have to work with Latin America and the Caribbean to make people who need to migrate feel welcome and prosper in other countries throughout the region. That's a key element of the 2022 Los Angeles Declaration on Migration and Protection, and of a lot of U.S. aid since 2021.

And some aid has gone to target the “root causes” of why people are migrating today. That's security, education, and poverty reduction. But it's especially fostering democracy and getting squarely on the side of people fighting corruption and defending human rights. People don't flee countries that have responsive, accountable governments.

When I talk about helping other countries do more to integrate migrants, you might say, “well isn't that making them ‘Remain in Mexico?’” Well no, it's not.

Instead of letting people assimilate and start a new life in a safer part of Mexico, Remain in Mexico sent people into some of Mexico's most violent cities, homeless and separated from their

support networks. More than 1,500 of them that we know of were kidnapped, killed, raped, or assaulted , and really the monitoring stopped after the COVID pandemic began.

When I visited Tijuana and Ciudad Juárez during the second half of 2019, I talked to families stuck in shelters that were not set up for months-long family stays. These shelters were always on the edges of town, where criminal groups operated freely and intimidated them. Aid workers showed me the area near the Ciudad Juárez port of entry gate where kidnappers were waiting many days for the day's MPP arrivals to come so they could grab them.

Yet still, people persisted with their U.S. asylum cases, because they had genuine fear. Remain in Mexico took people who were already victims, and it re-victimized them. We can't go back to doing that.

And even if we tried to, it's not clear whether Mexico would go along with it. Even during the Trump years, Remain in Mexico was just 70,000 people. That is just a fraction of the flow today.

Ultimately, we have to remember that Title 42 started in March of 2020, before Remain in Mexico had really even been around for a year. Remain in Mexico certainly made asylum harder to reach, but that was little league compared to what Title 42 did.

Yet during the Title 42 years, the numbers *went up*.

In closing, I know we disagree on policies like Remain in Mexico. And some of our disagreements are philosophical and values-based. But we all do agree that the current system is failing badly. The way forward requires that we be pragmatic but humane.

Thank you. I look forward to discussing this with you.