

Prepared Remarks of Senator Charles E. Grassley  
Chairman, Senate Judiciary Committee  
For a Subcommittee hearing entitled  
“TVPRA and Exploited Loopholes Affecting Unaccompanied Alien Children”  
Wednesday, May 23, 2018

I want to thank Senator Tillis and Ranking Member Durbin for having this important hearing today. I also want to thank all of our witnesses, particularly Senator Heller, for being here today to have a frank, honest conversation about a very difficult topic.

In 2008, Congress enacted the William Wilberforce Trafficking Victims Reauthorization Protection Act (TVPRA). We put this law into place after witnessing how unaccompanied alien children (UAC) are often abused and trafficked into this country, right under our nose.

This law was a *well-intentioned* attempt to protect children who were legitimate victims of human trafficking. Unfortunately, due to inadequate management and implementation of the law by the federal government and unintended loopholes that were inadvertently written into the law, the TVPRA doesn't work as Congress intended.

Once UACs are apprehended by Customs and Border Protection agents, the Office of Refugee Resettlement is supposed to find these children an appropriate sponsor. Often, these sponsors themselves are in the country illegally, and many of them have criminal backgrounds.

Between February 2014 and September 2015, 80% of UAC were placed with sponsors illegally in the United States. An additional 700 were placed with sponsors in deportation proceedings.

Placing these children with unauthorized immigrants is bad enough, but the lack of post-release oversight has caused many children to be placed in *very dangerous* situations, including illegal working environments and in some cases even prostitution rings.

This precarious combination of events—trafficking to and apprehension at the United States border, and placement with inappropriate sponsors— makes UACs vulnerable to gang recruitment.

With promises of a cultural community and an escape from often harrowing and isolating living conditions at home, MS-13 has become an attractive option for too many minors.

Last summer, I chaired a full committee hearing on this very topic. At that hearing, we explored exactly how MS-13 was recruiting UACs and, in many cases, if they refused to join the gang and cooperate, murdering them in cold blood.

While we learned a lot about the UAC crisis and MS-13's operation at that hearing, the most shocking revelation was that a significant number of UACs who are encountered by Customs and Border Protection and placed in Health and Human Services care have known or suspected gang affiliations.

In that hearing, the Office of Refugee Resettlement informed this Committee that during a random spot check of 138 UACs in their custody, fully 30% of them had known or suspected gang ties. A significant number of those UACs were connected to MS-13.

That number is staggering, and exposes—in my opinion—what is one of the biggest loopholes in the TVPRA: even if Customs and Border Protection knows or suspects a UAC is a member of a criminal gang, if they present some evidence they may be a minor, the UAC is entitled to TVPRA protections.

That's wrong. That's not what Congress intended when we enacted the TVPRA. Our goal was to protect children who had been trafficked, not to provide a fast track to admission into this country for dangerous criminal gang members.

And remember, some of these UACs are not children at all. And those who are minors are often older teenagers who are 16 and 17 years of age.

I would hope there is a bipartisan consensus in this Committee that the gang-member loophole in the TVPRA should be fixed. Members on the other side of the aisle have long said they support removing the criminal element in the unauthorized immigrant population.

That same principle applies here. Gangs like MS-13 prey not only on innocent American citizens, but also, as the Washington Post has noted in a series of articles, on the very immigrant communities my colleagues claim they want to protect.

Congress should take steps to fix this loophole in the TVPRA and show the American people that we won't allow known dangerous gang members to claim the special protections we intended for victimized children.

Today, we're going to hear about a very simple, common-sense solution that would close this loophole.

In February, Senator Heller introduced the Criminal Alien Gang Removal Act. This bill would prohibit known or suspected dangerous gang members from entering the United States and would permit the expedited removal of criminal gang members already in the country. Most importantly, his bill would ensure that known, dangerous criminal gang members are ineligible for asylum or special juvenile immigrant visas.

Senator Heller's proposal is straightforward, and plain common-sense. I hope that my colleagues from across the aisle will support his proposal, and help us take a small but important step to restore integrity to the TVPRA and our nation's lawful immigration system.

Again, I want to thank all of the witnesses for being here today to discuss this important topic. I look forward to the discussions we are going to have, and to hopefully moving forward with targeted reforms to the TVPRA which will protect American citizens and the immigrant communities.