

**SECURITY RISK: THE UNPRECEDENTED SURGE IN
CHINESE ILLEGAL IMMIGRATION**

HEARING
BEFORE THE
**SUBCOMMITTEE ON
OVERSIGHT, INVESTIGATIONS,
AND ACCOUNTABILITY**
OF THE
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SECURITY RISK: THE UNPRECEDENTED SURGE IN CHINESE ILLEGAL IMMIGRATION

Thursday, May 16, 2024

**U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS,
AND ACCOUNTABILITY,
*Washington, DC.***

The subcommittees met, pursuant to notice, at 2:04 p.m., in room 360, Cannon House Office Building, Hon. Dan Bishop (Chairman of the subcommittee) presiding.

Present: Representatives Bishop, Ezell, Strong, Ivey, Ramirez, and Clarke.

Also present: Representative Higgins, Pfluger, and Suozzi.

Chairman BISHOP. The Committee on Homeland Security Subcommittee on Oversight, Investigations, and Accountability will come to order. Without objection, the Chair is authorized to declare the committee in recess at any point.

The purpose of today's hearing is to investigate the recent influx of inadmissible migrants from the People's Republic of China to the United States borders.

Without objection, the gentleman from Texas, Mr. Pfluger; the gentleman from Louisiana, Mr. Higgins; and the gentleman from New York, Mr. Suozzi, are permitted to sit on the dais and ask questions of the witnesses.

I now recognize myself for an opening statement. Today's subcommittee hearing will examine the unprecedented numbers of Chinese foreign nationals crossing the border and whether this represents a risk to homeland security. I think we have a visual. There it is.

Border Patrol records show that from 2007 to 2021, encounters of Chinese nationals illegally entering the United States at the Southwest Border were relatively rare, averaging a little over 1,000 per year. That changed dramatically under the Biden administration, rising from 1,970 in fiscal year 2022 to 24,048 in fiscal year 2023, an 1,100 percent increase.

In the last 7 months, from October to April, Border Patrol has already encountered 27,496 Chinese nationals, shattering last year's total. At this pace, the full fiscal year will see encounters of illegal Chinese immigrants 2,300 percent higher than the rate just 2 years ago. This is a national security concern and it is not a new one.

One year ago, the current Border Patrol Chief and then-Del Rio Sector Chief Jason Owens testified in a transcribed interview with

the committee that, “Even without the increase, people coming from the PRC would be of concern to me. That is always going to be a group we look at more closely and work with our partners, with FBI, to make sure they don’t pose a threat.”

I agree that there is a serious national security concern and we should be looking closely at individuals coming from Communist China, the United States’ greatest adversary on the world stage.

Unfortunately, under the Biden administration, Border Patrol agents have been instructed that when processing Chinese nationals they should conduct short, basic interviews that include only generic background questions instead of in-depth interviews. In other words, there is no serious vetting.

These questions simply ask about military service, education, birthplace in China, employment, and political affiliation with the CCP, while agents only proceed to an in-depth interview if one of the answers in the basic interview is flagged. It begs the question, how likely is it that someone showing up at the border is going to admit that they are here to do the bidding of the Chinese Communist Party or perhaps the People’s Liberation Army?

Instead, that person will likely provide the answers their smugglers told them to give Border Patrol. Just give the right answers and come right on into the homeland.

These limited interviews, combined with a lack of reliable information from China to verify biographical claims and limited translation services, severely constrain CBP’s ability to conduct rigorous vetting for criminal and national security concerns.

One Border Patrol sector chief told the committee that it could be difficult to determine the motives of those detained who come from distant countries like China stating that, “We try our best to figure out why they are coming but, of course, that information can be hidden, their agendas, their ideologies. The reason for them coming could be missed.”

This is especially true for got-aways, those who avoid apprehension and who reportedly pay as much as \$60,000 to be smuggled illegally into the United States. Some of you may have seen some news made, I think just yesterday, finally a document emerging verifying that the number of got-aways in total is quite large, I think about 1.7 million, if I remember correctly, across the Biden administration. But among them presumably there are some number of Chinese nationals, if the numbers that are showing up at the Southwest Border is any indication.

The Government has no idea who the got-aways are or why they are crossing the border and deliberately trying to avoid Border Patrol. But something tells me the motive isn’t likely to be above board.

Some Chinese nationals may be motivated to seek asylum on legitimate claims of persecution, such as Uyghurs from Shenzhen, but it is more likely that they come for economic reasons or other motives that do not meet the statutory requirements for asylum. Considering the Biden administration’s failure to hold China to account, these Chinese nationals also know that it is very unlikely they will ever be returned to China under this administration’s policies, even if ordered removed by an immigration judge.

Some Chinese nationals may have more nefarious motives for coming to the United States. For example, Federal indictments in North Carolina from last month show partnerships between Mexican drug cartels and Chinese transnational criminal organizations engaged in money-laundering operations throughout the United States. This was reinforced by testimony from Federal counter-narcotics officials in a Senate hearing 2 weeks ago that Chinese criminal organizations have, “Emerged as the professional money launderers of choice for Mexican drug traffickers.”

Recent reporting has also uncovered that Chinese-run marijuana farms are all across the United States and many of them exploit workers from China. Transnational criminal organizations and the CCP see our open border as an opportunity. This surge of Chinese nationals at our border without recent precedent presents international security vulnerability ripe for exploitation.

It makes no sense that the Biden administration refuses to take common-sense steps to secure our border in the face of such obvious threats to our homeland. Instead, we get more of the same catch-and-release policies that have set the country on this dangerous course for the past 3 years and all that some can say is that the Congress should codify and institutionalize these very practices.

I want to thank our witnesses for being here today, and I look forward to their testimony.

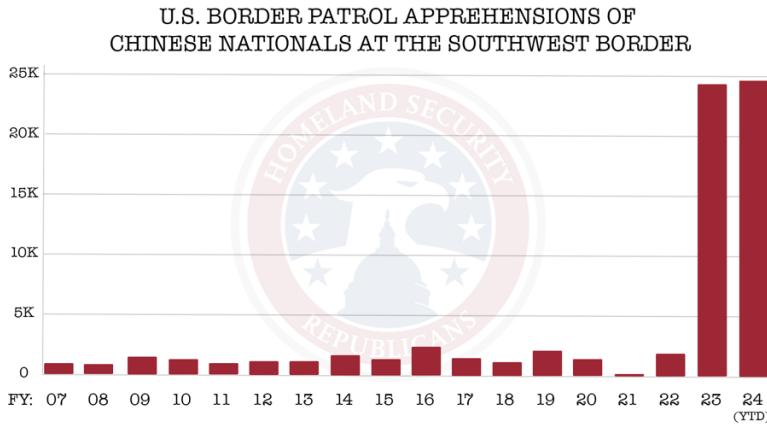
[The statement of Chairman Bishop follows:]

STATEMENT OF CHAIRMAN DAN BISHOP

MAY 16, 2024

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That changed dramatically under the Biden administration, rising from 1,970 in fiscal year 2022 to 24,048 in fiscal year 2023, an 1,100 percent increase.

In the last 7 months, from October to April, Border Patrol has already encountered 27,496 Chinese nationals—shattering last year’s total.

At this pace, the full fiscal year will see encounters of illegal Chinese immigrants 2,300 percent higher than the rate just 2 years ago.

This is a national security concern, and it’s not a new one. One year ago, the current Border Patrol Chief and then-Del Rio Sector Chief, Jason Owens, testified in a transcribed interview with the committee that, “even without the increase, people coming from the PRC would be of concern to me. That’s always going to be a group we look at more closely and work with our partners, with FBI, to make sure they don’t pose a threat.”

I agree that there is a serious national security concern, and we should be looking closely at individuals coming from Communist China, the United States’ greatest adversary on the world stage.

Unfortunately, under the Biden administration, Border Patrol agents have been instructed that when processing Chinese nationals, they should conduct short, basic interviews, that include only generic background questions, instead of in-depth interviews. In other words, their serious vetting.

These questions simply ask about military service, education, birthplace in China, employment, and political affiliation with the CCP.

While agents only proceed to an in-depth interview if one of the answers in the basic interview is flagged, it begs the question—how likely is it that someone showing up at the border is going to admit that they are here to do the bidding of the Chinese Communist Party or perhaps the PLA?

Instead, that person will likely provide the answers their smugglers told them to give Border Patrol. Just give the right answers and come right on into our homeland.

These limited interviews, combined with a lack of reliable information from China to verify biographical claims and limited translation services, severely constrain CBP’s ability to conduct rigorous vetting for criminal and national security concerns.

One Border Patrol sector chief told the committee that it could be difficult to determine the motives of those detained who come from distant countries, like China, stating that, “we try our best to figure out why they’re coming, but of course, that information can be hidden. Their agendas, their ideologies, the reason for them coming could be missed.”¹

This is especially true for “gotaways”—those who avoid apprehension, and who reportedly pay as much as \$60,000 to be smuggled illegally into the United States.

The Government has no idea who the “gotaways” are or why they are crossing the border and deliberately trying to avoid Border Patrol. But something tells me the motive wasn’t likely to be aboveboard.

Some Chinese nationals may be motivated to seek asylum on legitimate claims of persecution, such as Uyghurs from Xinjiang. But it is more likely that they come for economic reasons or other motives that do not meet the statutory requirements for asylum.

And considering the Biden administration’s failure to hold China to account, these Chinese nationals also know that it is very unlikely that they will ever be returned to China, under this administration’s policies, even if ordered removed by an Immigration Judge.

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Recent reporting has also uncovered that Chinese-run marijuana farms are all across the United States, and many of them exploit workers from China.

Transnational criminal organizations and the CCP see our open border as an opportunity. This surge of Chinese nationals at our border without recent precedent presents a major national security vulnerability, ripe for exploitation.

It makes no sense that the Biden administration refuses to take common-sense steps to secure our border in the face of such obvious threats to our homeland.

Instead, we get more of the same catch-and-release policies that have set the country on this dangerous course for the past 3 years, and all that some can say is that the Congress should codify and institutionalize these very practices.

¹ El Paso Sector Chief Anthony Good.

I want to thank our witnesses for being here today, and I look forward to their testimony.

Chairman BISHOP. Well, give me a second. I am getting to the part where I recognize you. I now recognize the Ranking Member, the gentleman from Maryland, Mr. Ivey, for his opening statement.

Mr. IVEY. I was going to say that might be sufficient, just the—

Chairman BISHOP. I figured there was something else in there I probably should read, but you are exactly right. That was easy enough.

Mr. IVEY. Well, I thank the Chairman for that. It is May. This is the month when we typically celebrate and honor the culture, heritage, achievements, and contributions of Asian Americans, Native Americans, Native Hawaiians, and Pacific Islanders, and I want to make sure that we honor those contributions and steer away from any kind of concerns or rhetoric with respect to—I want to make sure that our friends from the Asian communities are not mischaracterized or misunderstood by who they are and what they are doing.

You know, there is a lot of rhetoric, I have got to say, that I hear. Recently, I have got, for example, despite the invasion rhetoric some Republican colleagues are spreading, it is only a tiny fraction of border crossers who are coming from China. In the first 4 months of this fiscal year less than 2 percent, 2.5 percent of border crossers were Chinese nationals.

In fact, Chinese nationals are neither one of the fastest-growing nationalities apprehended along the Southwest Border nor one of the top 10 nationalities apprehended at the U.S. border.

You know, I have seen and heard rhetoric that Chinese immigrants coming across the border to “build an army.” One statement was made without any evidence that “it’s virtually certain” that some Chinese border crossers are spies. One Republican’s comments calling Chinese immigration an invasion, and I think that is the kind of rhetoric we want to steer away from.

I do think it is important to say this, that we have got people crossing the border for a variety of reasons. I think part of it is economic, as the Chairman referenced. Part of it, and we have had some hearings with respect to the Uyghurs, it is a bit ironic that this subcommittee has held hearings about that and it goes to the repression of the Uyghurs and in some instances forced labor or slave labor.

I want to make sure that we keep those sorts of pressures in mind in addition to the national and international migration patterns that are in reference here.

I think we should keep in mind some of the comments that the Border Patrol chiefs have made. We had recent conversations with them. Here is what they did say about Chinese border crossers. One statement, “That specific demographic doesn’t cause me concern.”

Another one, “We treat everybody the same. It doesn’t matter where they come from. It doesn’t matter what your nationality is, what your religious beliefs are. We’re going to treat everybody exactly the same. They run through the same screening, the same processing, the same background checks. Everything we have access to we are going to check on each and every person.”

There is another exchange, "Question: Do you know what reasons Chinese nationals are giving in their interviews for coming? Answer: The typical reason is the same as for most migrants, for work or a better life."

So, you know, let's keep all that stuff in mind as we sort-of work our way through this. I think a big piece of where we ought to be going is legislation. I was not a full fan of the Senate bill that was proposed a few months ago by Senator Lankford and others, but I thought it was a big step in the right direction.

I was very disappointed that former President Trump essentially killed the bill, an opportunity to work on the legislation, by statements he made publicly and the adoption of those positions by the Speaker here and most of our House Republicans in general.

I would say this. I mean, I know that I have had colleagues on this committee and on the Judiciary Committee raise concerns about the legislation that was proposed from the Senate, but I would just remind my colleagues that we have this amendment process here. If we bring up legislation in the committee, they can offer amendments to address it.

Guess what? They are the Majority on not only both committees but on the overall floor as well, so they could adapt amendments if they wanted to. But instead of moving forward and working on this type of legislation, whether they think it needs to be amended or not, they are not bringing it up and we are focusing on other things instead.

I was heartened to see that Connecticut Senator Chris Murphy stated, I think yesterday, well, it may have been earlier today, that he wants to renew the push for the bipartisan legislation that was proposed in the Senate. I think that is a great idea because it addresses some of the concerns that are underlying this particular hearing, the need for more border agents, the need to make the process work faster, the need to get more judges who can adjudicate these cases more quickly because that will help to address some of the problems that we are facing, I think, at the border and with the migration patterns.

I also think that the funding piece is important. I know there are a lot of times I have heard comments that the resources don't matter, at least from my Republican colleagues, but when we get testimony from Border Patrol agents, even in this committee they always say, yes, we need more resources.

We don't have enough people to cover the border. We don't have enough money to retain many of the people that we have. They leave to go do other things and get paid larger salaries for less rigorous work. We don't have as many judges as we need to handle all these cases, so I am hoping we can address those things as well.

So I want to thank the panel for being here today. I look forward to your testimony and not necessarily that I am going to agree with everything or you are going to agree with everything I say or that you will even agree with each other. That is not necessarily the point.

But I do appreciate the fact that, and I thank the Chairman for this, bringing in people who can shed light on what is going on down there. There is just a lot of partisanship around this and, you

know, that goes with the territory. This is not only Washington, DC, but Capitol Hill.

But I think we need to hit a point, and we did this with the subcommittee hearings we had with respect to the Uyghurs and I raised African, you know, countries that had forced labor going on there as well.

We have shown we can do it, and I am hoping we can do that again here in this instance and ultimately find our way to legislation that can address the overall problems, not just with respect to Chinese migrants, but all of the issues at the border as well.

With that, I yield back.

Chairman BISHOP. Thank you, Ranking Member Ivey.

Other Members of the committee are reminded that opening statements may be submitted for the record.

I am pleased that we have a distinguished panel of witnesses before us today to examine this topic.

[Witnesses sworn.]

Chairman BISHOP. Let the record reflect that the witnesses have answered in the affirmative. Thank you. You may be seated.

I would like to formally introduce you for the hearing. Mr. Simon Hankinson is a senior research fellow in the Heritage Foundation's Border Security and Immigration Center. He previously served for more than 20 years in the State Department as a foreign service officer.

Mr. Craig Singleton is a senior fellow at the Foundation for the Defense of Democracies where he also serves as senior director in the China Program.

Dr. Meredith Oyen is an associate professor of history at the University of Maryland, Baltimore County.

Mr. Todd Bensman is an author and journalist currently serving as senior national security fellow at the Center for Immigration Studies.

I thank all the witnesses for being here today, and we will now hear from the witnesses to summarize your statements for 5 minutes each.

I recognize Mr. Hankinson for that purpose for 5 minutes.

STATEMENT OF SIMON R. HANKINSON, SENIOR RESEARCH FELLOW, BORDER SECURITY AND IMMIGRATION CENTER, THE HERITAGE FOUNDATION

Mr. HANKINSON. Chairman Bishop, Ranking Member Ivey, Members of the committee, I served as a foreign service officer in 7 countries. I have adjudicated thousands of visa applications to facilitate lawful visits and immigration while excluding aliens who were legally inadmissible.

The visa process overseas stands in total contrast to what happens at the U.S. border today. Over the past 2 years I have visited the border in Arizona, California, New York, and Texas. I saw nationals of many countries apprehended by the Border Patrol.

In San Diego last March, I watched Border Patrol dropping off dozens of aliens, including Chinese, at a bus stop. Such mass release of people who entered the country illegally happens every day, multiple times at multiple locations. At best this is a mockery

of U.S. immigration law and sovereignty, and at worst it is a huge national security and community safety risk.

In addition to many Chinese with connections to the Communist Party, People's Liberation Army, and other state entities, it is statistically probable that DHS is releasing people with criminal records. According to U.S. law, DHS should detain aliens caught entering illegally, but the Biden administration has replaced border control with mass processing and release and they have abused immigration parole at an unprecedented scale.

In January 2021, the Border Patrol encountered 17 Chinese between ports of entry. This year in January it was 3,700. I won't repeat the rest of the numbers but we are close to 50,000 already this fiscal year.

Nearly all of them are being released into an asylum process that will take years to conclude and then those eventually ordered removed are unlikely to be deported because the Chinese government does not cooperate in accepting their nationals. In fact, in fiscal year 2023, ICE removed a total of 288 Chinese, leaving up to 100,000 still in the United States despite final orders of removal.

Most Chinese entering the United States illegally are seeking employment. They use asylum claims to enter, to remain, and to work. Illegal immigration ebbs and flows corresponding to a risk-and-reward calculation, and the reason that Chinese are coming in great numbers today is simply because they can. The world-wide awareness of our open borders spread by social media shows them how.

The Chinese have massive economic investments in Latin America. They have close ties with governments, including Brazil, Cuba, and Venezuela. They don't need visas to fly to Ecuador after which they can continue by land to the United States.

Tomorrow, May 17, Air China begins direct flights from Beijing to Havana. Meanwhile, Chinese investments in the United States, both legal and illegitimate, are growing, providing many new opportunities for work. More people are on the way.

Now, overseas and in-person interview by a consular officer is the first line of vetting for visa applicants. This is buttressed by staff who know local languages, customs, and news, and in larger embassies we have other Federal agencies who can assist with investigations.

The second line of vetting is through automatic checks of U.S. Government databases. Applicants are frequently refused visas due to adverse information that would not have been discovered had they simply showed up at the border with no identity documents.

Meanwhile at the border today, most so-called national security decisions of who gets into our country are no longer made by American officers. Under President Biden's policies, what was once a privilege has become a right. Despite what the administration wishes the public to believe, there is no real vetting of those released at the border, nor of those allowed in under parole programs, much less the got-aways who enter entirely without inspection.

The official visa front door competes with a wide-open back door at the border where there are no routine criminal background

checks for home country. Unless a foreign national has a record held by U.S. agencies, DHS is flying blind.

Concerning China specifically, CBP agents have reportedly reduced the number of standard questions asked of inadmissible Chinese from 40 to 5, but however many the questions the process relies on an alien telling the truth. Even if CBP requests additional information on a particular individual, China routinely ignores U.S. requests for verification of nationality and they reportedly hide domestic records of criminal and corruption cases.

DHS releases most aliens with a notice to appear in immigration court far in the future and they are then free to go where they want with no easy way for ICE to find them. There are more than 6 million aliens on ICE's nondetained docket and from only about 184,000 are tracked and only 2 percent of those with GPS monitors.

To close this dangerous loophole the United States needs to reimplement agreements with Mexico and Central America so that inadmissible aliens are not released into the interior pending the decision in their asylum cases. Given the population, economy, and politics of China, we can never meet the demand for those seeking to enter illegally. At some point the United States will either have to remove those who are ineligible to enter or remain or else abandon the rule of law. Thank you.

[The prepared statement of Mr. Hankinson follows:]

PREPARED STATEMENT OF SIMON R. HANKINSON

MAY 16, 2024

Chairman Bishop, Ranking Member Ivey, and Members of the committee, my name is Simon Hankinson. I am a senior research fellow at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

INTRODUCTION

I spent 23 years as a Foreign Service officer with the Department of State, serving at U.S. diplomatic missions in 7 countries. For much of that time, I adjudicated visa cases as a consular officer or supervised others who did. I and my staff conducted interviews, investigated fraud, worked with host country law enforcement, and cooperated with other U.S. agencies to enforce immigration laws of the United States. The mission was clear: Facilitate lawful visits, commerce, and immigration while excluding those aliens who were inadmissible under our laws for a variety of reasons. Since January 2021, the Department of State's consular mission overseas that I worked 2 decades to support stands in almost total contrast to what we are seeing at the U.S. land borders, where the Biden administration oversees a de facto open border.

In May 2022, I retired from the State Department. Over the past 2 years, I have visited the U.S. border at Malone, New York; McAllen, Eagle Pass, and Del Rio, Texas; Yuma, Arizona; and San Diego, California. In Arizona, Texas, and especially California, I witnessed people from China among the nationals of many countries apprehended by the Border Patrol. In San Diego, I saw several groups of Chinese men released by Border Patrol. Mass release like this of people who entered the country illegally happens nearly every day, multiple times, at multiple locations. This continuous mass release of inadmissible aliens is, at best, a mockery of U.S. immigration law, labor law, and national sovereignty. At worst, it is a national security and community safety risk of unknown proportions. In addition to Chinese nationals with connections to the Communist Party, People's Liberation Army, and other elements of the Chinese state, it is statistically likely that DHS is releasing aliens who have serious criminal records in China that are unknown to U.S. authorities. Extrapolating from recidivism rates among U.S. violent offenders after release from prison, we can be certain that the mass release of aliens who would

never pass a background check will result in preventable crimes committed in the United States in future.¹

Furthermore, while those inadmissible aliens arrested before being released at least have to provide biometric data that will then be permanently assigned to them, even should they attempt to change their identity in future, the “gotaways” who enter the United States without inspection or contact with any official do not even get that weak level of vetting. The Biden administration’s continued prioritization of continued flow of illegal migration over securing the border, and DHS’s resulting diversion of staff to processing aliens into the country, makes entry without inspection easier than ever.

So far this year, more than 24,000 Chinese nationals have entered the United States illegally over the southwest land border.² It appears nearly all are being released, into an asylum process that will take many years to conclude. At the end of that process, even those Chinese nationals denied asylum and ordered removed are extremely unlikely to be deported. The Chinese government has long been deemed “recalcitrant,” which is the term ICE uses for countries that are uncooperative with the U.S. Government in accepting their nationals who are ordered removed by U.S. immigration courts. “The Chinese government . . . will accept repatriation of Chinese citizens who have been verified to be from mainland China,” according to their Embassy in Washington.³ However, they do not interview and document their nationals timely and accurately when requested by ICE, as cooperative countries do (and as the United States does for its own nationals when asked). According to a 2021 Department of Homeland Security (DHS) report, “the PRC has ignored more than 1,300 ICE requests for travel documents since October 2017. Consequently, ICE has been forced to release more than 1,000 PRC nationals from custody, many with convictions for violent or other serious crimes.”⁴

A “DHS Strategic Action Plan to Counter the Threat Posed by the People’s Republic of China,” written at the tail end of the Trump administration, claimed that DHS “has and will continue to augment immigration vetting and monitoring, including for student and tourist visas, and will return PRC visa-overstays who continue to undermine visa integrity.”⁵ This has not been the case under the Biden administration. In fiscal year 2023, Immigration and Customs Enforcement (ICE) deported a total of 288 Chinese back to China.⁶ As noted in a 2019 DHS Inspector General report, some foreign embassies “do not conduct timely interviews with detainees or notify ICE when additional information is required to facilitate travel, delaying removals.”⁷ ICE maintains a list of “Recalcitrant” countries that do not facilitate the repatriation of their nationals, as well as a list of countries “At Risk of Non-Compliance.”⁸ As of 2020, China was listed as Recalcitrant. In 2016, there were over 20,000 convicted criminal alien Chinese nationals that the United States was not able to remove.⁹ In 2021, DHS reported that “approximately 40,800 PRC nationals in the United States are subject to final orders of removal.”¹⁰ However, in November 2023, the *New York Times* quoted an anonymous Biden administration official as saying

¹ Simon Hankinson, Lora Ries, and Matthew Kuckelman, Backgrounder: “Biden’s Open Borders and Non-Enforcement Mean Americans Play ‘Recidivist Roulette’ with Criminal Aliens,” The Heritage Foundation, May 7, 2024, <https://www.heritage.org/immigration/report/bidens-open-borders-and-non-enforcement-mean-americans-play-recidivist roulette>.

² U.S. Department of Homeland Security, U.S. Customs and Border Protection, “Nationwide Encounters,” <https://www.cbp.gov/newsroom/stats/nationwide-encounters>, (accessed May 10, 2024).

³ David Noriega and Julia Ainsley, “U.S. and China in high-level talks to deport more Chinese nationals, Mayorkas says,” NBC News, April 5, 2024, <https://www.nbcnews.com/investigations/us-china-high-level-talks-deport-chinese-nationals-mayorkas-says-rnca146590>.

⁴ Department of Homeland Security, “DHS Strategic Action Plan to Counter the Threat Posed by the People’s Republic of China,” January 12, 2021, https://www.dhs.gov/sites/default/files/publications/21_0112_ply_dhs-china-sap.pdf.

⁵ DHS Strategic Action Plan to Counter the Threat Posed by the People’s Republic of China.

⁶ Immigration and Customs Enforcement, Annual Report, Fiscal Year 2023, Published December 29, 2023, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2023.pdf>.

⁷ Department of Homeland Security, Office of the Inspector General, “ICE Faces Barriers in Timely Repatriation of Detained Aliens,” OIG-19-28, March 11, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-03/OIG-19-28-Mar19.pdf>.

⁸ Congressional Research Service, “Immigration: ‘Recalcitrant’ Countries and the Use of Visa Sanctions to Encourage Cooperation with Alien Removals,” July 10, 2020, <https://crsreports.congress.gov/product/pdf/IP/IP11025>.

⁹ Author’s personal knowledge at the time.

¹⁰ DHS Strategic Action Plan to Counter the Threat Posed by the People’s Republic of China.

that “Of the 1.3 million people in the United States with final orders to be deported, about 100,000 are Chinese.”¹¹

Therefore, by releasing Chinese at the border, the Biden administration is granting them de facto immigrant status with no verification of their identity and background. To restore order to the border and close this dangerous loophole, the United States needs to re-implement the Migrant Protection Protocols and Asylum Cooperative Agreements with Mexico and Northern Triangle countries so that inadmissible aliens, including Chinese asylum applicants, are not released into the interior pending the decision in their cases. The United States should also apply maximum pressure to stop Latin American countries from facilitating Chinese to transit their countries on the way to the U.S. border. For example, Ecuador allows visa-free travel for Chinese nationals, Panama allows facilities to exist that cater exclusively to Chinese migrants, and Mexico does little to impede their progress through its territory to the U.S. border.

RECORD NUMBER OF CHINESE NATIONALS ILLEGALLY ENTERING THE U.S. BY LAND

According to U.S. law, DHS is supposed to detain all inadmissible aliens who enter the country illegally between ports of entry. Illegal immigrants detained pending removal proceedings have a high chance of being deported, while those released are likely to remain indefinitely, according the multiple DHS reports.¹² At various times in the past, DHS has responded to surges in the number of illegal aliens encountered at the border by releasing them on their own recognizance, having placed them in removal proceedings under U.S. immigration law.¹³ Since January 2021, this tactic has become the strategic norm and has reached epic proportions. President Biden has added to the mass release policy by using the limited parole power in the Immigration and Nationality Act at an unprecedented scale and not for intended purposes.¹⁴

The last month of the Trump administration, January 2021, saw just 17 Chinese encountered at the Southwest Border between ports of entry (POEs). In January 2024, 3 years into the Biden administration, Border Patrol encountered 3,700 Chinese—200 hundred times as many.

In fiscal year 2021, DHS had 23,471 total encounters with Chinese, and only 342 of them between POEs.

In fiscal year 2022, DHS had 27,756 total encounters with Chinese, 1,987 of which were between POEs.

In fiscal year 2023, DHS had 52,700 total encounters with Chinese, 24,125 of which were between POEs.

In fiscal year 2024 as of March 31, the Department of Homeland Security encountered 41,970 total inadmissible Chinese nationals at our borders. Twenty-four thousand, two hundred ninety-six of these were encounters by the Border Patrol between Ports of Entry (POEs), and 3,004 were encounters at POEs by Customs and Border Protection.¹⁵

On just 1 day in April 2024 (April 24) the Border Patrol encountered 206 Chinese nationals crossing into just the San Diego sector of the Southwest Border.¹⁶ San Diego sector has seen explosive growth in Chinese illegally arriving by foot. In fiscal year 2021, the Border Patrol had only 75 encounters with Chinese nationals all year in San Diego sector. That rose to 942 in fiscal year 2022, 10,520 in fiscal year 2023, and they are up to 23,890 in fiscal year 2024 so far.¹⁷ DHS has even granted ap-

¹¹ Eileen Sullivan, “Growing Numbers of Chinese Migrants Are Crossing the Southern Border,” New York Times, November 24, 2023, <https://www.nytimes.com/2023/11/24/us/politics/china-migrants-us-border.html>.

¹² Nadwa Mossaad, Sean Leong, Ryan Baugh, and Marc Rosenblum, “Fiscal Year 2021 Enforcement Lifecycle Report,” U.S. Department of Homeland Security, Office of Immigration Statistics, November 2022, p. 13, https://www.dhs.gov/sites/default/files/2022-12/2022-1114_plcy_enforcement_lifecycle_report_fy2021.pdf (accessed October 16, 2023).

¹³ Title 8 U.S. Code, Aliens and Nationality, <https://uscode.house.gov/browse/&edition=prelim> (accessed October 16, 2023).

¹⁴ *Texas et al v. Biden*, Case 6:23-cv-00007, United States District Court, Southern District of Texas, Victoria Division, Filed January 24, 2023.

¹⁵ U.S. Department of Homeland Security, U.S. Customs and Border Protection, “Nationwide Encounters,” <https://www.cbp.gov/newsroom/stats/nationwide-encounters>, (accessed May 10, 2024).

¹⁶ Adam Shaw, “Border Patrol sector stops hundreds of Chinese illegal immigrants in just 2 days as numbers soar,” Fox News, May 3, 2024, <https://www.foxnews.com/politics/border-patrol-sector-stops-hundreds-chinese-illegal-immigrants-just-two-days-numbers-soar>, (accessed May 10, 2024).

¹⁷ CBP, Nationwide Encounters.

pointments to Chinese, supposedly located in Mexico, under their CBP One application for them to apply for parole after being allowed to fly into the United States or present themselves at a Port of Entry. Between January 2023 and September 30, 2023, Chinese nationals made 36 appointments on CBP One, of which 32 were granted parole.¹⁸

In March 2024, I visited the California border in San Diego, Jacumba Hot Springs, Otay Mesa, and Imperial Beach. I spent a morning watching 2 unmarked buses chartered by the Border Patrol dropping off aliens at San Diego's Iris Avenue bus and tram stop. Single adult illegal immigrants in San Diego are released at several spots after minimal screening and assisted by NGO's, family, and friends to move further into the United States. At Iris Avenue, I saw a row of Toyota Priuses driven by Chinese men looking for compatriots to solicit. The licensed cabdrivers I spoke to—who were legal immigrants from El Salvador, Somalia, and Ecuador—told me the Chinese drivers were operating illegal taxis.¹⁹ There were Chinese nationals, of apparently recent arrival, selling cigarettes, internet connections, and other services to their compatriots arriving off Border Patrol buses.

The Border Patrol's San Diego sector is attractive to Chinese illegal crossers for several reasons. One is that the U.S. city of 1.4 million people directly extends to the border, with the Mexican city of Tijuana literally built up to the border wall (where it exists) in many places. There is no desert like in Arizona, or river as in Texas, to present even a small natural obstacle. In addition, San Diego's public transit, the county's network of non-governmental organizations, and the sanctuary policies of California all facilitate easy entry and dispersal.²⁰ Given the many gaps in the border wall, and daily breaches of the wall by alien smugglers in Mexico, there is no real impediment to the mass movement of people into the United States in this sector. Furthermore, in the words of former Border Patrol chief Rodney Scott, "there's no real response from the Federal Government of the United States to slow it down. There hasn't been since 2021."²¹

WHY CHINESE COME ILLEGALLY TO THE U.S. BORDER

Push Factors: Economic and Political Drivers

A recent Wilson Center article by Joshua Peng attributes the reasons Chinese leave China, often with the intent of remaining in another country via an asylum claim, to "fears of President Xi Jinping's authoritarian rule and the experience of draconian zero-COVID policies" and "skepticism of the Chinese economy and fears of eventually being cast into poverty."²² A change to the Chinese constitution in 2018 allowed Xi Jinping a third Presidential term, removed time limits on his staying in power, and strengthened his control as China's leader.²³ After 2020, China's zero-COVID policy forced testing, vaccines, and lockdowns, enforced by surveillance state and sometimes violence.²⁴ However, whatever the individual motivations for leaving, it should be noted that absent political persecution by the government of the applicant himself, none of the above reasons would qualify an applicant for asylum in the United States.

Most reports agree that the majority of Chinese entering the United States illegally by land are economic migrants seeking employment.²⁵ Like millions of other

¹⁸ U.S. House of Representatives, Committee on Homeland Security, News Release, October 23, 2023, <https://homeland.house.gov/2023/10/23/new-documents-obtained-by-homeland-majority-detail-shocking-abuse-of-cbp-one-app/>.

¹⁹ Simon Hankinson, "My Look Inside Biden's Illegal Immigrant Catch-and-Release Craze," The Daily Signal, April 08, 2024, <https://www.dailysignal.com/2024/04/08/my-look-inside-bidens-illegal-immigrant-catch-release-craze-borderline/> (accessed May 10, 2024).

²⁰ Virginia Allen, "6 Reasons Chinese Nationals Are Illegally Crossing California's Southern Border," The Daily Signal, April 28, 2024, <https://www.dailysignal.com/2024/04/28/6-reasons-chinese-nationals-illegally-crossing-californias-southern-border/>, (accessed May 10, 2024).

²¹ Allen, Ibid.

²² Joshua Peng, "Through the Darién Gap: A New Path for Chinese Asylum Seekers to the United States," The Wilson Center, March 20, 2024, <https://www.wilsoncenter.org/article/through-darien-gap-new-path-chinese-asylum-seekers-united-states#:~:text=Over%2015%2C500%20Chinese%20migrants%20were,40%20times%20that%20of%20202021>.

²³ Chris Buckley and Steven Lee Myers, "China's Legislature Blesses Xi's Indefinite Rule. It Was 2,958 to 2," New York Times, Mach 11, 2024, <https://www.nytimes.com/2018/03/11/world/asia/china-xi-constitution-term-limits.html> (accessed May 10, 2024).

²⁴ Peng, Ibid.

²⁵ Interview by Alexandra Hernandez with unnamed Chinese man in Jacumba, CA, February 21, 2024, posted by Bill Melugin, on X (Twitter), https://x.com/BillMelugin_/status/1760372298547343498.

people from all over the world, Chinese nationals use asylum claims with no basis or merit as a method to enter, remain, and work in the United States.²⁶

PULL FACTORS: UNPRECEDENTED EASE TO TRAVEL, ENTER, STAY, WORK IN THE UNITED STATES

U.S. Policy Change From Deter, Detain, and Deport to Process, Parole, and Punt

The Biden administration claims that today's mass immigration is the result of unprecedeted geopolitical and environmental circumstances.²⁷ Their solution is, first, to use foreign aid and assistance programs to reduce the "root causes" of immigration in Latin America and then, while waiting for results, to replace the traditional border control model of deterrence, detention, and deportation of illegal crossers and allowing them to apply for asylum protection thereafter. The Biden policy is to "significantly expand lawful pathways for protection, and facilitate the safe, orderly, and humane processing of migrants."²⁸ The result has been predictable: The easier it appears to be to enter the United States and be allowed to remain and work, the more people come. DHS has reported over 150,000 people at the border every month attempting to enter the United States illegally since January 2021.²⁹

The Biden administration's "root causes" approach has not reduced illegal immigration flows as allegedly intended. Neither has its "Comprehensive Plan to Manage the Border After Title 42."³⁰ The intention of the Rule was to expedite the removal of those who were less likely to qualify for asylum and who had not taken advantage of the administration's new parole programs using the CBP One application. However, as was widely predicted from the beginning, the Rule's wide exceptions, including for families and certain nationalities, have made it nearly useless. Even with the new Rule's demonstrable failure to reduce the flow of inadmissible aliens crossing the border, the administration's default position remained to let in as many aliens as could be processed and nominally put them into the backlogged asylum system. In most cases, illegal border crossers are released without any way to track them or ensure that they attended scheduled court appearances.³¹

In addition to this "catch and release" standard, the administration has redirected tens of thousands of illegal aliens whom the Border Patrol would have "encountered"—that is, administratively arrested—crossing between ports of entry by inventing and expanding programs to allow inadmissible aliens to enter the United States on immigration parole.³² They are paroled on the premise that they are refugees fleeing persecution who will apply for asylum rather than economic migrants. The administration has provided mass, class-wide parole programs for nationals of Afghanistan, Cuba, Haiti, Nicaragua, and Venezuela and additional "family reunification" parole for beneficiaries of immediate relative immigrant visa petitions from Colombia, Cuba, El Salvador, Guatemala, Haiti, or Honduras and their immediate family members.³³ Over 50,000 more otherwise-inadmissible aliens are now being welcomed every month into the country at air and land entry points by inspectors with the U.S. Customs and Border Protection Office of Field Operations.

The White House continues to maintain that mass release at the border and invented "lawful pathways" using parole are necessary "unless Congress comes to

²⁶ Lora Ries, "Congress must put an end to Biden's 'come one, come all' immigration fiasco," Miami Herald, September 7, 2022, <https://www.miamiherald.com/opinion/op-ed/article265096264.html> (accessed May 10, 2024).

²⁷ "Los Angeles Declaration on Migration and Protection," The White House, June 10, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/10/los-angeles-declaration-on-migration-and-protection/> (accessed October 16, 2023).

²⁸ Department of Homeland Security, "Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration," April 27, 2024, <https://www.dhs.gov/news/2023/04/27/fact-sheet-us-government-announces-sweeping-new-actions-manage-regional-migration>.

²⁹ U.S. Department of Homeland Security, U.S. Customs and Border Protection, "Nationwide Encounters," <https://www.cbp.gov/newsroom/stats/nationwide-encounters>, (accessed May 10, 2024).

³⁰ "Fact Sheet: Biden-Harris Administration Announces New Border Enforcement Actions," The White House, January 5, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/> (accessed October 16, 2023).

³¹ Simon Hankinson, "'Alternatives to Detention' for Illegal Aliens: Effective with Mandatory Tracking for Entire Process," Heritage Foundation Backgrounder No. 3767, May 12, 2023, https://www.heritage.org/sites/default/files/2023-05/BG3767_0.pdf.

³² U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, "Processes for Cubans, Haitians, Nicaraguans, and Venezuelans," last reviewed/updated September 20, 2023, <https://www.uscis.gov/CHNV> (accessed October 16, 2023).

³³ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, "Family Reunification Parole Processes," last reviewed/updated October 3, 2023, <https://www.uscis.gov/FRP> (accessed October 16, 2023).

gether in a bipartisan way to address our broken immigration and asylum system.”³⁴ However, what they appear to mean by “broken” is that the current laws do not admit the number of people they want, and by “address” they seek a mass amnesty for those living here illegally, which would inspire millions more to enter illegally in the hope of benefiting in the future.

Rising Chinese Influence in Latin America

Rising Chinese wealth, expanding networks of professional smugglers, and complicit Latin American governments have facilitated Chinese travel to the United States land border. China has been investing in development, commercial, transportation, military, and space projects throughout Latin America. Since 2005, China loaned more than \$140 billion to Latin American countries including Argentina, Brazil, Ecuador, and Venezuela. Eleven countries in Latin America—Argentina, Bolivia, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Panama, Peru, Uruguay, and Venezuela—have signed onto China’s Belt and Road Initiative (BRI), a world-wide transportation network financed and often built by China.³⁵ The Chinese government has close ties with socialist and leftist governments across Latin America—in particular, economic giant Brazil, close U.S. neighbor Cuba, and oil-rich Venezuela.

Easier Travel to Latin America and the United States

Under the Biden administration, Chinese nationals, like people from 180 other countries, come in increasing numbers simply because they can. World-wide awareness of our open border, spread by family, friends, and alien-smuggling criminals using social media, is the real “root cause” of the mass rush to the border since January 2021, according to journalists who have spoken with prospective illegal immigrants to the United States from many countries along the Panama-Mexico route.³⁶

Chinese do not need a visa to fly to Ecuador, which has become a major entry point for them into Latin America. On May 17, Air China will begin direct flights from Beijing to Havana, with a stopover in Madrid, to increase tourism according to the official announcement.³⁷ From Ecuador, many Chinese migrants headed for the United States cross through Colombia, the Darién Gap, and through Central America to Mexico and the U.S. border. According to Peng, “over 15,500 Chinese migrants were counted in Panama after traversing . . . the Darién Gap” in the first 9 months of 2023, which is 40 times the number that took this route in 2021.³⁸ U.S. visitors to the Darién Gap report camps and infrastructure exclusively catering to Chinese illegal migrants. Author Brett Weinstein described “a kind of hostility” from Chinese migrants when he attempted to ask them about their journey, saying they “seemed interested in deliberately misleading us as to their origin and purpose.”³⁹ Voice of America interviews of Chinese who had crossed the Gap indicated economic motives as paramount in their decision to leave China and trek to the U.S. border.⁴⁰ There are reports that others pay extra to bypass the Darién Gap by taking sea transport from Ecuador further north.⁴¹

According to Peng, “Chinese migrants typically spend between \$5,000 and \$7,000 for self-guided trips, and up to \$35,000 for the aid of smugglers, 3 times what Latin

³⁴ Press release, “Border Encounters Remain Low as Biden-Harris Administration’s Comprehensive Plan to Manage the Border After Title 42 in Effect,” U.S. Department of Homeland Security, June 6, 2023, <https://www.dhs.gov/news/2023/06/06/border-encounters-remain-low-biden-harris-administrations-comprehensive-plan-manage#:~:text=Until%20and%20unless%20-Congress%20comes,in%20migration%20at%20our%20border> (accessed October 16, 2023).

³⁵ John Polga-Hecimovich, “China’s evolving economic footprint in Latin America,” Geopolitical Intelligence Services AG, November 22, 2022, <https://www.gisreportsonline.com/r/chinas-economic-power-grows-in-latin-america/>.

³⁶ Todd Bensman, *Overrun: How Joe Biden Unleashed the Greatest Border Crisis in U.S. History* (Nashville: Bombardier Books, 2023).

³⁷ “Air China will start direct Beijing-Havana flights on May 17,” Prensa Latina, April 12, 2024, <https://www.plenglish.com/news/2024/04/12/air-china-will-start-direct-beijing-havana-flights-on-may-17/>.

³⁸ Peng. Ibid.

³⁹ Neil Oliver, “Darién Gap difficulty, Mass migration through one of the most IMPENETRABLE jungles in the world,” GB News, February 2024, <https://www.youtube.com/watch?v=Pp6ZfoHqkCo>.

⁴⁰ Adrianna Zhang, “For Some Chinese Migrants, Few Options in Xi’s China,” VOA, February 29, 2024, <https://www.voanews.com/a/for-some-chinese-migrants-few-options-in-xi-s-china-/7508948.html>.

⁴¹ Eric Szeto, “In search for freedom, Chinese migrants increasingly risk it all by braving the Darien Gap,” CTV News, <https://www.ctvnews.ca/w5/in-search-for-freedom-chinese-migrants-increasingly-risk-it-all-by-braving-the-darien-gap-1.6809429#:~:text=The%20boat%20-ride%20would%20allow,of%20robberies%20and%20sexual%20assaults>.

American migrants typically pay.”⁴² Migrants pay smugglers for package deals. Meanwhile, Chinese social media informs them of the logistics, including how to give themselves up to U.S. Border Patrol once they have entered the United States.⁴³ According to the Asia Society, the social media app Douyin (the Chinese version of TikTok, also owned by parent company ByteDance) recently banned the word “zouxian” (“walk the line”) from search results. That term, and others, is a euphemism for illegal migration out of China including into the United States. According to analyst Lynette Ong of the Center for Chinese Analysis, “Douyin’s censorship was likely the result of pressure from Chinese authorities embarrassed by the magnitude of the exodus” of Chinese who use Douyin to guide them on their journey to Latin America and north to the U.S. border.⁴⁴

Chinese Immigration After 1965

It was difficult for Chinese to enter the United States until the Immigration Act of 1965, which began the modern era of mass immigration into the United States. The majority of immigrants to the United States now come now from Latin America, Asia, and Africa rather than Europe as in the previous 3 centuries. In 1993, some Chinese were prepared to pay up to \$30,000 each for passage by sea and even to be smuggled in shipping containers.⁴⁵ The flows from China have ebbed and flowed over the years, corresponding to the risk-reward calculation of spending thousands of dollars on alien smuggling services compared to the chance of being allowed into the United States to work and live indefinitely.

Chinese nationals have been able to find black market, illegal employment for generations in the U.S. informal service industries, particularly in the bigger cities’ “Chinatowns.” Today, there are also opportunities in rural areas, where Chinese investors and criminal syndicates are systematically buying land. In 2021, Chinese owners held 384,000 acres in the United States, according to the Department of Agriculture, amounting to 1% of land held by foreigners.⁴⁶ According to a report by Brian Burack of the Heritage Foundation, “national security threats stemming from Chinese purchases of U.S. land and real estate are growing.”⁴⁷ Burack writes that “the totality of Chinese-owned real estate is unknown, and under current law, is unknowable,” adding that Chinese-owned agricultural land has “increased rapidly in recent years” and that Chinese “were the top foreign buyers of U.S. commercial real estate” in 2020.⁴⁸ Large holdings of land are owned by shell companies and cutouts that can obscure the real holder’s Chinese origin.⁴⁹ Chinese individuals and entities have also purchased or attempted to buy land close to U.S. military installations in several States.⁵⁰

Indentured labor to pay off alien smuggling fees has been common in Chinese, and other, illegal migration for decades. There have been recent reports of marijuana farms in rural America run by Chinese criminal groups, who appear to employ Chinese nationals with questionable immigration status, including one from Maine in March 2024.⁵¹ While the stories of abuse or exploitation told by Chinese laborers in these Chinese-owned farms, factories, and other businesses may be true, they may also be convenient ways for the worker-victims to further their asylum claims or apply for visas reserved for victims of crime.

⁴² Peng, *Ibid.*

⁴³ Author’s conversation with Michael Cunningham, Research Fellow, The Heritage Foundation.

⁴⁴ Lynette Ong, “Douyin Censors Migrant Searches,” Asia Society Policy Institute, China 5 Newsletter, May 10, 2024.

⁴⁵ Morning Edition, “Finding An Anchor For A Life Set Adrift By A Shipwreck,” National Public Radio, June 7, 2024, <https://www.npr.org/2013/06/07/189222117/finding-an-anchor-for-a-life-set-adrift-by-a-shipwreck>.

⁴⁶ Allen, *Ibid.*

⁴⁷ Brian Burack, “China’s Land Grab: The Sale of U.S. Real Estate to Foreign Adversaries Threatens National Security,” The Heritage Foundation, May 9, 2024, <https://www.heritage.org/asia/report/chinas-land-grab-the-sale-us-real-estate-foreign-adversaries-threatens-national>.

⁴⁸ Burack, *Ibid.*

⁴⁹ Burack, *Ibid.*

⁵⁰ Mike Heuer, “Chinese ownership of U.S. farmland, locations raise concerns,” UPI, February 8, 2024, https://www.upi.com/Top_News/US/2024/02/08/foreign-investment-farmland-china/6631706895056/#:~:text=For%20example%2C%20a%20Chinese%20company,Guard%20-training%20facility%20in%20Grayling (accessed May 10, 2024).

⁵¹ Donovan Lynch, “As police crack down on illegal marijuana grows, Chinese workers present grim reality behind closed doors,” NewsCenter Maine, March 19, 2024, <https://www.newscentermaine.com/article/news/crime/illegal-marijuana-grows-chinese-workers-maine-court-documents-investigation/97-ae363572-3d17-479a-be90-5ea509aeefc> (accessed May 10, 2024).

While China was poor, emigration to the United States was largely a one-way street. Today, China's enormous economic growth provides more opportunities for the PRC to influence U.S. politics through its diaspora. To cite one example, the National Review recently reported on Chinese-American John Chan's "constellation of nonprofit organizations and businesses" which, along with his connections with the Chinese government and New York State politicians, he reportedly uses to advocate for positions favored by the People's Republic of China.⁵²

WHO ARE THEY? IDENTIFYING AND VETTING CHINESE LEGAL AND ILLEGAL IMMIGRANTS

"Vetting" in Consular Visa Operations

Twenty-five years ago on the visa line in New Delhi, I would interview at least 150 visa applicants a day and enter my decision into a computerized non-immigrant visa (NIV) system. With reference to the Immigration and Nationality Act (INA), my job was to decide whether each applicant qualified for a visa. After 9/11, the State Department used to tell adjudicating officers that "every visa decision is a national security decision." If an applicant did not qualify under the law, we did not issue a visa. The most common reason for denial was under INA s.214(b), which in brief requires every alien to prove to the consular officer that he is going to the United States for the purpose stated, and that he has a home outside the United States to which he intended to return. There are also many reasons a person can be ineligible from getting a visa under the INA, mostly under s.212, including criminal offences, public health concerns, and previous immigration violations. This personal consular interview is the first line of "vetting" for foreign visa applicants.

The second line of vetting is through automatic checks of U.S. databases containing holdings from across government agencies. Names, dates of birth, and other facts are run through the Consular Lookout and Support System (CLASS) maintained by the State Department's Bureau of Consular Affairs. This system pulls data from Federal agencies that in turn have data from State and local law enforcement, such that if a foreigner has a criminal or other adverse history in the United States, they are likely to be flagged for further review before a visa is issued. Visa applicants must also provide photographs and all 10 fingerprints (if available). These are confirmed by embassy or consular staff and the interviewing consular officer and then run through facial recognition and fingerprint databases to see if there are any matches. Adverse results are addressed by the interviewing or adjudicating consular officer before they make a decision.

It is quite common to find applicants with false names and dates of birth, even with legitimately-issued foreign passports, because their other identities can be compared to bio-data databases. Fingerprints don't change, and facial recognition is always improving. Although visa applicants do not have to supply criminal records clearances from their national police agency, which is a requirement for immigrant visas, they are required to attest on a signed form that they have no criminal record and no other ineligibility. Embassies and consulates have local and American staff trained in anti-fraud measures. Consular staff know local languages, accents, customs, news, and other country-specific factors that can help prevent applicants from lying successfully in their visa applications. Larger embassies host various Federal agencies, including elements of DHS and other Federal law enforcement, who have local contacts with their counterparts through whom they can investigate cases of concern.

Unfortunately, the Biden administration appears unwilling to support the State Department's foreign efforts by investigating and prosecuting visa fraud in national security cases. Even before the Biden administration canceled the Justice Department's China initiative in 2022, apparently on the grounds that it was racially biased,⁵³ it began dropping fraud charges⁵⁴ against alleged Chinese military personnel accused of falsifying visa applications.⁵⁵ It appears that the Justice Depart-

⁵² Jimmy Quinn, "New Player in Chinese Communist Influence Body Has Extensive NYC Political Ties," National Review, May 10, 2024, <https://www.nationalreview.com/2024/05/new-player-in-chinese-communist-influence-body-has-extensive-nyc-political-ties/>.

⁵³ U.S. Department of Justice, Remarks by Assistant Attorney General Matthew Olsen on Countering Nation-State Threats, Wednesday, February 23, 2022, <https://www.justice.gov/opa/speech/assistant-attorney-general-matthew-olsen-delivers-remarks-countering-nation-state-threats>.

⁵⁴ Jane Lee, "U.S. dials back probe of Chinese scientists on visa fraud charges," Reuters, July 23, 2021, <https://www.reuters.com/world/us/us-seeks-dismiss-charges-visa-fraud-cases-chinese-researchers-2021-07-23/>.

⁵⁵ U.S. Department of Justice, Office of Public Affairs, Press Release, "Researchers Charged with Visa Fraud After Lying About Their Work for China's People's Liberation Army," Thursday, July 23, 2020, <https://www.justice.gov/opa/pr/researchers-charged-visa-fraud-after-lying-about-their-work-china-s-people-s-liberation-army>.

ment's National Security Division has not prosecuted any new China-related visa fraud cases since February, 2021, even though multiple visa fraud cases begun by the Trump administration resulted in convictions.⁵⁶

Still, although vetting of foreign visa applicants is by no means foolproof, it is multi-layered and frequently results in visa refusals based on adverse information that would not have been discovered had the person simply arrived illegally, with no identity documents, at the U.S. border.

VETTING BY DHS AT THE BORDER

After 2021, most “national security decisions” of who gets into our country are no longer made by American officers. Under President Biden’s border policies, what was a privilege has become a right. The United States has outsourced the decision on who gets in at the border to foreign nationals based on who simply shows up in person, or who applies to enter the United States and ask for parole using CBP One. We still have a visa system overseas, but this expensive official “front door” competes with a wide-open back door at the Southern Border, where DHS releases most of them into the interior after minimal processing. There are no fees, no forms, and no way to routinely verify a given name, age, and identity. Worst of all, there are no criminal background checks in the person’s home country or anywhere they pass through. DHS mostly takes an individual’s given information on trust. While the majority of those arriving illegally are economic migrants who will claim asylum to be allowed to remain and work, “There is a realistic probability that some Chinese nationals illegally crossing the U.S.-Mexico border have ties to Chinese intelligence, using U.S. border vulnerabilities for espionage,” according to private intelligence analyst Grey Dynamics.⁵⁷

In January 2024, the *Daily Caller* reported that the Biden administration has “drastically simplified the vetting process for Chinese illegal immigrants” started in April 2023, based on a source at U.S. Customs and Border Protection (CBP).⁵⁸ According to information obtained by the *Daily Caller*, CBP agents including Border Patrol were instructed to reduce the number of standard questions asked of inadmissible Chinese from 40 to 5. This approach is in line with the Biden administration’s overall policy of processing in as many inadmissible aliens as possible, prioritizing maximum flow over vetting. A former Government official told the *Daily Caller* that Chinese arrested at the border are well-coached on how to answer these questions, so as to be released soonest. From my own experience with visa interviews and investigating consular fraud in several countries, I know that alien smugglers include training on how to answer interview questions from American officials in their package deals. Such training is designed to avoid further investigation into the inadmissible alien’s background, while maximizing chances for a successful, if fraudulent, asylum claim.

Like the “Security and Background Information” questions on the DS-160 visa application,⁵⁹ the questions asked by CBP interviewers of inadmissible aliens at the border are intended to find out whether they have a criminal record; any connections to the military, government, or political parties; and other information useful to determine whether they pose a security threat before they are released. Answering “yes” to any of the security questions would lead to further enquiry and detention pending the results. As the email obtained by the Daily Caller reads, “If there is a Yes to any of the above [security questions] they are then referred and transported to [redacted] for an in-depth interview by Tactical Terrorism Response Team.”

But whether 40 questions or 5, the process essentially relies on an illegal alien at the border telling the truth for his criminal past, membership in a totalitarian party, or terrorist affiliations to be discoverable, absent U.S. records on that individual. CBP says their “multi-layered border security efforts include various screening and vetting processes that work to detect and prevent individuals who pose na-

⁵⁶ U.S. Department of Justice, Office of Public Affairs, Press Release, “Chinese Government Employee Convicted of Participating in Conspiracy to Defraud the United States and Fraudulently Obtain U.S. Visas,” Wednesday, March 23, 2022, <https://www.justice.gov/opa/pr/chinese-government-employee-convicted-participating-conspiracy-defraud-united-states-and>.

⁵⁷ Betselot Dejene, “Chinese Espionage Threat at the US-Mexico Border,” Grey Dynamics, May 11, 2024, <https://greydynamics.com/chinese-espionage-threat-at-the-us-mexico-border/>.

⁵⁸ Philip Lenczycki, “Biden Admin Watered Down Vetting Process For Chinese Illegal Immigrants, Email Shows,” The Daily Caller, January 2, 2024, https://dailycaller.com/2024/01/02/biden-admin-cbp-chinese-illegal-migrants/?utm_medium=push&utm_source=daily_caller&utm_campaign=push.

⁵⁹ U.S. Department of State, Bureau of Consular Affairs, “Online Nonimmigrant Visa Application DS-160,” p.68, <https://travel.state.gov/content/dam/visas/PDF-other/DS-160-Example-11-19-2020.pdf>.

tional security or public safety risks from entering the United States.”⁶⁰ In fact, they have very limited means of verifying identify documents, statements, and any other information proffered by Chinese inadmissible aliens at the border before releasing them. China is hardly helpful in this regard, unless they have their own reasons for wanting a particular individual detained or returned to China. China routinely ignores U.S. requests for verification of nationality of even dangerous criminals. According to the State Department’s Country Report on Human Rights Practices for 2022, “corruption remained rampant” in China.⁶¹ The Department’s 2023 Report removed that phrase for some reason but did report that “in general very few details were made public regarding the process by which CCP and government officials were investigated for corruption.”⁶² In addition, according to the human rights NGO Safeguard Defenders, China’s “criminal justice data continues to be culled from official reports and the main database,” their research indicating that more than “85,000 verdicts from criminal judgments spanning 2013 to 2020 [were] removed” in the last year.⁶³ China’s reluctance to publish, much less share, information about corrupt officials and criminals makes it very unlikely that CBP’s vetting, however “multilayered,” does much good at discovering the true backgrounds of inadmissible aliens before they are released.

Acting CBP Commissioner Troy Miller admitted the obvious in testimony before the House Appropriations Committee on May 4 that DHS releases people without confirming ID.⁶⁴ When asked by Rep. Andy Harris (R-MD) “So, we’re not admitting people into the interior who don’t have identification?” Miller responded that “we could release somebody with a notice to appear (NTA).” A Notice to Appear is a letter given to an alien by the Border Patrol or other agents of the DHS informing the subject that under section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA) “you are an alien present in the United States without being admitted or paroled, or who arrived at any time or place other than as designated by the Attorney General,” and ordering the subject to appear before an immigration judge⁶⁵ at a specified time and place.⁶⁶ This hearing begins immigration proceedings to remove them from the United States for being here illegally. The initial hearing might be many months, or even years, in the future.

In practice, then, most aliens caught illegally crossing the U.S. border and released with a Notice to Appear are released for an indefinite time, to go where they want in the country, with no way for ICE to know their true location or easily find them if needed. In the mean time, only a small minority of released aliens are under any kind of monitoring under Immigration and Customs Enforcement’s Alternatives to Detention (ATD) program.⁶⁷ There are more than 6 million aliens on ICE’s Non-Detained Docket (NDD), meaning aliens in immigration proceedings such as deportation or asylum claims. As of April 20, 2024, ICE was monitoring only 184,318 of this population using ATD.⁶⁸ As of April 2023, only 2% of the aliens monitored under ATD were tracked with GPS monitors worn by the alien, with more than 91% tracked using methods that required the alien to actively participate by using a smart phone facial recognition application or calling a dedicated phone number.⁶⁹

When I visited San Diego in March 2024, I witnessed the release of dozens of aliens from at least 15 countries. From my observations, GPS tracking devices, in the form of anklets, were being worn by people from Eastern Europe and Central

⁶⁰ Philip Lenczycki, Daily Caller.

⁶¹ U.S. Department of State, 2022 Country Reports on Human Rights Practices, “China (Includes Hong Kong, Macau, and Tibet),” Section 4, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/china/>.

⁶² U.S. Department of State, 2023 Country Reports on Human Rights Practices, “China (Includes Hong Kong, Macau, and Tibet),” Section 4, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/china/>.

⁶³ Safeguard Defenders, “Prosecutions abandoned, conviction rate record high, and more on China’s judiciary 2022,” <https://safeguarddefenders.com/en/blog/prosecutions-abandoned-conviction-rate-record-high-and-more-china-s-judiciary-2022>, (accessed May 13, 2024).

⁶⁴ Heritage Foundation, Twitter, <https://x.com/Heritage/status/1786828427573477815>, May 4, 2024.

⁶⁵ Immigration judges are administrative judges working for the Department of Justice’s Executive Office for Immigration Review, see <https://www.justice.gov/eoir>.

⁶⁶ Simon Hankinson, “My Look Inside Biden’s Illegal Immigrant Catch-and-Release Craziness,” The Daily Signal, April 08, 2024, <https://www.dailysignal.com/2024/04/08/my-look-inside-bidens-illegal-immigrant-catch-release-craziness-borderline/> (accessed May 10, 2024).

⁶⁷ Simon Hankinson, “‘Alternatives to Detention’ for Illegal Aliens: Effective with Mandatory Tracking for Entire Process,” Heritage Foundation Backgrounder No. 3767, May 12, 2023, https://www.heritage.org/sites/default/files/2023-05/BG3767_0.pdf.

⁶⁸ TRAC Immigration, “Immigration Detention Quick Facts,” <https://trac.syr.edu/immigration/quickfacts/>, (accessed May 10, 2024).

⁶⁹ Hankinson, “Alternatives to Detention”.

Asia (Chechnya, Russia, Kazakhstan) but not Africa, China, India, or Latin America. I have also personally inspected several NTAs given to aliens released at the border in Arizona, California, and Texas. On these, the locations for the alien's scheduled immigration hearing may be nowhere near the alien's intended destination in the United States. For example, one Indian released in San Diego in March 2024 told me he was going to live with his uncle in Indiana, but he had a court date in May 2024 in Van Nuys, California, which is 2,085 miles away. Without a drivers' license or any identification documents, it is difficult to see how he and other aliens will be able to make the journey of hundreds of miles to attend all of the hearings in their removal proceedings.

In March 2023, I visited a gap in the unfinished border wall near the Morelos Dam in Yuma. President Biden ordered all work on the wall to stop shortly after taking office. The Morelos Gap is one of many places in Arizona where the border is, for most intents and purposes, wide open. People of unknown identity from anywhere in the world can simply walk up and come in. Under Secretary of Homeland Security Mayorkas, the illegal arrivals are met by the Border Patrol or whatever DHS elements are available and channeled into a system that is designed to get them into the interior of the United States as fast as possible. Diverting DHS staff, including Border Patrol, from regular duty to providing administrative and social services leaves the border less guarded than usual, allowing even more illegal drugs, people, and goods into the country.

At 3 o'clock a.m., I witnessed more than 100 people walking or running through the Gap to join a long line to be "processed." I spoke to or saw people from Cameroon, China, Cuba, the Dominican Republic, Ecuador, Georgia, India, and Russia. When asked, the people in line told me they were here to look for work and opportunity. They get in with no application, no fee, no criminal background check, and none of the other inconveniences of having to qualify for a visa as our law requires before asking to be admitted into the United States.

CONCLUSION

Despite what the Biden administration wishes the American public to believe, there is no serious "vetting" of populations released at the U.S. border under Title 8 removal proceedings, nor of those allowed in under parole programs, much less the "gotaways" who enter without inspection. Unless a foreign national released or paroled has an existing record from previous time spent in the United States or a foreign record held by U.S. agencies for some other reason, DHS has no routine way of checking anyone's background for criminal records, terrorist affiliation, membership in a hostile foreign government agency, or other concern. DHS also has no way to confirm the name, date of birth, or any other information proffered by an applicant unless that person has been encountered by a U.S. law enforcement agency before. With up to 10 million people released or allowed to illegally enter the United States since January 2021, there is a considerable potential risk of espionage, crime, or other hostile action from some individuals in this population.

The solution to the problem of growing illegal immigration is the same from the Biden administration on the U.S. political Left as it is for the Libertarians at the other extreme—eliminate illegal immigration by re-defining it as legal through so-called "lawful pathways" like parole; expanding Temporary Protected Status, Prosecutorial Discretion, Deferred Enforcement, and other tricks to avoid carrying out the intent of U.S. immigration law; releasing illegal aliens into interminable, theoretical "removal" proceedings under Title 8; and increasing the overall number of temporary and permanent visas for workers and students. But even were it politically acceptable to do, no amount of U.S. expansion would ever meet the demand given the population, economy, and politics of China.

Whatever the upper limits on overall numbers, the United States will at some point need to police its borders and remove those who are ineligible to enter or remain here under the law. Most importantly, those who are deliberately paroled or released must be identified, and their backgrounds vetted, more seriously than at present. The nationals of all countries present risks of criminal pasts and thus predictable rates of recidivism. But nationals of countries hostile to U.S. interests like China, Iran, Russia, and others, require extra scrutiny.

Chairman BISHOP. Thank you.

The Chair now recognizes Mr. Singleton for 5 minutes for his opening statement.

**STATEMENT OF CRAIG SINGLETON, SENIOR FELLOW,
FOUNDATION FOR DEFENSE OF DEMOCRACIES**

Mr. SINGLETON. Chairman Bishop, Ranking Member Ivey, and distinguished Members of this committee, thanks for the opportunity to testify about how the Chinese Communist Party stands to exploit America's border crisis to further its strategic interests and undermine U.S. national security. All told, the dramatic increase in Chinese nationals seeking to illegally enter the United States has reached unprecedented levels.

Today's surge is not simply a matter of immigration though. It is a multifaceted menace that mires our border management systems and magnifies major national security risks. The drivers of today's surge are complex. Economic instability and political repression within China have propelled many Chinese to seek better lives abroad, yet this migration is also facilitated by sophisticated Chinese smuggling networks, readily accessible through Chinese social media platforms like WeChat and Douyin, China's version of TikTok.

These and other platforms provide prospective migrants with detailed step-by-step guidance about how to enter our country illegally, as well as facilitate direct connections with human traffickers. Given that context, the security implications of today's border surge are profound and worthy of further inquiry.

For starters, the influx provides cover for Chinese intelligence operatives or those acting on their behalf to potentially infiltrate our borders. These operatives benefit from newfound operational flexibility insomuch as instability at the border allows them to evade traditional screening procedures at other American ports of entry.

Furthermore, their diversification of tradecraft, using everything from false documentation to exploiting vulnerabilities in our border screening protocols, equips these individuals with a varied arsenal designed to overwhelm our defenses.

Adding to these concerns are China's national security laws, including its 2017 national intelligence law and recently-revised counterespionage law which require all Chinese citizens and organizations to support state intelligence activities. Coupled with China's well-documented history of conducting extraterritorial operations in the United States and elsewhere, these Chinese laws pose a significant threat, turning innocent individuals into tools of espionage under immense pressure from China's government.

Amidst this orchestrated chaos Chinese transnational criminal organizations are also ruthlessly exploiting our border vulnerabilities, fueling the fentanyl crisis that claims thousands of American lives each year, showcasing a sinister blend of state-sponsored subterfuge and underworld criminality.

Beyond the clear security risks, China is also skillfully exploiting today's chaos to depict the United States as a faltering democracy incapable of securing its borders. This narrative, projected globally, not only diminishes our international standing but also bolsters China's robust efforts to undermine Western democratic values. All the while, China's government remains intent on obscuring the reality that its own citizens are fleeing China in search of freedom and opportunity elsewhere.

In response to these threats we must not only do more to secure our borders, but also strengthen our diplomatic ties and enhance our technological capabilities. These efforts should be complemented by targeted legislative actions that provide the necessary tools and resources to combat these threats effectively.

A coordinated response must include everything from enhancing our border security infrastructure, improving interagency collaboration, and boosting our intelligence capabilities to preempt and dismantle the networks facilitating these illegal migration flows. Washington must also intensify its public diplomacy and counter-propaganda efforts to correct Beijing's misleading narratives.

Such work is particularly important in light of a recent speech Chinese Communist Party Chairman Xi Jinping delivered to party elites in which he remarked, "The most important characteristic of the world is in a word chaos, and this trend appears likely to continue." In that seems speech Xi Jinping noted, "The times and trends are on our side."

As we consider these and other measures let us remember that the stakes are exceptionally high. The integrity of our borders, the safety of our citizens, including Asian Americans and Chinese Americans, and the stability of our global standing are all intertwined with how we handle this growing crisis.

I look forward to working together in developing bipartisan solutions that not only address the current challenges we face but also reinforce our national resilience against all forms of geopolitical manipulation and repression. On behalf of the Foundation for Defense of Democracies, I thank you again for inviting me to testify today.

[The prepared statement of Mr. Singleton follows:]

CONGRESSIONAL TESTIMONY: FOUNDATION FOR DEFENSE OF DEMOCRACIES

House Homeland Security Committee
Subcommittee on Oversight, Investigations, and Accountability

Security Risk: The Unprecedented Surge in Chinese Illegal Immigration

CRAIG SINGLETON
China Program Senior Director and Senior Fellow
Foundation for Defense of Democracies

Washington, DC
May 16, 2024



www.fdd.org

Craig Singleton

May 16, 2024

Introduction

Chairman Bishop, Ranking Member Ivey, and distinguished members of this subcommittee, thank you for the opportunity to testify today about the unprecedented surge in Chinese illegal immigration at our southern border.

Instability along the U.S.-Mexico border remains a critical flashpoint, presenting complex geopolitical, humanitarian, and security challenges. However, a recent surge of Chinese nationals seeking entry into the United States via Mexico has significantly worsened longstanding border issues, placing heightened pressure on U.S. border control and national security systems. If left unchecked, these Chinese migrant flows risk severely undermining the United States' capacity to manage its borders, thereby amplifying potential risks related to Chinese state-directed espionage and the exploitation of migrants by transnational criminal networks.

Factors propelling the historic surge in Chinese migration include domestic economic pressures in China, the Chinese Communist Party's escalating persecution of its citizens, and the prevalence of sophisticated facilitation and smuggling networks on Chinese social media platforms. Making matters worse, Chinese authorities have sought to capitalize on the border crisis for propaganda purposes. Beyond leveraging the border crisis to shape global perceptions about the United States and sow societal division, China has also sought to exploit the crisis to highlight the perceived stability of its authoritarian regime in contrast to the perceived disorder in Western democracies.

All told, the security implications of today's border crisis are profound. The United States faces the dual challenge of ensuring its border is not compromised by Chinese intelligence operatives or used as a conduit by Chinese traffickers to smuggle drugs, weapons, and people while also needing to uphold the principles of humanitarian protection and due process. Addressing these issues requires a coordinated response that includes enhanced border security measures, deeper international cooperation, and policies that address the root causes of migration. The urgency to act is underscored by the potential for these challenges to strain U.S. resources, impact diplomatic relations, and affect the overall stability of border regions.

Section I: Historical Context and Current Trends

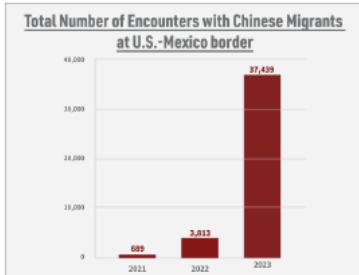
The current influx of Chinese nationals arriving at the U.S.-Mexico border is unprecedented. According to U.S. Customs and Border Protection data, apprehensions of Chinese foreign nationals have surged from 689 in 2021 to 37,000 in 2023 — representing a fifty-fold increase.¹ This alarming escalation shows little sign of abating, presenting an increasingly formidable challenge for U.S. policymakers, state-level leaders, and federal agencies tasked with maintaining border security. Compounding these concerns are the approximately 1.8 million "got-aways" — individuals of all nationalities, including from China, who have successfully

¹ 2021 apprehensions: 689; 2023 apprehensions: 37,000. CBP data. Caroline Anders, "Ten times more Chinese migrants entered the U.S. through Mexico last year," *Semfor*, February 14, 2024. (<https://www.semfor.com/article/02142024/ten-times-more-chinese-migrants-entered-the-us-through-mexico-last-year>)

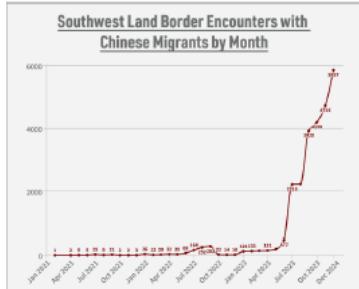
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crossed the border without being apprehended.² Moreover, among the 1.3 million individuals in the United States with final deportation orders, nearly 10 percent, or approximately 100,000, are Chinese nationals whom the Chinese government has refused to repatriate.³



*Total number of documented encounters between U.S. border patrol and Chinese migrants between 2021 and 2023
Source: CBP Nationwide Encounters*



Documented encounters between U.S. border patrol and Chinese migrants in San Diego, a major entry point for Chinese nationals, between 2021 and March 2024. December 2023 marked the highest number of encounters in San Diego, at nearly 6,000. Source: CBP Nationwide Encounters.

² Maria Sacchetti and Nick Mireff, "U.S. released more than 2.3 million migrants at border since 2021, data show," *The Washington Post*, January 6, 2024. (<https://www.washingtonpost.com/immigration/2024/01/06/2.3-million-migrants-u-s-mexico-border/>) Ali Bradley, "Footage shows migrants trying to evade border officials," *NewsNation*, March 27, 2024. (<https://www.newsnationnow.com/us-news/immigration-footage-migrants-evading-officials>)

³ Eileen Sullivan, "Growing Numbers of Chinese Migrants Are Crossing the Southern Border," *The New York Times*, November 24, 2023. (<https://www.nytimes.com/2023/11/24/us/politics/china-migrants-u-s-border.html>)

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Apart from known apprehensions, asylum adjudication statistics, particularly from 2023, offer revealing insights into the outcomes for Chinese migrants. Last year, Chinese migrants experienced a 55 percent grant rate for asylum (3,481 grants), with 12 percent denied (765 denials), and 33 percent categorized as “other” (2,127 other cases), resulting in a total of 6,373 asylum decisions.⁴ This 55 percent grant rate exceeds that of many countries, offering relatively favorable odds for Chinese migrants despite a 12 percent denial rate. Notably, this rate is significantly higher than the 11 percent asylum grant rate observed for Ecuador, a common destination for Chinese migrants seeking entry to the United States. Such statistics, particularly the relatively high grant rate for asylum, may inadvertently signal to Chinese migrants that gaining asylum in the United States is easily attainable. This perception, in turn, likely fuels further illegal Chinese migration.

Further contributing to the migrant surge is the pivotal role of Chinese social media in facilitating illegal Chinese immigration to the United States. Platforms like Douyin, the Chinese version of TikTok, offer comprehensive tutorials and advice for prospective U.S.-bound migrants, detailing step-by-step processes for reaching the U.S.-Mexico border.⁵ Such content not only aids migrants in locating and connecting with smugglers but also fosters a virtual community for sharing experiences and tips to illegally enter the United States, thereby enhancing the accessibility and allure of illicit migration routes. For instance, the hashtag #TheRoute on Douyin showcases numerous videos that meticulously map out the journey from China to the United States.⁶ WeChat serves as another extensively utilized platform by migrants to directly communicate with smugglers, known as “snakeheads,” who often charge upwards of \$10,000 for their smuggling services.⁷

Examples of Chinese migrant stories and tutorials on social media:

⁴ U.S. Department of Justice, Executive Office for Immigration Review, “Adjudication Statistics,” October 12, 2023. (<https://www.justice.gov/eoir/page/file/1073664D>)

⁵ Edie Wang and Mica Rosenberg, “Migrants find tips on Chinese version of TikTok for long trek to U.S.-Mexico border,” Reuters, April 28, 2023. (<https://www.reuters.com/world/migrants-find-tips-chinese-version-tiktok-long-trek-u-s-mexico-border-2023-04-28/>)

⁶ Ibid.

⁷ David Noriega, Aarne Hikkila, and Adial Kaplan, “‘The world has changed’: WeChat, unibeads and the new era of global migration,” NBC News, May 4, 2024. (<https://www.nbcnews.com/news/nbc-news-demographics/migration-us-wc-rapidly-shifting-a-change-crna149621>)

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Generally speaking, Ecuador has emerged as a significant transit hub for Chinese nationals seeking to reach the United States. In 2022, approximately 13,000 Chinese nationals entered Ecuador, a number that surged to over 45,000 in just the first 11 months of 2023.⁸ This influx is facilitated by the absence of a visa requirement for Chinese passport holders. Once in Ecuador, a network of Chinese-run businesses and smuggling facilitators provides a range of services tailored to aid migrants in their northward journey. These services encompass airport pickups, accommodation in Chinese-operated hostels, and coordination of subsequent passage to the United States, often at substantial expense. Media reports, coupled with accompanying U.S. immigration data, indicate that many of these migrants eventually converge in camps along the U.S.-Mexico border, particularly in the vicinity of San Diego, as they prepare for their final cross-border endeavor.

⁸ Yong Xiong, Simon McCarthy, and David Culver, "The 'walking route': How an underground industry is helping migrants flee China for the US," CNN, January 8, 2024. (<https://www.cnn.com/2024/01/08/americas/china-us-migrants-illegal-crossings-intl-hnk-dr/index.html>)

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Section II: Understanding Migrant Motivations and Security Concerns

The motivations driving Chinese nationals to cross the U.S.-Mexico border are multifaceted and nuanced. While political persecution in China is a legitimate reason for seeking asylum, anecdotal evidence suggests that many Chinese migrants do not explicitly cite fear of persecution as their primary motivation for entry to the United States.⁹ Instead, many Chinese migrants report dissatisfaction with China's stringent pandemic restrictions, worsening economic conditions, and a desire for greater personal freedoms within a democratic system. Although these motivations reflect a pursuit of improved living conditions, they do not always align with the stringent criteria used to adjudicate asylum requests. Moreover, while some Chinese nationals are, indeed, pursuing immigration through skilled migration or investment-based citizenship programs, it is clear that many are instead opting for irregular, illegal migration to the United States via Latin America.¹⁰

In light of the many motivations driving Chinese nationals to cross the U.S.-Mexico border, it is also imperative to examine the contributing factors that have fueled today's historic surge. For starters, Chinese nationals encounter few barriers to entry into countries in the Western Hemisphere due to visa-free travel policies. Additionally, perceptions of insufficient U.S. law enforcement efforts along the border, coupled with the presence of well-established trafficking networks, provide additional incentives for low-risk illegal migration. This absence of deterrence has failed to dissuade Chinese migrants from undertaking the perilous journey to the border, one that is often inaccurately portrayed on Chinese social media platforms as straightforward or manageable.

The large increase in Chinese nationals at the U.S.-Mexico border also introduces additional complexities to today's security landscape, particularly in the context of espionage. China's extensive, extraterritorial national security laws mandate that any Chinese national, whether located in China or living abroad, comply with Chinese intelligence directives. More specifically, Chinese law demands that all "relevant organs, organizations, and citizens provide necessary support, assistance, and cooperation" to Chinese intelligence institutions.¹¹ Compounding these challenges is the lack of specific exemptions or limitations within laws such as China's 2017 National Intelligence Law and its recently revised Counter-Espionage Law.¹² Put differently, these laws do not merely encourage alignment with Chinese Communist Party (CCP) ideology, they demand it, thereby providing China's party-state with a powerful tool to coerce and take advantage of vulnerable migrants.

Moreover, given China's well-documented interest in expanding its espionage and influence operations against the United States, close scrutiny is warranted regarding the significant security

⁹ Ibid.

¹⁰ Such illegal migration is often referred to on Chinese social media as "walking the route" (#走). Ting Zhang, "Why Are More and More Chinese Migrants Risking Their Lives to Cross the US Southern Border?" *The Diplomat*, June 9, 2023. (<https://thediplomat.com/2023/06/why-are-more-and-more-chinese-migrants-risking-their-lives-to-cross-the-us-southern-border/>)

¹¹ National Intelligence Law of the People's Republic. (Adopted at the 28th session of the Standing Committee of the 12th National People's Congress on June 27, 2017). (Chn.). (<http://www.chinalawtranslate.com/en/national-intelligence-law-of-the-peop-2017>)

¹² "China: Counterespionage Law Revised." Library of Congress, September 22, 2023. (<https://www.loc.gov/item/global/legal-monitor/2023-09-21/china-counterespionage-law-revised/#text=The%20revised%20law%20is%20dedicated%20to%20counterespionage%20work%20act>)

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concern of potential exploitation at the border.¹³ The specific objectives of Chinese intelligence operatives, the capabilities and resources available to them, and the effectiveness — or relative ineffectiveness — of U.S. counterintelligence measures are all factors that exacerbate existing risks stemming from the surge in Chinese nationals illegally entering the United States. These Chinese migrants are highly susceptible to being coerced, incentivized, or manipulated by Chinese intelligence agents or affiliated networks to gather intelligence or engage in other illicit activities. The dimension of this threat is amplified by the known operational tactics employed by Chinese intelligence operatives during CCP Chairman Xi Jinping's tenure, including the establishment of secret Chinese police stations across the United States to intimidate and forcefully repatriate critics of the regime.¹⁴

Generally speaking, perceived chaos or lax enforcement at the border presents a number of opportunities to Chinese intelligence services, including:

- **Operational Flexibility:** The clandestine nature of border crossings provides Chinese intelligence operatives with enhanced operational flexibility and anonymity. Potentially crossing the border in this manner allows them to circumvent traditional immigration and security screenings, such as biometric checks, thereby complicating efforts to track and monitor their activities within the United States. Such flexibility could explain the documented increase in Chinese nationals, including undocumented individuals, attempting unauthorized access to U.S. military facilities, such as the March 2024 detention of an undocumented Chinese national attempting to break into a Marine Corps base in California.¹⁵
- **Diversification of Tactics:** The porous nature of the U.S.-Mexico border allows Chinese intelligence to employ a variety of tradecraft tactics to gain entry into the United States. These include utilizing established smuggling routes, creating false documentation, and exploiting systemic vulnerabilities in border enforcement procedures. Such moves provide Chinese intelligence personnel with additional means to circumvent concerted attempts by U.S. intelligence and law enforcement personnel to detect and expose Chinese intelligence operations on U.S. soil, as underscored by Federal Bureau of Investigation (FBI) Director Chris Wray's statements about a surge in open cases related to Chinese espionage against the homeland.¹⁶
- **Access to Vulnerable Populations:** The influx of Chinese nationals also includes vulnerable groups, such as undocumented migrants and asylum seekers, who are particularly susceptible to coercion or manipulation. Chinese intelligence agencies may

¹³ "The China Threat," *Federal Bureau of Investigation*, accessed May 13, 2024. (<https://www.fbi.gov/investigate/couterintelligence/the-china-threat>); Julian E. Barnes and Edward Wong, "In Risky Hunt for Secrets, U.S. and China Expand Global Spy Operations," *The New York Times*, September 17, 2023. (<https://www.nytimes.com/2023/09/17/us/politics/us-china-global-spy-operations.html>); Office of the Director of National Intelligence, "Annual Threat Assessment," February 5, 2024. (https://www.dni.gov/files/ODNI/documents/assessments/ATA-2024/Unclassified_Report.pdf)

¹⁴ U.S. Department of Justice, Press Release, "Two Arrested for Operating Illegal Overseas Police Station of the Chinese Government," April 17, 2023. (<https://www.justice.gov/justice-prisoners/prisoners-created-illegal-overseas-police-station-chinese-government>)

¹⁵ Gordon Lubold and Warren P. Strobel, "Lawmakers Request Details of Chinese Nationals at Suspected U.S. Facilities," *The Wall Street Journal*, September 19, 2023. (https://www.wsj.com/politics/national-security/lawmakers-request-details-of-chinese-nationals-at-suspected-u-s-facilities-1677477#mod=article_inline); Nick Mordowance, "Chinese Migrant Suddenly Found on California Military Base," *Newsweek*, March 29, 2024. (<https://www.newsweek.com/chinese-migrant-suddenly-found-california-military-base-1881133>)

¹⁶ Danah Gregorian, "FBI director says new probes into China launched 'every 12 hours,'" *NBC News*, September 21, 2021. (<https://www.nbcnews.com/politics/national-security/fbi-director-says-new-probes-china-launched-every-12-hours-q1279724>)

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target these individuals, leveraging their precarious status and limited knowledge of U.S. laws to press them into intelligence service. Such pressure tactics could be exerted either before or after their entry into the United States, further highlighting the vulnerabilities of these individuals as potential assets for Chinese intelligence.

Beyond state-directed espionage, the U.S.-Mexico border serves as a significant conduit for transnational criminal organizations, including Chinese smuggling networks. Leveraging connections in both China and the United States, these networks adeptly facilitate the illegal movement of goods and people across the border, driven by growing American demand for illicit products. For instance, Chinese organized crime groups, implicated in smuggling a range of contraband, notably fentanyl, are significantly contributing to the opioid crisis in the United States. The U.S. Drug Enforcement Administration and congressional investigations have revealed that China remains the primary producer of fentanyl precursor materials globally.¹⁷ Other investigations have revealed how Chinese smugglers ship these items into the United States through complex international shipping routes, including across the U.S.-Mexico border.

The influx of Chinese nationals across the border may be exploited by these organized crime networks to smuggle not only drugs but also counterfeit goods, weapons, and people. For example, Chinese nationals could be coerced or deceived into participating in these smuggling operations. They may be used as mules, transporting illicit goods across the border either wittingly or unwittingly. The dual threats of coercion and deception highlight the vulnerabilities faced by these individuals, who may find themselves deeply entangled in criminal activities without a clear or safe path to disentangle themselves. This situation not only presents a security challenge but also a humanitarian concern, as these individuals are at risk of severe legal and physical repercussions.

Section III: China's Propaganda Framework at the U.S. Border

The People's Republic of China (PRC) has skillfully exploited the ongoing border crisis to advance its global influence operations, which aim to shape public opinion and undermine democratic institutions. This strategy aligns with the activities of China's propaganda arm, the United Front Work Department, and serves as an extension of China's broader "discourse power," which seeks to set and shape global narratives, values, and norms to legitimize China's state power.¹⁸ By consistently misrepresenting Chinese autocracy and comparing and contrasting it with Western democracy, Beijing's discourse strategy seeks not only to influence global perceptions about China's so-called "peaceful" rise but also to undermine faith in democratic institutions and introduce conflicting social narratives in liberal societies.

¹⁷ "Investigation Findings: The CCP's Role in the Fentanyl Crisis," *The Select Committee on the CCP*, April 16, 2024. (https://electromagneticorthodox.com/media/investigations/investigation-findings-ccp-role-fentanyl-crisis/#page=20&lectr=10&commitee=5&comity=1&has_subheads=1&page_no=10&page_size=20&start=10); Ricardo Barrios, Susan V. Lawrence, and Liana W. Rosen, "China Primer: Illicit Fentanyl and China's Role," Congressional Research Service, February 20, 2024. (<https://crsreports.congress.gov/product/pdf/IF/IF10880>)

¹⁸ Kanton Thibaut, "Chinese discourse power: Ambitions and reality in the digital domain," *Atlantic Council*, August 24, 2022. (<https://www.atlanticcouncil.org/in-depth-research-reports/report/chinese-discourse-power-ambitions-and-reality-in-the-digital-domain>); Craig Singleton, "Chinese Election Meddling Hit the Midterms," *Foreign Policy*, November 4, 2022. (<https://foreignpolicy.com/2022/11/04/china-us-midterm-election-interference-meddling-social-media-cybersecurity-disinformation/>)

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All told, Chinese propaganda tacticians appear intent on contrasting China's own authoritarian stability with the portrayal of the U.S. border as chaotic and lawless, conveniently omitting the fact that Chinese nationals are part of the migration flux. This selective narrative serves to promote China's geopolitical agenda by showcasing the supposed superiority of its governance model while highlighting perceived weaknesses and failures within American democratic structures.

Case Study: The Texas Border Standoff

In late January and early February 2024, Chinese media sources were abuzz with reports of an escalating conflict at the U.S.-Mexico border, particularly focusing on a standoff between Texas state authorities and the federal government in Eagle Pass, Texas. Chinese media and social media reports went so far as to suggest an impending American civil war fueled by Texas's actions and the federal government's response. Misinformation subsequently proliferated, with claims that Texas had officially declared a bid to secede from the United States.

Popular Chinese media outlets and social media platforms depicted the situation in Texas as the cause of widespread social unrest across the United States.¹⁹ These reports zeroed in on the political standoff between President Joe Biden and Texas Governor Greg Abbott. Abbott's Operation Lone Star, which included installing significant lengths of razor wire barriers and other measures to deter illegal crossings, was portrayed by Chinese sources as a militant action against the federal government.

This narrative took hold on Chinese social media platforms like Weibo, where posts under the hashtag #TexasDeclaresAStateOfWar circulated widely, with influential users claiming that Texas was gearing up for a military confrontation with federal authorities.²⁰ One viral post showed the Texas Military Department allegedly flying a flag with the slogan "Come and Take It," symbolizing defiance and stoking fears of an armed internal conflict.²¹ Adding to the chaos, unverified Chinese social media posts detailed alleged scenes of U.S. farmers rallying against the federal government. A notable post by a Chinese influencer claimed, "The People's Republic of Texas will most likely be founded!" while another popular Chinese influencer suggested that "the U.S. federal military and the Texas National Guard met on the battlefield," with extensive military support purportedly flowing into Texas.²²

Examples of Chinese social media postings:

¹⁹ Erin Burnett, "Chinese media seized on US tensions to float false 'civil war' theories," CNN, February 8, 2024. (<https://www.cnn.com/videos/world/2024/02/08/china-media-us-disinformation-pkx-clipav-whoforyou.cnn>). Tiffany Hsu, "Chinese Influence Campaign Pushes Divisiveness Before U.S. Election, Study Says," The New York Times, February 15, 2024. (<https://www.nytimes.com/2024/02/15/us/politics/media/chinese-influence-campaign-divisive-elections.html>). Rachel Dobkin, "Chinese State Media Issues Warning on 'Disastrous' Conflict With US," Newsweek, March 7, 2024. (<https://www.newsweek.com/chinese-state-media-issues-warning-disastrous-conflict-us-1877061>).

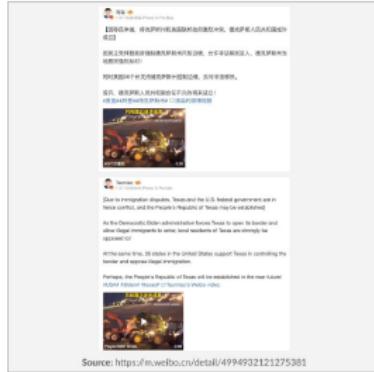
²⁰ Michael McCormay, "China's Internet Reacts to Texas and US Federal Government 'State of War,'" Newsweek, January 30, 2024. (<https://www.newsweek.com/china-reacts-texas-us-federal-government-state-of-war-1865112>).

²¹ Kerry Allen, "Misinformation spreads in China on 'civil war' in Texas," BBC (UK), February 2, 2024. (<https://www.bbc.com/news/world-us-canada-65185317>).

²² Wei-Ping Li, "The imagined American Civil War – How was the disinformation about the Texas border standoff started, escalated, and amplified by Russian, Chinese, and Taiwanese propagators?" Taiwan FactCheck Center, March 18, 2024. (<https://tfc.taiwan.org.tw/articles/10398>)

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A screenshot of a Weibo post *falsely* claiming that farmer tractors gathered on the Texaz-Mexican border to protest people who entered the U.S.-Mexico border illegally.



A screenshot of a Chinese post on X claiming that the situation in Texas was "horrible" and that the Rio Grande was red and full of dead bodies. The post garnered nearly half a million views.

As the fabricated narrative of a looming civil war took root, Chinese state media outlets like the *Global Times* described the situation as an "armed confrontation" (武装對峙), framing it as

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evidence of a systemic breakdown within the United States.²³ This portrayal has been regularly bolstered by international commentary in Chinese-controlled media outlets suggesting the standoff is a sign of the United States' diminishing global influence. Moreover, the theme of an internal American conflict has been recurrently exploited in domestic Chinese media narratives. These narratives are carefully curated to amplify perceived divisions within the United States, thus serving as a powerful counter-narrative in response to Western critiques of China's domestic and foreign policies.



Global Times political cartoon, 2024. Source: [BBC](#)

Such disinformation is not just aimed at domestic glorification of China's stability but is also intended as a strategic countermeasure to international criticism of Chinese malign activity. By highlighting political and social unrest within the United States, Chinese media attempts to deflect attention from its own contentious behavior, such as the persecution of ethnic minorities and its ongoing territorial disputes with India, the Philippines, and Taiwan. This approach is indicative of a broader tactic employed by the Chinese government: utilizing real-time international events to reinforce its geopolitical stances and to undermine the moral authority of Western nations, particularly when they challenge China on issues of human rights and democratic values.

Section IV: Challenges and Opportunities

The U.S.-Mexico border issue presents a complex challenge compounded by an unprecedented increase in Chinese nationals seeking to illegally enter the United States. This surge presents significant vetting difficulties due to insufficient background checks and the rapid pace of arrivals, complicating the understanding of these individuals' intentions and affiliations. Furthermore, major gaps in information about undocumented entrants — who often use false documents — hinder efforts to accurately identify these people. These challenges underscore the need for a comprehensive and strategic response that not only enhances security but also ensures the humane treatment of all individuals arriving at the border.

To effectively address the challenges at the U.S.-Mexico border, U.S. policymakers must consider a range of strategic opportunities that can enhance security measures while ensuring the

²³ "贵州与美联邦政府陷入武装对峙，副州长警告拜登：别惹得州！[Texas and the U.S. federal government are locked in an armed confrontation. The lieutenant governor warned Biden: Don't mess with Texas!]," *Global Times*, January 29, 2024. (<https://www.cctv.com/2024/01/29/ARTIMzLZHmzVNDIOnjzsfE240129.shtml>)

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humane treatment of migrants. These opportunities are designed to provide comprehensive solutions through enhanced protections, improved resources, and international cooperation.

- **Creation of a Specialized Task Force:** Establish a dedicated task force within the Department of Homeland Security focused specifically on addressing the challenges posed by Chinese migrants. This unit would integrate intelligence from various agencies to proactively identify and disrupt smuggling operations linked to China. Additionally, it would develop targeted outreach programs for Chinese communities, both domestically and internationally, to educate about legal immigration pathways and the risks associated with smuggling networks.
- **Enhanced Border Protections and Screening:** Upgrade screening technologies at border points with advanced biometric systems and improve data-sharing with international partners to better track and vet Chinese migrants before they arrive. This initiative would also include training border agents to effectively use these technologies to identify falsified documents and other signs of illicit entry attempts.
- **Neutralizing Criminal Syndicates and Trafficking Networks:** Enhance cooperation between U.S. law enforcement and international agencies to dismantle transnational criminal networks facilitating smuggling and human trafficking operations, with a particular focus on those exploiting Chinese nationals. Additional efforts will be needed to augment existing undercover operations and the use of cybersecurity measures to infiltrate and disrupt online platforms used for organizing and financing these activities.
- **Comprehensive Resource Allocation:** Increase resources for border personnel, intelligence, and Department of Homeland Security officials to develop deeper insights into Chinese smuggling operations. This should include funding for specialized training and technology to detect and disrupt these networks effectively.
- **International Collaboration:** Strengthening collaborations with officials in key transit countries, like Ecuador, to counteract smuggling operations at their source. This includes sharing intelligence, conducting joint operations, and deepening capacity-building initiatives to enhance local enforcement capabilities. Such efforts should focus on fostering bilateral agreements that facilitate faster response times and shared resources in critical situations.
- **Clear Messaging to Potential Migrants:** Developing clear, accessible communications in Chinese about the legal and personal risks of unauthorized border crossing and the realities of U.S. immigration policies. These messages should be distributed through Chinese social media, international broadcasting, and collaborations with community leaders within Chinese migrant populations to ensure they reach the intended audience effectively.

On behalf of the Foundation for Defense of Democracies, I thank you for inviting me to testify.

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Chairman BISHOP. Thank you, Mr. Singleton.
 I now recognize Dr. Oyen for 5 minutes for an opening statement.

STATEMENT OF MEREDITH OYEN, PH.D., ASSOCIATE PROFESSOR, DEPARTMENT OF HISTORY, UNIVERSITY OF MARYLAND, BALTIMORE COUNTY

Ms. OYEN. Thank you, Chairman Bishop, Ranking Member Ivey, and the Members of the subcommittee for the invitation to share some historical context to the current increased levels of Chinese immigration. My name is Meredith Oyen, I am an associate pro-

fessor of history at the University of Maryland, Baltimore County, as well as the director of the Asian Studies program there.

My research centers on the role that migrants play in the relationship between the United States and China with particular focus on the period since the founding of the People's Republic in 1949. Recent Chinese history does provide some explanations for the demographics in increased numbers of Chinese migrants on the Southern Border.

Motivations for Chinese migrants crossing the Southern Border include the slowing Chinese economy and tightening political control under President Xi Jinping. The pandemic and China's lengthy zero-COVID policy had important effects on the Chinese national economy that led to slower growth and increased discontent.

Migrants who have talked and been interviewed at the border have cited the difficulty finding jobs and the impact of the pandemic on small business. Migrants also cite the tightening political control by President Xi Jinping that has led to political repression, police visits after making statements critical of the CCP or Chinese government, and a lack of freedom as reasons for leaving China.

Specifically in the last decade, increasing persecution of Chinese Christians and Muslims, along with limitations on the exercise of their faith, has led some Chinese to leave the country.

The crackdowns against protests in Hong Kong and the new national security law implemented in 2020 has also led to the flight of former Hong Kong residents.

The end of the zero-COVID policy in December 2022 permitted more Chinese nationals to travel abroad than had been able to since the beginning of the pandemic. Modern information sharing through social media and on-line platforms has provided information about crossing the U.S. Southern Border.

As the number of people who cross successfully into the United States increase and they share their experiences, more individuals looking for a viable path follow in their footsteps.

Recent reports have highlighted the demographics of the Chinese migrants. I wanted to add that before 1965 migration to the United States was dominated by men traveling alone. This was a result of the Page Act of 1875 which curtailed the migration of women and cultural traditions in China that made the international migration a risk only undertaken by men.

More recently, unauthorized Chinese migration through container shipping, such as the Golden Venture incident that made headlines in the 1990's, was also dominated by men traveling alone. Like their predecessors, these men were not necessarily single, but they were traveling solo hoping to pave the way for families that followed.

Chinese immigrants, especially unauthorized immigrants, have long fallen under suspicion of having dangerous motives or being potential spies for a hostile foreign power. The Chinese became the first and only nation to be singled out in U.S. immigration law with the 1882 Chinese Exclusion Act.

The anti-Chinese movement that precipitated the act cited Chinese migration as a unique threat to the United States. These fears led to extreme violence against Chinese immigrants, including mob violence and the burning of Chinatowns.

After 1949, Chinese nationals in the United States and visa applicants in Hong Kong faced suspicion and harassment from U.S. authorities concerned about the national security risk they posed. U.S. Counsel Everett Drumright warned that the history of unauthorized entry and particularly the history of lying about identities and lying about their background information meant the entire population was rife for opportunities for spying for the newly Communist government.

The search for spies among Chinese immigrants and the Chinese American community had a chilling effect, and the community in the United States had and faced increased harassment and discrimination with no real evidence of spying being found.

During the 1990's, Taiwanese-American scientist Wen Ho Lee was arrested and held for over a year over espionage charges that never had enough clear evidence of a crime to bring charges against him. During the COVID pandemic there were many documented instances of suspicion, harassment, and violence against Chinese Americans as their race and ethnicity became associated with the source of the pandemic that caused such significant economic and personal harm.

Historically, there have been many examples of a impact of suspicion, broad suspicion targeted specifically at Chinese Americans that have had detrimental effects for the community that is otherwise a very productive and useful community in the United States. Thank you.

[The prepared statement of Ms. Oyen follows:]

PREPARED STATEMENT OF MEREDITH OYEN

THURSDAY, MAY 14, 2024, 2 O'CLOCK PM ET

Thank you to the subcommittee for the invitation to share my knowledge of this situation. My name is Meredith Oyen. I am an associate professor of history at the University of Maryland, Baltimore County. At UMBC, I am also the director of the Asian Studies Program. My research centers on the role that migrants play in the relationship between the United States and China, with particular focus on the period since the founding of the People's Republic of China in 1949. Today I am happy to be here to offer some historical context for the issue of Chinese nationals crossing into the United States on the Southern Border, a topic I have recently written about for the on-line publication *The Conversation*.¹

As with many other nationalities, there is a long history of unauthorized Chinese migrants coming to the United States. What has drawn significant attention recently is the extent to which this migration is coming over the Southern Border, and coming via a route that begins in South America and continues through the Darien Gap. This route for entry into the United States is dangerous for the migrants undertaking it. But in 2023 there was a marked increase in the numbers of Chinese nationals coming this way. In this statement, I hope to address some of the reasons for this increase, as well as offer some context for it in the larger patterns of Chinese migration.

According to Pew Research, as of 2021 there were approximately 375,000 unauthorized Chinese immigrants in the United States.² That is a small percentage of the more than 5 million ethnic Chinese who reside in the United States. The most common paths for unauthorized Chinese immigrants to enter the United States in recent decades has been by overstaying a lawful tourist, business, or student visa.

¹ "Chinese Migration to US is Nothing New—But the Reasons for Recent Surge at Southern Border Are," *The Conversation* (March 11, 2024), <https://theconversation.com/chinese-migration-to-us-is-nothing-new-but-the-reasons-for-recent-surge-at-southern-border-are-223530>.

² Jeffrey S. Passel and Jens Manuel Krogstad, "What we know about unauthorized immigrants living in the U.S.," Pew Research Center (Nov. 16, 2023), [https://www.pewresearch.org/short-reads/2023/11/16/what-we-know-about-unauthorized-immigrants-living-in-the-us/#text=The%20largest%20increases%20were%20from,India%20\(725%2C000\).](https://www.pewresearch.org/short-reads/2023/11/16/what-we-know-about-unauthorized-immigrants-living-in-the-us/#text=The%20largest%20increases%20were%20from,India%20(725%2C000).)

Visa approval rates for Chinese nationals applying to visit the United States temporarily have been high in recent decades.³

For some migrants, however, the wait for a visa can be long, or the outcome uncertain. In these cases, there is a clear upward trend of Chinese nationals following many other nationalities in making use of the established routes through the Americas to reach the Southern Border of the United States.

Based on recent media reports, motivations for Chinese migrants crossing the Southern Border include the slowing Chinese economy and tightening political control under President Xi Jinping. The pandemic and China's lengthy "Zero-Covid" policy had important effects on the Chinese national economy that has led to slower growth and increased.⁴ Migrants who have talked to reporters at the border have cited the difficulty finding jobs and the impact of the pandemic on small businesses.⁵ The tightening political control by President Xi Jinping is visible both through the unprecedented third term for Xi as Party Secretary that was decided in the Twentieth Party Congress in October 2022 as well as the recent sessions of the National People's Congress.⁶ Migrants often cite political repression, police visits after making critical statements of the CCP or Chinese government, and a lack of freedom as reasons for leaving China.⁷

The trip to the United States via the Southern Border is expensive for Chinese migrants. They must pay for air travel, often routing through countries like Thailand, Turkey, and Ecuador that do not require Chinese nationals to obtain visas prior to arrival.⁸ The trip often also involves paying local cartels or people smugglers known as "snakeheads" to arrange for safe passage through the Darien Gap and/or to an entry point on the Southern U.S. Border.⁹ As a result, many of the migrants apprehended in the last year have come from China's expansive middle class.

Though Chinese migrants have long come to the United States, the growth in numbers on the Southern Border particularly is unusual, and the timing has raised questions about the reasons for the sudden increase. There are several reasonable explanations for why the numbers might have increased when they did. The first is the end of the Zero-Covid policy in 2022, which permitted more Chinese nationals to travel abroad than had been able to since the beginning of the pandemic. Online discussions have referred to "runxue" or "run philosophy" as a way of talking about emigrating from China after harsh lockdowns in 2022.¹⁰ The decision to undertake this route is also a product of modern information sharing through social media and on-line platforms. Many migrants who felt an urgency to leave China cited videos on the Chinese version of TikTok called Douyin, or on TikTok itself, as well as other social media outlets, as having provided the information they needed

³In fiscal year 2023 a total of 417,008 Nonimmigrant Visas were issued to nationals from China. In the same year, the B visa refusal rate was at 26.62 percent, down from fiscal year 2022 and the fiscal year 2021 spike of 79.09 percent. That said, the current refusal rate is much higher than it was a decade prior, when it was 8.5 percent in fiscal year 2023. See *Visa Waiver Program Refusal Data at U.S. Department of State—Bureau of Consular Affairs*, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics/nonimmigrant-b-visa-adjusted-refusal-rates-by-nationality.html>.

⁴Elaine Kurtenbach and Zen Soo, "China's Economy is forecast to slow sharply in 2024, the World Bank says, calling recovery 'fragile,'" AP (Dec. 14, 2023), <https://apnews.com/article/china-economy-property-adb-791934f7fb83de455e8f8aa7178b628>; Haizheng Li and Xiangyuan Li, "The Covid-19 Pandemic's Impact on the Chinese Economy," *China Currents* 22.1 (2023), <https://www.chinacenter.net/2023/china-currents/22-1/the-covid-19-pandemic-s-impact-on-the-chinese-economy/#:~:text=The%20unprecedented%20pandemic%20hindered%20consumer,dropped%20into%20the%203%25%20range>.

⁵Sharyn Alfonsi, "Chinese Migrants are the Fastest Growing Group Crossing from Mexico into U.S. at Southern Border," CBS News (Feb. 4, 2024), <https://www.cbsnews.com/news/chinese-migrants-fastest-growing-group-us-mexico-border-60-minutes-transcript/>.

⁶Simone McCarthy, "'Two Sessions': China scraps a decades-long political tradition as Xi tightens control amid economic woes," CNN (Mar. 4, 2024), <https://www.cnn.com/2024/03/04/china/china-two-sessions-xi-jinping-economic-challenges-intl-hnk/index.html>.

⁷Eileen Sullivan, "Growing Numbers of Chinese Migrants Are Crossing the Southern Border," *New York Times* (Nov. 23, 2023), <https://www.nytimes.com/2023/11/24/us/politics/china-migrants-us-border.html>.

⁸"Which Countries can Chinese passport holders visit without a Visa?" Reuters (Jan. 29, 2024), <https://www.reuters.com/world/china/which-countries-can-chinese-passport-holders-visit-without-visa-2024-01-29/>.

⁹Maryann Martinez, "Chinese 'Snakehead' Gangs Are Working With the Cartel to Bring Migrants into the U.S.—As Others Walk in Legally with Help of CBP One App," *The Daily Mail* (Feb. 24, 2024), <https://www.dailymail.co.uk/news/us-border-crisis/article-13141787/chinese-migrants-snakeheads-gangs-cartel-flights-border.html>.

¹⁰Vincent Ni, "'Run Philosophy': The Chinese Citizens Seeking to Leave Amid Covid Uncertainty," *The Guardian* (Jul. 20, 2022), <https://www.theguardian.com/world/2022/jul/20/run-philosophy-the-chinese-citizens-seeking-to-leave-amid-covid-uncertainty>.

to undertake the journey.¹¹ As the number of people who cross successfully into the United States increases and they share their experiences, more individuals looking for a viable path follow in their footsteps.

A further motivation comes from the fact that Chinese nationals who enter the United States and apply for asylum have also been more successful than many other nationalities, given the valid concerns they express about political repression or the lack of freedom to practice Christianity in China.¹² The lack of cooperation between the United States and China on effecting deportations—something that was endemic to the relationship in the 1950's through 1970's and has ebbed and flowed in the years since—has ensured that even those not granted the right to remain in the United States would not be able to be returned to China. That situation is starting to change, and as deportations increase, they might begin to affect the numbers of people arriving.¹³

Recent reports have highlighted the demographics of the Chinese migrants. Most of the unauthorized migrants crossing the Southern Border have been single adults traveling alone, and although public statistics do not account for gender, many who have been interviewed have been men. This is one area in which knowledge of history and culture can provide some reassurance. Before 1965, migration to the United States was dominated by men traveling alone. Very often they have not been single men, but men with families who travel first, undertaking the greater dangers of the trip with the hope of bringing family members to join them once established. This pattern was established in the earliest days of Chinese migration to the United States beginning in the 1850's:

"Chinese American communities were predominately made up of men—more than half of them married—during the late nineteenth and early twentieth centuries . . . Chinese women did immigrate to the United States, but their numbers were small. During the nineteenth century, the traditional Chinese patriarchal family system discouraged and even forbade 'decent' women from traveling abroad. The harsh living conditions in California, high levels of anti-Chinese violence, expensive transpacific transportation, and the lack of available jobs for women were also factors that discouraged Chinese women from immigrating."¹⁴

Since the 1965 Immigration and Nationality Act did away with National Origins quotas and gave preference to family reunification and skill-based visas, legal migration from China has skewed female, with the result of the overall demographics of Chinese immigrants in the United States trending majority female.¹⁵

However, just as in the earliest periods of migration, dangerous routes for unauthorized migrants are dominated by men. In the 1990's there were many concerns about unauthorized Chinese migrants arriving in the United States after being smuggled into U.S. ports via shipping containers on cargo ships. In 1993, the cargo ship *The Golden Venture* ran aground outside the Port of New York, and 286 undocumented migrants from China's Fujian Province who had been aboard were discovered, some swimming for their lives for the U.S. shore. The survivors numbered 262 men and 24 women.¹⁶ Overwhelmingly, the migrants seeking refuge in the United States after undertaking an arduous voyage to get there were men traveling alone. It would not be surprising that Chinese migrants undergoing the route through the Darien Gap to the United States would be majority male, if in fact they are.

History also demonstrates that there is precedent to fearing Chinese migrants. The Chinese became the first and only nation to be singled out in U.S. immigration law with the 1882 Chinese Exclusion Act, which banned the migration of Chinese laborers to the United States. The Exclusion Act was extended several times and made "permanent" until its ultimate repeal in 1943 in recognition of Chinese cooperation as an ally in World War Two. The Anti-Chinese Movement that precip-

¹¹ Echo Wang and Mica Rosenberg, "Migrants Find Tips on Chinese Version of TikTok for long trek to U.S.-Mexico Border," *Reuters* (Apr. 28, 2023), <https://www.reuters.com/world/migrants-find-tips-chinese-version-tiktok-long-trek-us-mexico-border-2023-04-28/>.

¹² Anugrah Kumar, "China Escalated persecution" against Christian Churches in 2022, watchdog warns," *The Christian Post* (Feb. 20, 2023), <https://www.christianpost.com/news/china-escalated-persecution-against-christian-churches-in-2022.html>.

¹³ Didi Tang, "China and U.S. Resume Cooperation on Deportation as Chinese Immigrants Rush in from Southern Border," AP News (May 9, 2024), <https://apnews.com/article/china-immigration-border-deportation-mayorkas-514f42ee56e80fe7eb7f9fc71c4d55c>.

¹⁴ Erika Lee, *The Making of Asian America: A History* (Simon & Schuster, 2015), 67.

¹⁵ Jan Ryan, "Chinese Women as Transnational Migrants: Gender and Class in Global Migration Narratives," *International Migration* 40.2 (2002): 1.

¹⁶ *Golden Venture: A Documentary About the U.S. Immigration Crisis*, (2015), <https://www.goldenventuremovie.com/facts.htm>.

itated the act cited Chinese migration as a unique threat to the United States through both the entry of a “degraded and inferior race” incompatible and unassimilable with the existing white and Western European population and the “economic danger” of migrants who worked hard and fast for lower wages than could sustain a Euro-American man.¹⁷ These fears led to extreme violence against Chinese immigrants, including mob violence and the burning of Chinatowns before the passage of the first of the acts that collectively became the Chinese Exclusion Acts.

Those acts in turn resulted in rising levels of unauthorized Chinese migration, as migrants sought ways around the discriminatory measures. During the decades of Exclusion, a black market of Chinese-American identities emerged that allowed individuals to circumvent immigration laws. Additionally, Chinese migrants during this period sometimes crossed the southern U.S. border to enter the United States.¹⁸

After the People’s Republic of China was established in 1949, direct migration between the Chinese mainland and the United States was severely curtailed until the reopening of relations in the 1970’s. During that period, though, Chinese nationals in the United States faced suspicion and harassment from U.S. authorities concerned about the national security risk they posed. Whereas Eastern European defectors were often assumed to be freedom-seeking, Chinese nationals with families still in China behind the “bamboo curtain” came under intense scrutiny. The history of unauthorized migration and forged documentation during the Exclusion Era created the impetus for FBI raids on Chinatown organizations, arrests, and harassment of Chinese migrants who did not support Chiang Kai-shek’s Republic of China regime. Sending remittances home to family was criminalized under the Trading with the Enemy Act, and Chinese scholars and scientists in the United States when the Korean War broke out came under suspicion as potential spies.¹⁹ Most famously, Chinese scientist Qian Xuesen was harassed enough to decide to return to China, despite earlier plans to remain permanently in the United States, and once returned he became an important public figure in support of Chinese leader Mao Zedong and in the development of the Silkworm missile.²⁰

Even after normalization of relations and the reopening of regular paths of immigration, Chinese migrants have been repeatedly brought under suspicion of threatening national security and economic strength for little reason other than their ethnicity. In 1982, Chinese immigrant Vincent Chin was murdered in Detroit by 2 unemployed auto workers after getting into an altercation at a bar. The men who attacked him were heard to invoke fears of Japanese economic success to the detriment of the American worker.²¹ During the 1990’s, Taiwanese American scientist Wen Ho Lee was arrested and held for over a year over espionage charges that never had enough clear evidence to try, much less convict him.²² During the Covid Pandemic, there were many documented instances of suspicion, harassment, and violence against Chinese Americans, as their race and ethnicity became associated with the source of the pandemic that caused such significant economic and personal harm.²³

Chairman BISHOP. Thank you, Dr. Oyen.

I will now recognize Mr. Bensman for 5 minutes for his opening statement.

STATEMENT OF TODD BENSMAN, NATIONAL SECURITY FELLOW, CENTER FOR IMMIGRATION STUDIES

Mr. BENSMAN. Hi. Thank you for the privilege of having me here today.

¹⁷ Lee, 89.

¹⁸ Erika Lee, “Enforcing the Borders: Chinese Exclusion along the U.S. Borders with Canada and Mexico, 1882–1924,” *Journal of American History* 89.1 (June 2002): 54–86.

¹⁹ Detailed in my book, *The Diplomacy of Migration: Transnational Lives and the Making of U.S.-China Relations in the Cold War* (Cornell University Press, 2015).

²⁰ Kavita Puri, “Qian Xuesen: The Man the US Deported—Who Then Helped China into Space,” BBC (Oct. 26, 2020), <https://www.bbc.com/news/stories-54695598>.

²¹ Harmeet Kaur, “Vincent Chin was beaten to death 40 years ago. His case is still relevant today,” CNN (Jun. 23, 2022), <https://www.cnn.com/2022/06/23/us/vincent-chin-death-40-anniversary-cec/index.html>.

²² “The Wen Ho Lee Case,” Science 290.5500 (Dec. 22, 2000), <https://www.science.org/doi/10.1126/science.290.5500.2224b>.

²³ Sungil Han, Jordan R. Riddell, and Alex R. Piquero, “Anti-Asian Hate Crimes Spike During the Early Stages of the COVID-19 Pandemic,” *Journal of Interpersonal Violence* 38.3–4 (Feb 2023), 3513–3533.

As I speak with you at this minute, Chinese nationals are illegally crossing our Southwest Border in historic numbers and preparing for their second crime, asylum fraud. They disfigure and toss their passports like this one because the stamps inside prove their holders passed through safe countries that would have granted protection. That would disqualify them for U.S. asylum.

Likewise, they discard Mexican residency cards like these all over the U.S. side and the Mexican side which the Mexicans require for them to move north because they show that Mexico already granted them protection, which is another disqualifier for asylum.

A record-smashing 50,000 Chinese nationals have crossed the Southern Border since Biden entered office and stood up policies that mainline them into interior America within 48 hours. The Chinese people responded predictably to this unprecedented invitation.

At current escalating rates, their numbers should hit 100,000 by 2024's end. All of China knows they will be freed on personal recognition for years and likely remain permanently.

This administration tolerates mass illegal entry and asylum fraud, but we are here today because the administration seems equally accommodating to a direct national security threat this human flow poses. That would be China's relentless economic and political espionage campaigns, thievery of cutting-edge defense technologies, and dissident suppression operations against our citizens and legal residents.

To be sure, most of those 50,000 Chinese nationals are merely coming to work and enjoy America's famed lifestyle, but there can be little doubt that Beijing's spy masters also noticed right away when a welcome wagon greeted the first of its 50,000 citizens that America's new President had just opened a new superhighway over the U.S. Southwest Border, tailor-built to carry intelligence operatives.

U.S. counterintelligence agencies must assume Beijing is already injecting agents into this flow. Recent spy prosecutions in the U.S. and public intelligence community assessments tell us this threat is not speculative. The prosecutions revealed young 20-something agents got in by exploiting U.S. student and cultural exchange visas.

They heisted our secrets from inside and elite U.S. universities, research institutes, and corporations. It follows that the prosecutions put heat on legal visa abuses and drove up the risk of detection to China. Just when an alternative way to get its operatives in, the Biden government handed China the golden ticket, warm greetings at the border and rapid releases with almost no questions asked.

The U.S. intelligence community's own assessments tell us what is in store. China will remain the most aggressive espionage actor on U.S. soil and has big plans. Biden's own 2024 DHS threat assessment predicts much more than rapacious economic espionage. It says the CCP operatives will hunt down dissidents in America and will use "physical assault, threats, harassment, defamation, and kidnapping out of country," read rendition, to "suppress oppositional voices."

Almost unbelievably, Beijing already has established inside the United States what the DHS assessment called police stations from which CCP operatives surveil and harass dissidents. About those 50,000 nonspy, economic migrants can they all be regarded as entirely benevolent, asylum fraud aside? They are fodder for coerced recruitment by China.

Office of Director of National Intelligence assessments 2023 and 2024 say China is going to “pressure families back home to recruit Chinese abroad as informants and operatives.” As if quick releases after border crossings were not golden ticket enough, the Biden administration gifted the Chinese intelligence an especially sparkling new policy. Washington ordered Border Patrol to reduce the number of interview questions for incoming Chinese nationals from 40 to just 5, the *Daily Caller* has reported.

Why? To move them into the country even faster, including those who tossed their identity documents and might as well have given their names as Mickey Mouse. Reporting indicates they have all learned to easily defeat the 5 questions and be shown the entrance door to America, which makes them all strangers, just the way Beijing’s spy masters wanted. Thank you.

[The prepared statement of Mr. Bensman follows:]

Testimony of Todd Bensman

Senior Fellow, Center for Immigration Studies; Former Manager, Counterterrorism
Intelligence Texas Department of Public Safety Intelligence and Counterterrorism
Division

To the Subcommittee on Oversight, Investigations and Accountability
United States House of Representatives
House Homeland Security Committee

For a Hearing Regarding
"Chinese Immigration Over the U.S. Southwest Border"
May 16, 2024
2:00 p.m.
Rayburn House Office Building
Washington, DC 20515



U.S.-bound Chinese national in Reynosa, Mexico. 2023 photo by Todd Bensman

Chairman Bishop, Ranking Member Ivey, and members of the subcommittee, thank you for the opportunity to testify and for holding this hearing about unprecedented torrent of illegal immigration over the U.S. Southwest Land Border from nations adversarial to the United States, particularly the Communist Party-led People's Republic of China.

Before President Joe Biden's January 2021 inauguration, illicit travel from China usually amounted to single digits per month, in 2019 and 2020, by five, seven or a couple of dozen apprehended in any given month. About 991 were encountered in 2018, 2,060 in 2019 before Covid, and 323 for all of 2020.¹

But in the three years since the president's inauguration ending in March 2024, DHS's alluring quick-release policies resulted in more than 50,000 Border Patrol encounters with Chinese nationals, at escalating monthly rates surpassing 4,500 and reaching nearly 6,000 during calendar year 2024.² More Chinese nationals are now crossing the Southwest border near San Diego than Mexican nationals.³

Of those 50,000 Chinese immigrants who crossed illegally, more than 43,000 were classified as single adults. Most preferred entering from Mexico's Baja State into California, about 35,000, with Texas crossings a distant second.

The initial catalyst for all of this was a Biden DHS policy that exempted them (and many other nationalities) from a Trump-era Covid-19 measure that required Border Patrol to quickly expel them back into Mexico and, instead, quickly released them into the American interior with "notices to report" or "notices to appear."⁴

This quick-release policy almost immediately stimulated historic volumes of all nationalities to invest in journeys to the American land border, the most by far in U.S. history.

The ad hoc, honor-system release arrangement asked Chinese immigrants, and all other immigrants who received it, to voluntarily report later to Immigration and Customs Enforcement (ICE) offices in the city of their resettlement choice after they are served with a "Notice to Appear (NTA), the charging document in removal proceedings that often lead to defensive asylum petitions.

The appointments with ICE, however, became so severely backlogged in the months after the inauguration that appointment wait lists stretched for as long as

10 years, a highly desirable additional beacon for distant aspiring immigrants who knew the American government would grant them permission to work during their long waits.⁵

To date, little credible evidence supports some theories that the People's Liberation Army (PLA) has engineered or "weaponized" all this flow to cloak a command and controlled insertion of "military-aged" plain-clothed army over the U.S. border among the economic immigrants to await future sabotage and attack orders from Beijing.⁶

Instead, most Chinese border crossers are economic opportunists lured to come now because Biden DHS policies guaranteed an upgrade to the internationally storied American lifestyle, an ability to send money home to family, and to escape Chinese Communist Party (CCP) governance.

These lifestyle-upgrade immigrants are not, however, entirely benign. Throughout the borderlands can be found ample evidence of their fraud, deceit, and disrespect for U.S. law in the form of discarded and destroyed personal identity documents. These attest to intentions to defraud the U.S. asylum system so they can gain permission to stay permanently in America on false pretenses that they could find no other safe place after departing China, as will be described in more detail below.

While this sort of mendacity falls short of a national-security threat, one is almost certainly afoot in the flow.

An established pattern of Chinese espionage prosecutions in the United States in recent years— and current unclassified public intelligence community threat assessments predicting more such espionage – points to a high probability that the CCP sees the Southwest border as a new, wide-open avenue of approach through which to infiltrate its spies and intelligence operatives with far lower risks of detection than the traditional use of legal visas.

And has done so. None have yet been discovered as of this date, but the CCP has almost certainly sent agents of espionage over the border and has co-opted others who crossed and will continue to do so for as long as the U.S. government rewards the effort with quick releases into the interior for years-long stays that are, essentially, permanent.

U.S. policies that enable the threat



Discarded Chinese passports found at the Mexico-California border in San Diego County by local resident Cory Gautereaux

In addition to quick releases into the U.S. interior with work authorization, the Biden DHS also implemented other highly desirable policies that, collectively, acted as security guarantees for expensive investments in intercontinental journeys that aspiring immigrants likely would not previously have gambled.

The administration reversed a prior administration return-to-Mexico policy that had deterred Chinese immigrants from making large travel investments. It sharply pared back, to historically low levels, the use of statutorily required detention and interior deportations.⁷

If the broader world of aspiring immigrants learned of these policies and responded with investments for illicit journeys, responsible Chinese intelligence officials also viewed them as advantageous.

Perhaps none of the policies would have pleased Chinese intelligence officials more than a Biden specific policy almost tailor-made for sending in agents at low detection risk.

In April 2023, the Biden DHS drastically reduced the robustness of vetting processes for Chinese illegal immigrants after they crossed the border, *The Daily Caller* reported based on a leaked Border Patrol "headquarters guidance."⁸

Prior to the new guidance, Border Patrol agents might spend hours running a single Chinese illegal immigrant through 40 prepared questions designed to discern indicators of ties to the CCP or PLA. Positive findings would produce referrals for more in-depth interviews with the Border Patrol's Tactical Terrorism Response Team and possibly then to the FBI.

But the 40 questions were slowing releases for overwhelming numbers of immigrants who were then pouring in from all over the world to take advantage of the quick-release policies. The new headquarters guidance, accordingly, instructed Border Patrol agents to reduce the questions to just five. Did the immigrant serve in the Chinese military, attend CCP-operated universities, and belong to a political party?

But while the question culling may have fast-tracked the releases, newly arriving Chinese illegal immigrants, spies no doubt among them, learned to easily defeat the questions and make detection of problematic individuals just about impossible, according to J.J. Carrell, a retired CBP deputy patrol agent in charge, in the Daily Caller report.

With all these policies in place, Chinese leadership could not help but divine the ripest possible opportunities to bulk up its expanding espionage programs with a labor force of well-trained paid government operatives, and also of economic immigrants who would be subject later to coerced government cooperation. Any agents of espionage could now cross over the Southwest border at far less risk of detection than if they were to use the legal visa routes.

Immigrants of many other nationalities also are irresistibly drawn by these same policies and pose various distinct threats to U.S. national interests and security, such as 340 apprehended suspected Islamic terrorists who were on the FBI's terrorism watch list from 2021 to March 2024. The policies render the border vulnerable to crossings by human rights abusers might seek anonymous haven from prosecution, and organized crime operatives seeking new opportunities in America.⁹

But the question of adversarial spies entering via illegal border crossings is rarely part of much serious bipartisan public debate about the potential causal relationship between these policies and the espionage threat from adversarial nations.

The China spy threat

Many border-crossing illegal aliens hail from adversarial nation-states like Iran, Russia, Venezuela, Cuba and Nicaragua, whose governments naturally would want to exploit this historically unprecedented period of border openness to insert terrorist or intelligence operatives.

It is into this category of adversaries that China falls because of its long public record, as revealed in court prosecutions, of inserting bright, young military intelligence operatives – who attended China’s military-controlled universities or had served China’s military – into elite American universities and research institutes to steal cutting edge technology and to conduct other damaging economic espionage operations.¹⁰ The CCP inserted these operatives by having them exploit lax vetting processes for legal U.S. visas. Once those visas were in hand, the operatives flew with permission into American airports with orders to exfiltrate stolen corporate trade secrets and sensitive military-use technology and research.¹¹

We know much about these operations because, in recent years, the FBI has prosecuted dozens of China’s People’s Liberation Army (PLA) spies who found this unguarded path through America’s largely self-babysitting cultural exchange and student visa programs.¹²

One of many emblematic examples was 27-year-old Chinese national Ji Chaoqun, now convicted in 2022 and sentenced in 2023 for acting in an espionage capacity as an unregistered foreign agent. Chaoqun came to Chicago on an F-1 student visa in 2013 to study electrical engineering at the Illinois Institute of Technology.¹³ He eventually enlisted in the U.S. Army Reserve under the Military Accessions Vital to the National Interest (MAVNI), a program that allows certain nonimmigrants to enlist and gain immigrant status and eventual citizenship.

Chaoqun used his access to the Illinois school and U.S. military to clandestinely feed sensitive U.S. defense information, along with information identifying other Chinese nationals ripe for potential recruitment, to China’s Ministry of State Security Chinese intelligence services, prosecutors alleged in a 2018 indictment. The FBI investigation showed he worked undercover from at least August 28, 2013, to about September 2018 providing to Chinese intelligence background

check information on eight Chinese-American citizens for potential recruitment as spies, among them U.S. defense contractors.¹⁴

Separately from stealing defense-related intelligence, Chinese political repression operations have targeted perceived CCP opponents inside the United States in criminal ways.

Recent published U.S. intelligence community threat assessments predict that China will not only continue these operations but also expand them in coming years. If they are correct, the operational expansions will require a bigger labor force of operatives.

Regardless of how Chinese operatives gain their entry into the United States – the intelligence community assessments do not address entry methods – the United States regards China as a clear strategic rival and adversary that plans to deploy agents of espionage, political influence, and dissident suppression operations inside the homeland in the coming years, one way or another. And find others already here that Chinese intelligence agencies can recruit by carrot or stick.

The Biden administration's own DHS Homeland Threat Assessment for 2024, for instance, calls China "the most aggressive actor" in U.S.-based espionage operations. It says China "will likely continue" to "employ economic espionage" to exfiltrate protected competitive technologies from American corporations and steal useful intellectual property from U.S. research institutes and universities.

But the DHS assessment also describes other disturbing Chinese agendas for which that country will need higher numbers of trusted or coerced operatives inside the United States.¹⁵

The Chinese government, for instance, will find and "repress" anti-regime opponents living and speaking out in America. To accomplish this mission, Chinese operatives will use "physical assault, threats, harassment and defamation, rendition" – kidnapping out of the country – "to suppress oppositional voices," the threat assessment continues.¹⁶

"Beijing has used a small number of secret, unsanctioned 'police stations' inside the United States to identify, monitor, and harass dissidents," according to the 2024 assessment.¹⁷ "Its global 'Operation Fox Hunt' has sought the extradition of

Chinese dissidents under false legal pretenses" so they can be kidnapped and dealt with.

Likewise, the Office of the Director of National Intelligence (ODNI) predicted in its 2023 assessment that China would pressure perceived political opponents in the United States to come on board with its programs.¹⁸ The ODNI's most recent March 2024 assessment also sees a concerted Chinese expansion of its growing agenda of nefarious activity that includes monitoring political security targets abroad.¹⁹

"China will continue to expand its global intelligence posture to advance the CCP's ambitions, challenge U.S. national security and global influence, quell perceived regime threats worldwide, and steal trade secrets," the report concluded.

"Officials of the PRC intelligence services will...expand their use of monitoring, data collection, and advanced analytic capabilities against political security targets beyond China's borders."²⁰

China does not shy away from using coercive measures to recruit otherwise disloyal or disinclined Chinese nationals as informants and operatives. In coercing "volunteers" into its informant's stable, China's intelligence operatives would find plenty of prospects among the 50,000 young economic immigrants who have already entered the United States illegally from Mexico.

"As part of efforts to stifle anti-Beijing criticism, the PRC monitors overseas Chinese students for dissident views, mobilizes Chinese student associations to conduct activities on behalf of Beijing and influences research by U.S. academics and think tank experts," the 2023 assessment stated, in part.

The CCP can muscle cooperation from Chinese nationals who are in the United States on approved visas by threatening to deny or cancel those visas, blocking access to China's archives and resources, and disrupting or withdrawing funding for exchange programs, the ODNI report states.

But one method is mentioned that could be handily used to recruit the recent Chinese border crossers as informants and state thieves.

The ODNI report noted that it could recruit in the United States by "pressuring family members in China."

The report offers no details as to what forms of coercion such “pressuring” would take. But good guessing requires little imagination.

No objective observer of the current laxity in U.S. border enforcement could reasonably discount the all-but-confirmed certainty that China’s intelligence services have discerned, perhaps even gleefully, that the border is an ideal gateway, given that 50,000 of its citizens easily gained unfettered entry at the U.S. border.

For one thing, the Chinese government must provide exit stamps to all citizens who travel abroad, whether for tourism, business, or education, and can track required reentry stamps upon their return.

Yet the Chinese government continues to provide passport exit stamps despite obvious U.S. and international reports about escalating numbers of Chinese crossing the U.S.-Mexico border, which Beijing could not possibly have missed. Would China keep stamping passports as cloaking for placing espionage and political suppression operatives? The answer is, of course, yes.



A Chinese exit stamp found in a discarded China passport in San Diego County, California.
Source:

Unusual dispositions of Chinese immigrants feed both probable and less probable threat scenarios

It is easy to understand how unsupported and improbable theories could arise that the CCP is infiltrating a clandestine, plain-clothed army into the United States over its Southwest border. While the army-infiltration scenario seems unlikely, it is more likely that a relative few espionage agents would blend in among the regular Chinese economic migrants and to avoid detection for years. In this they would find as useful broader characteristics about Chinese immigrants that – eventually – would ease their eventual gravitation into positions of intelligence value at American universities, research institutes, corporations, and government.

In my own encounters with them in Mexico, U.S.-bound Chinese travelers present behaviors and attributes that are highly unique compared to almost all other nationalities of people other researchers and I have encountered moving with them on the migration trails in Central America and Mexico.

For example, while most nationals show little reluctance to discuss their routes, costs, reasons for emigrating, and personal circumstances, Chinese immigrants almost never will. Universally, they seem coached to not share information or to be photographed and also in what to tell American officials much later after illegal crossings.

While other groups of nationals often include individuals of all ages and “family units,” Chinese immigrants tend to be young, fit single, educated men and women in their 20s and 30s. Many may be ideally suited to eventually work their way into research institutes, military contracting industries, and the military itself as did Ji Chaoqun with his initial student visa.

Reporters and citizen journalists who have encountered hundreds of these young Chinese adult immigrants on the Latin American routes over the past several years and tried to interview them using cell phone interpretation apps, as I have, describe them as almost universally well-educated, well-resourced, and well-dressed.

They are generally able to afford excellent equipment for occasionally necessary camping and resources to stay at higher-end hotels along the way. Many can afford air passage to countries that accept their passports, such as Mexico, to

avoid difficult stretches of trail and to reach cities in closer proximity to the U.S. border.²¹

Ben Bergquam, a politically conservative activist-journalist has traveled extensively among Chinese immigrants crossing through the roadless Darien Gap jungle passage between Colombia and Panama. He said he has spoken to hundreds and seen thousands of them.

"The Chinese all have money. There are no poor refugees coming from China," Bergquam told me. "They are all wealthy."

And as in my own experiences with them, Chinese travelers also usually refuse to answer Bergquam's questions.

"Most won't dialogue. They'll say they're from China but not much more," Bergquam told me.

Many will turn sharply away from Bergquam's photography, or even sprint away to avoid being photographed. This is highly unusual behavior compared to most immigrants on the trail. One rare English-speaking Chinese immigrant I met in Matamoros in May 2023 turned his back on me when I tried to take his photo and walked quickly away, ignoring my requests to talk to him.

The resources and shyness with strangers are not, of course, evidence of Chinese-government support for the travel. But these behaviors could just as well indicate CCP financial backing and detection-evasion training for at least some of those who would be sent for espionage purposes, who would find use in adopting these same prevailing behaviors.

Some anecdotal indicators also suggest support. Bergquam recounted that some Chinese he encountered who did speak to him told him they knew with high certainty that Chinese government agents were in the flow, although this was, of course, impossible to independently verify.

Lies along circuitous international trails

During my own experience as an intelligence analyst for the Texas Department of Public Safety between 2009 and 2018, I learned that Chinese organized crime syndicates known as "snakeheads" brought most illegal immigrants in over the border. They also coached their immigrants to never speak to strangers and to

hew closely to provided and almost perfectly identical, cookie-cutter asylum claim narratives after they came into the custody of U.S. federal agents.

Because the pathways are so heavily worn in this mass migration event over the past three-plus years, most Chinese immigrants can self-propel their routes based on mobile phone app messaging rooms brimming with credible journey information left by the thousands who have gone before.²²

They also can rely on trail information and coaching from non-governmental organizations set up and funded by the United Nations and U.S. State Department in almost every transit country from South America to Mexico to facilitate the mass migration.²³

These circumstances, of course, combine with Biden government border policies, to create an ease of entry and travel for spies just as usefully to the more common economic-lifestyle upgraders enroute to the U.S. border.

Before Chinese immigrants can tap into these routing instructions, they must first acquire a Chinese-government exit visa featuring their first lies; they will claim to Chinese customs officials that they are traveling for tourism. In 2022 and 2023, Chinese economic-lifestyle immigrants could easily pass this tourism-travel lie off because the Chinese government has allowed many millions of Chinese citizens to travel abroad for tourism annually for many years.²⁴

South America has proven a popular destination for Chinese tourism, especially the coastal nation of Ecuador, which offers the dual benefit of not requiring tourist visas for China's citizens and proximity to the Darien Gap trail between next-door Colombia and Panama.²⁵

The government of Ecuador itself offers the perfect Chinese exit visa cover story. For the past decade, the country's Ministry of Tourism has mounted advertising campaigns encouraging Chinese tourists to visit the Galapagos Islands.²⁶ They can also claim business travel to Ecuador following the 2023 conclusion of a free trade agreement with China.²⁷

Before and after arriving in Ecuador, Chinese nationals might spend between \$15,000 and \$30,000 to book their own flights, taxis, and buses for various legs of the trips, Bergquam and others who have interviewed Chinese immigrants tell me. They will hire short-distance local smugglers (also known as "coyotes") for certain

limited legs of the journey when necessary, such as in Mexico, rather than to purchase departure-to-destination smuggling packages from Chinese crime syndicates.

Bergquam has found and posted to social media video advertisements from local smuggling groups aimed at Chinese travelers, which portray those who went before as enjoying a kind of adventure vacation. But he said the Chinese government has grown more skeptical recently about claims of planned tourism in Ecuador.

Passports found abandoned on the American side of the border detail the contours of winding international journeys the Chinese more recently claim as their new tourism destinations, from which they still end up taking flights to South America and, increasingly, straight into Mexico.

These stamps show the Chinese who ended up at the U.S. border first visited Japan, Sri Lanka, the Kingdom of Bahrain and other Gulf States. Some show that Chinese nationals are flying directly into Mexico, which requires a comparatively elaborate but not unattainable tourist visa application for Chinese citizens. Other discarded trash on the California side of the Mexican border show that they can take flights directly to Tijuana just across from San Diego.



Kingdom of Bahrain passport stamp found in a discarded Chinese passport recovered at the California-Mexico border. Courtesy of San Diego resident Cory Gautreaux



Japan visa found in Chinese passport discarded at the California-Mexico border



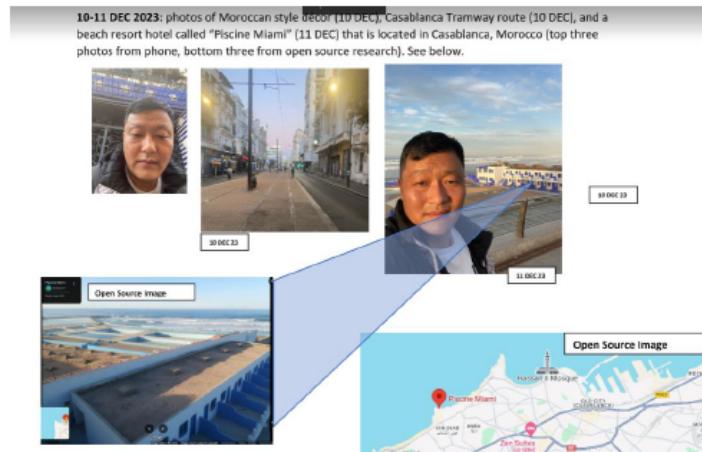
Mexico tourist visa stamp found in Chinese passport abandoned at the California-Mexico border and provided courtesy of San Diego resident Cory Gautereaux

Other evidence suggests that some Chinese border crossers travel first – but briefly – to other popular tourist destinations for Chinese, in Southeast Asia but that the “tourists” end up in Ecuador within a few days to begin their journey to the United States.

An abandoned cell phone found discarded among documents in San Diego County contained details of one such journey by a Chinese immigrant who kept meticulous track of his December 7- January 3, 2023 travels, often using "selfie" photos of himself in easy-to-identify countries along the way. Within a month of leaving China, the man was in San Diego County. Based on data within the phone, an estimated total trip cost to the Chinese immigrant ranged from \$6,000 to \$9,000, though reportedly Chinese do the entire trip for approximately \$3,500.

The phone shows the immigrant in Bangkok, Thailand on December 7; and three days later in Casablanca, Morocco.²⁸

While In Morocco, the Chinese traveler took a photo of someone else's screen listing detailed instructions in Chinese from Ecuador through Colombia and the Darien Gap into Central America, then Mexico using guides, buses and taxis for which prices are listed. These instructions directed travelers to fly from Huatulco, Mexico in Oaxaca State just northwest of the Guatemala border by roughly nine hours, directly to Tijuana across from San Diego, where most Chinese immigrants have been crossing illegally.



Compiled from recovered cell phone of Chinese illegal alien by private researcher Heather Kaiser Kent, a former U.S. Army intelligence officer of 11 years

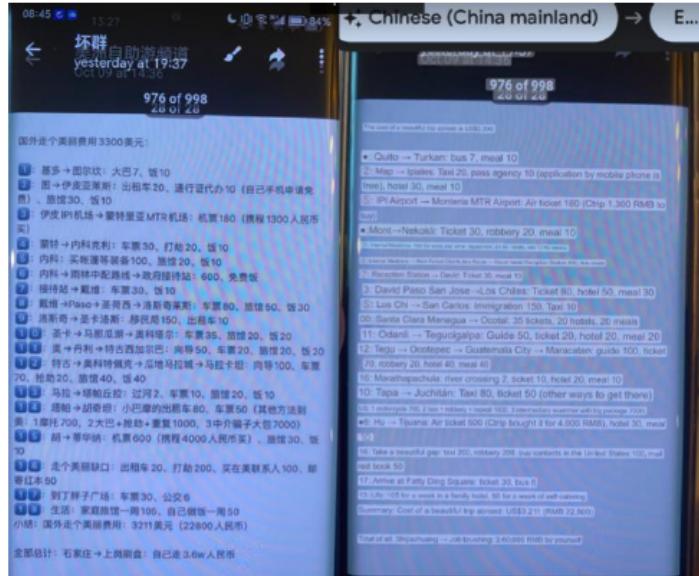


Figure 1 Compiled by independent researcher Heather Kaiser Kent, a former U.S. Army intelligence officer of 11 years

He seemed to take these instructions to heart. From Morocco on December 14, the man departed for Ecuador on an air route that took him on transit through Paris and Panama City, landing in Guayaquil, Ecuador. Then, he seemed to generally follow the plan on the screen shot of travel instructions he saved while in Morocco.

He flew to Bogota, Colombia and then traveled to a spot where he could then set out on foot through the Darien Gap on December 18. By December 23, he was through the gap and in a UN camp at San Vicente, Panama known as "China Camp."

Panamanian government buses likely transported him to the Costa Rica border. He found his way to the Nicaraguan border, where he would have had to hire

smugglers to get through Honduras and Guatemala. By January 3, he was flying from the Huatulco International Airport in southern Mexico to Tijuana and crossed illegally into an area of San Diego County called Jacumba Hot Springs, where large numbers of Chinese immigrants are known to cross. His trip across South America from Guayaquil, Ecuador to Tijuana, Mexico took roughly three weeks.

Suggestions of widespread U.S. asylum fraud by Chinese immigrants

Aside from questions about Chinese spies among them, lifestyle upgrade immigrants from China appear to routinely engage in asylum fraud, as evidenced by thousands of discarded identity documents and passports they carried over the border with them but did not want to fall into the hands of Border Patrol agents, who would log them into each immigrant's permanent record, called an "alien file (A-file)."

Chinese immigrants are hardly the only foreign nationals who destroy or abandon passports and third-country residency cards. Haitians, Venezuelans and Africans frequently attempt to destroy and abandon their cards before they meet up with Border Patrol agents, as I have frequently reported finding them on the banks of the Rio Grande.²⁹



Haitian identity cards collected in 2021 from the Rio Grande bank in Acuna, Mexico in September 2021. Photo by Todd Bensman

The main reason foreign nationals crossing illegally discard these documents is that they contain information that could and likely would compromise a future U.S. asylum claim.

Once they have crossed, the Chinese nationals present themselves to Border Patrol agents for quick processing into the United States that include stated intentions to claim "credible fear of return" to China for eventual asylum petitions based on government persecution. But U.S. adjudicators and judges often decline claims if they learn the petitioner had been living safely and securely in third

countries, or passed through them without claiming asylum there, so called “asylum shopping.” The immigrants, accordingly, try to destroy their identity documents by pulling out passport pages and burning them.

Many of the identity cards and passport stamps discarded by Chinese immigrants at the border show that they had traveled through multiple safe, asylum-granting



Destroyed identity documents recovered in San Diego near the Mexico border depicting Chinese nationals who entered illegally and did not want Border Patrol to recover them. Photos provided courtesy of San Diego resident Cory Gautereaux

countries where they could easily have sought protection, and both did so and also did not do so.

In fact, some of these discarded documents are Mexican temporary residency cards, which amounts to a Mexican asylum grant. Mexico has endeavored in recent years to require illegal immigrants entering it from Guatemala to apply for

Mexican asylum cards as a precondition to freely departing and traveling and traveling north from the southern Mexico states that border Guatemala.



A discarded but intact Mexican temporary residency card obtained in southern Mexico as a condition of northward travel, found on the California side of the Mexican border would make this Chinese citizen ineligible for US asylum if Border Patrol found and logged it.

Chinese immigrants discard these documents in preparation for lying to American authorities and destroying evidence as to where they have been so that they can eventually seek asylum in the United States, especially proof that they already had asylum in Mexico, which would have to accept their deportations.

Conclusion

Just as with the millions of other illegal immigrants, Biden administration quick-release policies have narcotically drawn unprecedented numbers of Chinese nationals to illegally cross the U.S. Southwest land border. Many will commit asylum fraud here.

But these policies also have created ideal conditions for the CCP to send spies and political agents into the United States, where they will eventually position themselves or recruit other recent crossers to carry out a clear-cut Chinese

strategic agenda to steal military-use and industrial technology or to conduct political suppression operations against Chinese-American citizens and legal residents.

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- ¹ [U.S. Border Patrol Nationwide Apprehensions by Citizenship and Sector FY2007-2019](#)
- ² U.S. Customs and Border Protection “[Nationwide Encounters](#)” website, Filtered in Region for “Southwest Land Border,” in “U.S. Border Patrol” Component, and “People’s Republic of China” Citizenship, accessed May 8, 2024.
- ³ Melissa Koenig, “[More Chinese migrants now crossing San Diego border than Mexican nationals: report](#),” 23 February 2024.
- ⁴ Elliot Spagat, “[Border Patrol paroles migrants to avoid massive overcrowding](#),” Associated Press, 23 June 2022.
- ⁵ Elliot Spagat, “[Immigrants waiting 10 years in US just to get a court date](#),” Associated Press, 26 April 2023; Eric Feldman, “Migrants get appointments nearly a decade away to meet with federal officials,” Spectrum News NY1, 31 May 2023, <https://ny1.com/nyc/all-boroughs/news/2023/05/30/migrants-get-appointments-nearly-a-decade-away-to-meet-with-federal-officials>.
- ⁶ “[Is China Sneaking Military Personnel into the U.S. Via Border? What We know](#),” Newsweek Magazine, 16 June 2023; Philip Bump, “[The new border fearmongering: China is ‘building an army’ in the U.S.](#)” The Washington Post, 4 April 2024.
- ⁷ Jessica Vaughan, “[ICE Records Confirm Steep Decline in Deportations](#),” Center for Immigration Studies, 17 May 2022; Jessica Vaughan, “[Deportations Plummet Under Biden Enforcement Policies](#),” 6 December 2021.
- ⁸ Philip Lenczycki, “[Biden Admin Watered Down Vetting Process for Chinese Illegal Immigrants, Email Shows](#),” 2 January 2024.
- ⁹ Todd Bensman, “[Terrorists Welcome, chronic counterterrorism lapses at the border demand investigation and congressional intervention](#),” The American Mind, 22 April 2024; Todd Bensman, “[Are African War Criminals in the Mass Migration Thronges Crossing Biden’s Open Border?](#)” Townhall, 25 October, 2022; Todd Bensman, “[General Dragon Master, Jungle Jabbah, and Moses](#),” Center for Immigration Studies, 14 September 2022; Todd Bensman, “[Notes on Ukrainian War Refugees Reaching the U.S. Southern Border](#),” Center for Immigration Studies, 16 March 2022.
- ¹⁰ Bruce Golding, “[Not just balloons: Here’s how China spies on the US](#),” The New York Post, 5 February 2023.
- ¹¹ Alex Joske and Charlie Lyons Jones, “[How China Uses its Universities to Spy on America](#),” The National Interest, 29 November 2019; “[Visiting Stanford University Researcher Charged with Visa Fraud](#),” U.S. Department of Justice press release, 20 July 2020; Todd Bensman, “[Joe Biden Just Condemned America to More Chinese Espionage – and Worse](#),” The American Interest, 18 July 2021.
- ¹² Todd Bensman, “[Joe Biden Just Condemned America to More Chinese Espionage – and Worse](#),” The National Interest, 18 July 2021.
- ¹³ “[Chinese National Sentenced to Eight Years for Acting within the United States as an Unregistered Agent of the People’s Republic of China](#),” U.S. Department of Justice press release, 25 January 2023.
- ¹⁴ “[Chinese National Convicted of Acting Within the United States as an Unregistered Agent of the People’s Republic of China](#),” U.S. Department of Justice press release, 26 September 2022.
- ¹⁵ [Homeland Threat Assessment 2024](#), Department of Homeland Security Office of Intelligence and Analysis, September 2023.
- ¹⁶ *Ibid.* p. 7
- ¹⁷ *Ibid.* p. 7
- ¹⁸ [Annual Threat Assessment of the U.S. Intelligence Community](#), Office of the Director of National Intelligence, p. 11, February 2023.
- ¹⁹ [Annual Threat Assessment of the U.S. Intelligence Community](#), Office of the Director of National Intelligence, p. 7, March 2024.
- ²⁰ *Ibid.* p. 12.
- ²¹ Author interviews with independent content producers who have worked extensively in Colombia, Panama and Mexico and have met with thousands of Chinese immigrants. These include Michael Yon, Ben Bergquam, Chuck Holton, and Oscar “El Blue” Ramirez among others.
- ²² Xio Yu, Shih-Wei Chou, Zhang Zhen, et. al; “[Trek North: Coming to America on Foot](#),” Voice of America series Part 2, no date provided.

²³ Author interviews with independent content producers who have worked extensively in Colombia, Panama and Mexico and have met with thousands of Chinese immigrants. These include Michael Yon, Ben Bergquam, Chuck Holton, and Oscar "El Blue" Ramirez among others.

²⁴ K Oanh Ha, "[An Influx of Chinese Tourists Is Coming to a Country Near You](#)," Bloomberg News, 1 May 2024.

²⁵ "Ecuadorian visa for Chinese citizens," Embassies.net, accessed May 10, 2024; Xiao Yu, "Some Chinese, [Alarmed by Xi's Policies, Seek New Lives in Ecuador](#)," Voice of America News, date unknown.

²⁶ "Ecuador wants to attract more Chinese tourists," Cuenca highlife, 2 January 2014; "[Ecuador Welcomes Chinese Tourists](#)," TeleSUR, 29 February 2016.

²⁷ Francisco Vazquez, "[Ecuador and China Conclude Free Trade Agreement Negotiations](#)," 5 January 2023.

²⁸ Phone recovered by Cory Gauthreaux and analyzed by private researcher Heather Kaiser Kent, a former U.S. Army intelligence officer of 11 years, for Todd Bensman. Contact: heatherkaiser@gmail.com; substack https://substack.com/@heatherusa?r=20nu7u&utm_medium=ios&utm_source=profile.

²⁹ Todd Bensman [posting on Twitter](#) (X), 22 September 2021.

Chairman BISHOP. Thank you, Mr. Bensman.

I thank the witnesses for your valuable testimony, and let's see, where is my place? We have got—oh, I am sorry. We are here.

Members will be recognized by order of seniority for their 5 minutes of questioning. An additional round of questioning may be called after all Members have been recognized.

I now recognize myself for 5 minutes of questioning. Professor Oyen, I think I will start with you. You talked about risk. In fact, Mr. Ivey opened his comments with commentary about risks of Asians being discriminated against or Chinese being discriminated against. Of course, we know that there is some very difficult history in the United States of that sort.

So what of that? I mean, what are you saying there? What have you got? Let me just tick off some of the risks that have been specifically identified in other witnesses' testimony.

I have always understood and lots of evidence before this Congress indicates that China is engaged in very intensive economic espionage against the United States. We have heard testimony. I recited in my opening statement about the aggressive Chinese money-laundering operations in the United States.

Mr. Bensman just made reference to in news reports it has been wide-spread, including one in North Carolina I heard about, about Chinese "police stations," which are bent on intimidating, harassing, and in some cases—well, many awful things against folks of Chinese heritage in the United States.

We have heard about cultural exchange programs and college campuses being used as Trojan horses for a Chinese intelligence infiltration. Then you have got a rapidly-increasing population of Chinese migrants coming in irregularly.

So what about all that? Should that be just ignored or is it a good thing, perhaps?

Ms. OYEN. I would say neither. I mean, I am suggesting that in the grand scheme of history you can see that this kind of migration and these kinds of concerns have existed before, that the concerns about security risks from irregular migration are not new. That there are plenty of valid concerns about the relationship with China and the kinds of Chinese espionage that might be happening.

I am saying, though, that I do not have any—I have not seen anything that suggests that this particular population is part of this espionage network. There is no definitive evidence one way or the other.

Chairman BISHOP. So do you think there needs to be definitive evidence in the case of every—

Ms. OYEN. I think there needs to be. Well, I mean this is not up to me to say. This is I am a historian, right? I am not a policy maker. But because there is no definitive evidence either way I would caution against this broad-scale assumption that people who are seeking asylum in the United States are, in fact, spies coming to undermine it when there are, in fact, very good other explanations and there are also lots of historical precedents for that kind of rhetoric having very negative effects on the existing Chinese-American community.

So I think that the history leads us to have some caution in how we speak about this population coming in.

Chairman BISHOP. So is it a question of how we speak about it or what we are doing to vet them? Do you think they should be vetted intensively?

Ms. OYEN. I think every immigrant who comes into the United States should be vetted, but that is part of the—

Chairman BISHOP. I certainly agree with that. They are not being, so let's let that and set that aside. Would you say that there are additional risks with China as a global adversary of the United States that would warrant additional intensive vetting for Chinese migrants who are entering without legal authorization?

Ms. OYEN. I think that historically we have seen that it is at periods of high tension between the United States and China we have engaged in greater vetting, but we have also seen historically that the patterns of the people who are engaged with espionage have not been economic migrants—

Chairman BISHOP. Yes.

Ms. OYEN [continuing]. Who are. In fact, the 1950's era or even the 1900's era people and the 1990's era migrants who came in by irregular means were not coming in that way.

Chairman BISHOP. OK.

Ms. OYEN. I think that knowing that history is important.

Chairman BISHOP. I got you. I don't want to cut you off but let me get to Mr. Bensman before we get done. So how about that, Mr. Bensman? If I am hearing from the Ranking Member and Professor Oyen's ideas, we really shouldn't say anything about this because it is going to be discriminatory. What about that? Why isn't that true? Or if it is true, what do you say about it?

Mr. BENSMAN. Well, the U.S.—excuse me—the U.S. Homeland Security enterprise, especially in dealing with the border, has for decades isolated particular nationalities based on our relations with their governments, for example, Iran. When we have immigrants from Iran hit the border we will set them aside and bring in the FBI and CIA and others to interview them to try to figure out, you know, what they are about. Are they good? Are they are they fleeing the regime or are they part of the regime? Are they a terrorist actor?

North Koreans that hit the border, I mean, everybody can understand why a North Korean would want to leave North Korea, but we also know North Korea is a source of mischief all over the world and they are sending their representatives. So we do separate certain nationalities as a matter of routine—

Chairman BISHOP. Yes.

Mr. BENSMAN [continuing]. From all of the Middle Eastern countries and it just depends on. But China most certainly we did all the way up until about last year.

Chairman BISHOP. Perhaps we will have another round. I am conscious of having overstayed my time.

So the Ranking Member, I will—no, no.

Mr. IVEY. You have one more question?

Chairman BISHOP. Well, I think I will. I will do—

Mr. IVEY. We are not beating—

Chairman BISHOP. I appreciate that, Mr. Ranking Member.

Mr. IVEY [continuing]. The bushes for—

Chairman BISHOP. Right, and I appreciate it. Oh, I appreciate it and thank you for that indulgence.

Yes, let me follow it up in this way. I do think it is correct to say there is a nationality concern here that is predicated on a hostile relationship of governments that counsels additional concern but let me just file this last question for maybe Mr. Bensman.

I always hear from the Secretary of Homeland Security we have a global, you know, eruption of migration that accounts for all of this. Other than the possibility that—and maybe Mr. Hankinson led with this assorted—and I will probably—maybe I will direct the question Mr. Hankinson. I am not aware of any major change in

China that would account for this sudden explosion of Chinese illegal migrants. There is a lot of government totalitarian control in that country and even in terms of people leaving the country. So is there something I am missing? Is there some, you know, chaos that has erupted in China that would account for this sudden change, a large change?

Mr. BENSMAN. Well, I spend a lot of time with the immigrants. I have interviewed thousands of them. I have met Chinese. I can never get the Chinese to talk to me. I have an interpretation app which is difficult anyway, but I don't think that they would want to talk to me.

But what I gather from my interviews with many thousands of immigrants on their way here is that they are coming now because all their friends got in. All their relatives just got in. The border is open. We are going for it. Well, like, what if the Americans changed their minds all of a sudden, and so there is this big rush on?

I have to say that the Chinese are probably no different. They are going to be looking for lifestyle upgrades. A lot of the Chinese that I meet on the trail seem very well-resourced, very well put together. They don't seem like they are starving peasants.

They often spend tens of thousands of dollars to make the journey. It is an opportunity for them. Now, the economy in China is not, you know, as robust as it has been but they can get in now.

Chairman BISHOP. Thank you, Mr. Bensman.

Again, I think the Ranking Member for his indulgence and I will exercise similar indulgence. I yield to—or I recognize Mr. Ivey for 5 minutes of questioning and whatever else, too.

Mr. IVEY. Thank you, Mr. Chairman. I appreciate that.

I want to separate the apples and oranges out here because we have got sort-of two conversations about migration. One is the Southwestern Border, people crossing like a lot of the other people coming from countries, Central America and the like. The other is the economic espionage crowd which, as I understand it, is not crossing at the border. These are people who are coming over on visas and the like.

The main difference I am told, I was just in a conference on AI where we were talking a lot about the competition between the United States and China and the concern that China is catching us and has passed us potentially on some of these areas with respect to AI and tech.

Some of it is based on economic espionage. Some of it is also based on the fact that I think they have 5 times more engineers and computer scientists than the United States has, which is why we bring so many of them over.

But one of the points that was made was that 38 percent of the tech scientists in the United States are from China. Those are not people who came here, you know, that came across the border with no documents or falsified documents. They were people who were brought here by their companies.

In fact, if you talk to some of these companies they will tell you they are having trouble bringing people over. They need them because of the engineering and scientific expertise. They have trouble

bringing them over because of the visa process here in the United States.

In some instances they said, I talked to one VC leader who said that he was trying to bring somebody over from India. It took so long that what he did instead was he just set up a satellite company in Canada and started bringing him over there.

So in some respects, it is not of, you know, people coming over here too fast for these types of jobs here in the United States. They are not coming fast enough for these tech leaders who want to have them here.

So I did want to make sure, and I don't know if I am disputing what you said, Mr. Bensman, or not, but I think it is pretty clear cut that the people coming across the border who don't have—even if they have a technical background if they don't have the documents Microsoft is not going to hire them. Google is not going to hire them. You know, they are not going to get those kinds of jobs. They are not going to be professors at Stanford or Harvard or wherever. You can't just come over here and show up one day and get a job.

So the economic, yes, and that is where the economic espionage is happening. It is happening at that level. It is not happening at the level where people are crossing the border, as I am told by people who, (A), work at the border but also, more importantly, own and run those companies where they are complaining most loudly about the economic espionage.

So the focus they want us to make is in part focused on the Chinese government, which sponsors a lot of that activity and also where there are technology responses aimed at protecting the information and better ways and vetting internally to make sure the right people have the access to that information.

Mr. Singleton, I think you mentioned something about tools for espionage as well with respect to, I guess, crossing at the Southwest Border. I would raise the same kind of questions that I did just a moment ago.

But you also said something about things that Congress can do to address these problems, and I think it is I am going to set aside the economic espionage piece for the reasons I just stated. I think you mentioned something about improving infrastructure for vetting and the like at the border? I wanted to give you a chance to elaborate on that.

Mr. SINGLETON. Thank you very much. I would agree with you that the vast majority of Chinese nationals who live and study in the United States stay and contribute to our communities. We also have to recognize, however, that there are large numbers, thousands of Chinese nationals who are coming here to from China to study at our universities at the behest, direction, and with the sponsorship under the Chinese Communist Party in support of military civil fusion and its broader strategy.

So enhancing those established, legal mechanisms to both vet at U.S. embassies and consulates to allow them in, but also recognizing the threat that exists in that legal immigration space is critical. I think many of the—

Mr. IVEY. Well, let me ask you on how to bulk that up. How would you address that?

Mr. SINGLETON. Having also been a former consular officer I can acknowledge the amount of time that you have to adjudicate a visa for a particular entrant is minuscule, sometimes 30 seconds or less to make a decision about a particular student. One of the things that needs to be done is a much broader understanding of the Chinese universities that are involved in military civil fusion and adding additional scrutiny for those students.

To give great examples, my alma mater, Texas A&M, used to maintain research partnerships with China's Ocean University which is responsible for constructing Chinese military submarines. Other Chinese universities like Sichuan University develop China's nuclear weapons, and yet we allow high-level STEM-related research partnerships between those two schools that are wholly unregulated.

As a consular officer, I am wholly unequipped to make a decision about whether that individual represents a threat. So it really does require us to recognize how China has tapped into its civilian university structure to in effect weaponize it.

Mr. IVEY. On that point, and I appreciate you for letting me run over, Mr. Chairman, with respect to tech companies so you mentioned sort-of the academic community. Are there similar sorts of issues with respect to the high-tech community as well?

Mr. SINGLETON. There have been a number of documented instances in which that has occurred, but again, I do—

Mr. IVEY. Give me an example.

Mr. SINGLETON. Sure. I mean, I think that there have been several serious FBI indictments in the last 4 years that talk about the placement of Chinese nationals in high-tech companies, particularly in Silicon Valley, and then that those individuals are sending back research, not public information, back to Chinese individuals and universities.

There is also occurring—

Mr. IVEY. Well, let me stop you there. Did they not go through a vetting process or—

Mr. SINGLETON. I think it shows that our vetting process is currently inadequate and that when those nationals do gain entrance and employment there is no follow-on screening. For example, if a Chinese national from a Chinese military civil fusion university were to matriculate at a U.S. school with their political science and then the next day change it to nuclear physics, there is no one monitoring that change in process. So it is both pre- and post-facto screening that is—

Mr. IVEY. Let me stick with the companies here for a second. So with respect to, I don't know, Microsoft, since they will be here next week apparently or in the next few weeks, they hire somebody and they are not monitoring them or they don't have internal controls with respect to protecting their confidential information? I mean—

Mr. SINGLETON. It is that we are talking about a completely haphazard process. Nothing is required in statute or required and even today Microsoft announced that it was moving thousands of its AI engineers outside of China, relocating them because of concerns about Chinese military civil fusion and the potential risks to losing critical cutting-edge technology because of Chinese espionage.

Mr. IVEY. OK. All right.

Mr. Chairman, thank you. I appreciate you for letting me run on. Chairman BISHOP. I thank the Ranking Member and I have, well, one nit to pick and I will give you an opportunity to respond if I can before we go on.

There was a comment in your opening statement staff handed to me that one of the sector chiefs gave that testimony that, "We treat everybody the same. It doesn't matter where you come from. It doesn't matter what your nationality is or what your religious beliefs are. We are going to treat everybody exactly the same."

But then immediately below that a question was asked, "Do you know if any additional investigation or interviews are conducted on Chinese nationals in U.S. sector?"

"Yes."

"And that they are?"

"Yes, that they are. Why?"

Then I am skipping a little bit here but he says, "I have sector intelligence unit agents that are assigned to the FBI Joint Terrorism Task Force team and so FBI has expressed an interest in doing additional screening and interviews for Chinese nationals."

I yield back, yield to the Ranking Member.

Mr. IVEY. Well, just an observation, I appreciate that clarification for me and correction, but I thought our panel was just testifying a few minutes ago that you only get 5 questions——

Chairman BISHOP. Yes.

Mr. IVEY [continuing]. When they are coming in. So I am not sure which it is.

Chairman BISHOP. I am not sure where it comes out either.

Mr. IVEY. Yes.

Chairman BISHOP. I think, but maybe we are in somewhat agreement. Maybe we are in agreement. I am not sure about if there is a need for more intensive vetting of Chinese nationals. Whether it is happening or not I am not totally clear.

So I thank the Ranking Member again for the spirit of collegiality in which we do our subcommittee hearings and may it extend to the rest of Congress.

But with that, I will recognize the gentleman from Mississippi, Mr. Ezell for 5 minutes of questioning.

Mr. EZELL. Thank you, Mr. Chairman.

Over the past year this committee has shown the failure of the Biden administration's open border policies. Under the President's watch there have been over 8 million illegal aliens released into this country.

But what is not clearly revealed in the group of 8 million illegals as an alarming statistic. The fastest-growing group crossing the border illegally is not from Mexico or South America. They are from China.

Since President Biden has taken office, CBP encounters with Chinese nationals has risen over 4,200 percent. The CCP has targeted businesses, universities, and lawmakers and its efforts to undermine America. The thought that CCP would not use an open borders to their advantage is nonsense.

Last year President Biden's DHS released guidance that significantly reduced the vetting process of these Chinese nationals. The

number of questions, what we talked about earlier, has gone from 40 to just 5.

Mr. Hankinson, do you believe the Biden administration is making it any easier for the Chinese nationals to enter this country illegally?

Mr. HANKINSON. I do. Excuse me. Yes, I do. I think the charts and the graphs and the statistics are pretty clear that when people understand that they will be released once they arrive in the United States as long as they express a credible fear and intent to launch an asylum claim, and we do know that 85 percent, 90 percent of those claims are fraudulent, meaning that they are based on facts that just don't generate a claim for asylum that will be approved, then they come.

With social media that has sort-of greatly magnified exponentially the information that is getting back to countries all around the world. I think we are up to, like, 180 countries now that have been caught entering illegally at the border in the last few years.

So when you say that you are not going to detain people, when you are releasing them on their own recognizance, when you are paroling them in, and when they know that the system will not be able to process them for years, then you send a clear signal and people understand it.

Mr. EZELL. Thank you. Do you know what 5 questions the Chinese nationals in the interview? Do you know what the 5 questions are?

Mr. HANKINSON. Well, I have a completely unconfirmed snapshot of what they are, and they are just basic questions about where you come from? Do you have any affiliation with the Chinese government? Did you pay for your trip to the United States? Did you pay a smuggler? Have you got any prior arrests?

A shortened version of the form that visa applicants have to answer what you are supposed to say. I don't have a criminal record. I am not a member of the Nazi Party or the Communist Party and so on.

Mr. EZELL. Yes. So they just check it off so there is no real verification whether they are telling the truth or not?

Mr. HANKINSON. There is absolutely no way to verify. If someone at the border says I don't have a criminal record, we don't have the criminal records of China easily accessible. If we ask the Chinese for them they wouldn't give them to us I am pretty sure unless it was someone that they wanted back, for example a dissident.

Mr. EZELL. Yes. When we do obtain any information and run it throughout the internal databases do you know if China is providing any information on the aliens? Do you know if they are doing any of that?

Mr. HANKINSON. You are asking if the Chinese share their—as far as I know, no. We have countries in the Visa Waiver Program that do share criminal records with us that that can be done automatically, but as far as I am aware there is no automatic data sharing with China of either fact data or bio data.

Mr. EZELL. Do you have any opinion about President Biden and his policies? Is this putting America at a greater risk?

Mr. HANKINSON. I think statistically it is undeniable. If you have 50,000 additional people and you have no confirmation of their

background, their criminal records, their past affiliation or present affiliation with the government or any of its entities, I think it is almost certain that a proportion, probably very small, but a proportion of them are coming here with the intent to at some point do some harm.

Mr. EZELL. Do you have any examples of any of these bad actors that have entered the country illegally?

Mr. HANKINSON. Well, one recent example that struck me was in March of this year in 29 Palms in California. There was a Chinese man who, I think, had crossed the border illegally and been released who attempted to get on to the military base. At the time the local headlines, the local press said he was confused and he said he was lost and he didn't know where he was going.

I wrote at the time in an op-ed that, geez, if you were going to try to scope out a base and try to get some basic intel and figure out what the security procedures were at U.S. military bases, what better way than to send some, excuse me, but a doofus.

But then I later found out that there have been over 100 of these incidents by Chinese nationals in the past few years according to a source quoted by the *Wall Street Journal*. So one time maybe, but 100 times starts to seem a little bit more like a pattern.

Mr. EZELL. Pretty obvious.

Thank you, Mr. Chairman. I yield back.

Chairman BISHOP. I thank the gentleman for yielding back.

I now represent—recognize the gentlelady, Mrs. Ramirez, for 5 minutes of questioning.

Mrs. RAMIREZ. Thank you, Chairman and Ranking Member.

I want to start by expressing my disappointment that this committee still allows special witnesses from an organization that has been designated as a hate group for publishing the works of white nationalists.

Mr. Bensman, yes or no, have you ever used or invoked invasion rhetoric or language when referencing migrants?

Mr. BENSMAN. No, I have not.

Mrs. RAMIREZ. OK. Well, let me ask you a follow-up. Is your Twitter handle @bensmantodd, correct?

Mr. BENSMAN. Yes.

Mrs. RAMIREZ. OK. So I want to show you here something. As you can see, I have a number of your Twitter posts here and it is not hard to find examples of you or someone who is doing a good job pretending to be you uplifting the same invasion rhetoric central to the white nationalist and anti-Semitic great replacement conspiracy theory. Let me read just one of them.

“Border invasion series,” oh, let me read one more, one more, “Biden administration rechanneled migrant waves to hide invasion at Southern Border.”

Folks, no one from a hate group should ever be invited to provide testimony before this committee. It hurts our integrity as a committee and it is why as I am sitting here I am going to direct my questions to an actual expert.

The Department of State’s 2023 human rights documents that significant human rights issues in China include credible reports of unlawful killings, forced disappearances, torture, and arbitrary de-

tention by the Chinese government, forced labor, and genocide against ethnic minorities.

So my question is to Dr. Oyen. It seems Chinese nationals seeking humanitarian relief have plenty to fear. Can you briefly speak to the human rights conditions and risks in China? Let me specifically ask you how has the Chinese government increased repression of its citizenry under President Xi?

Ms. OYEN. There has been a tightening of controls since 2012 when President Xi first took power and in the recent years since he has become a essentially permanent leader that has increased as well.

We have we have seen this. There is the long-standing, the longer history of the persecution of the Uyghur people, but there has also been very specific examples of Chinese and Muslim adherents to their faith not being permitted to worship in the ways that they choose.

There has also been persecution of people who were part of something that is called the Chinese Democratic Party. There was a period of open flourishing of ideas where people created ideas when talking about future plans for China and ways in which the Chinese government might serve people.

And that the people who were part of that party and who were engaged in that have been largely subject to a crackdown where they have been arrested and harassed for their beliefs. In some cases have successfully sought asylum.

So there is also just built into this last decade, 12 years of Xi Jinping's rules, there has been a tightening of laws and control over the extent to which people can talk freely about the government, the ways that they criticize the government.

There has been tightening of internet controls that already existed, right, but there is continuing cracking down on internet controls. So certainly there are examples of the government being authoritarian and being hard on civilians such as that they might decide that they can't live their lives or they can't live their lives free of repression.

Mrs. RAMIREZ. Thank you, Dr. Oyen. It seems to me, I mean, based on your testimony and even seeing what you submitted that we have to take seriously that there are Chinese nationals that are fleeing oppressive regimes. They are seeking refuge and humanitarian relief and that those who flee authoritarian China are no different than all of those who flee oppressive regimes.

Some of those asylum seekers were the ancestors of the people that are in this room right now, and it is unacceptable that in the middle of celebrating the contributions of our Asian American and Native Hawaiian and Pacific Islander communities here we are with rhetoric about Chinese immigrant invasion.

I am not surprised, however, because a century ago the United States enacted the Immigration Act of 1924, a law that heavily influenced by racist beliefs that close the door on immigration from Asia, building on the Chinese Exclusion Act of 1882, and here we are in this committee now.

So with that on record, Chairman, I yield back.

Chairman BISHOP. The gentlewoman yields back.

I now recognize the gentleman from Alabama, Mr. Strong, for 5 minutes of questioning.

Mr. STRONG. Thank you, Mr. Chairman.

I want to talk more about the points Mr. Ezell mentioned. Mr. Bensman, most of the Chinese migrants that illegally entered the United States at the Southwest Border are first-timers and therefore they do not have any flags in the U.S. criminal database.

The CCP does not share criminal information with U.S. law enforcement. I will emphasize that unless our intelligence agencies have a reason to flag a migrant all CBP can do is rely on a migrant's story.

Most Chinese migrants state that they are here to claim asylum or for economic reasons. From a national security perspective, is relying only on a migrant's word enough to determine whether the migrant came to the United States with nefarious intent? What types of risk does this blind reliance pose?

Mr. BENSMAN. Thank you. First of all, I would like to recommend a book to Mrs. Ramirez, "Making Hate Pay," by Tyler O'Neil, "The corruption of the Southern Poverty Law Center." I also want to tell you, Ms. Ramirez, that as far as I don't know what you have on your board, I would like to study it, there is no hateful anti-Semitic speech in my Twitter feed.

I am Jewish, and we don't really get with white nationalists. That is not our thing so get your facts straight.

As far as your—

Mrs. RAMIREZ. Mr. Chairman, he is referring to me so I just wondered—

Chairman BISHOP. It is the gentleman's time from Alabama.

Mr. STRONG. Thank you, sir. Let's go back to that question. What type of risk does the blind reliance pose?

Mr. BENSMAN. What type of risk does—

Mr. STRONG. What type of risk does this blind reliance related to national security, just what—if they tell us they are great people, that is what we are doing at our border right now. Oh, I want to come to America. What does this pose whenever they say come on in?

Mr. BENSMAN. Well, it is the ultimate stranger danger at the border. That is our problem with having mass migration at these historic levels. We can't know who anyone is. We can't really go to the Chinese, as I think my colleague said, for an intel share.

We can't go to really very many countries at all for an intel share.

Mr. STRONG. Thank you. What ways can CBP potentially reduce that risk?

Mr. BENSMAN. Well, there is not a whole lot they can do. They will run text database checks. They will maybe run some criminal history checks and then they will let them in. But if they haven't been in the United States to commit crimes in the past there is not going to be—they are going to come up with a negative, right? It will be a big blank.

So you just have to, kind-of, take their word for it. A lot of them, like I said, dump their ID documents, their passports, and say my name is Mickey Mouse.

Mr. STRONG. OK. I know that Russia invaded Ukraine and the Ukrainians defended itself. Hamas invaded Israel and Israel defended itself. The United States is being invaded, and I think that is the right word, by 160 different countries, and this administration has done nothing. Ten million illegal aliens coming across the border.

I will say this again. This fentanyl is going to kill a generation of Americans. It is not a Republican issue. It is not a Democratic issue. It is an American issue.

I will also bring up what is happening right now at the border. Border security for every drone they are flying the Mexican cartel is flying 17. They are coming into U.S. air space bringing fentanyl, 60 pounds, 80 pounds, 100 pounds at a time, and we are doing nothing. Killing a generation of Americans.

You have mentioned some of the questions that are asked. You know, it is almost comical the questions. You know, why don't they ask them what kind of chewing gum do they like or their favorite city in America or their favorite color because they are getting the intelligence of the questions they are asking is about as important as that.

Mr. Chairman, I yield back.

Chairman BISHOP. The gentleman yields back.

I now recognize the gentlelady from New York, I believe, right, Ms. Clarke.

Ms. CLARKE. Thank you very much, Mr. Chairman, and I thank our Ranking Member. I want to yield some time to my colleague, Mrs. Ramirez of Illinois.

Mrs. RAMIREZ. Thank you, Congresswoman Clarke. Just to follow up from the remarks that the witness just made, so I said the organization and then I said your Tweets, and we will be happy to give you a printout. There are so many of them so you will have an opportunity to read them closely after committee.

But I want to make sure that—Mr. Chairman, I want to enter this into the record which is a article from the Southern Poverty Law Center that ranks immigrant studies as one of the white nationalist organizations.

Mr. STRONG. I object.

Mrs. RAMIREZ. OK. Well, then let me see if I can enter this court record here that where the Center for Immigration Studies filed a case against the Southern Poverty Law Center, but the courts actually found this to—they dismissed the motion because there was not enough information to be able to determine that they had a case against them.

Mr. IVEY. Mr. Chairman, I would move to include in the record both of the documents that the gentlelady from Illinois has offered.

Chairman BISHOP. I had been so moved. Is there a motion at the table?

Mr. STRONG. Motion.

Chairman BISHOP. A motion before—there is no debate on that motion?

All in favor of the motion on the table, say aye.

All opposed, say no.

I hear the motion to have been approved and the—

Mr. STRONG. I would ask for a recorded vote, Mr. Chairman.

Chairman BISHOP. It is a recorded vote. All in favor, let's see, we have to—the Clerk will call the roll.

Ms. CLARKE. Mr. Chairman, I did yield my time to Mrs. Ramirez. Since we are going through this process, I hope that my time will be restored.

Mr. IVEY. I would ask the Chair to pause the clock at where was stopped.

Chairman BISHOP. It appears to me the clerk pause the clock at 3:15, which I assume is pursuant to the rule.

Ms. CLARKE. Well, it was actually about 4 minutes—

Chairman BISHOP. Well—

Mr. IVEY. When the objection came.

Chairman BISHOP. I am going to—if they are able to establish what the time was I have no problem with putting it back as it was, but the request was not made until now.

Mr. IVEY. Well, let's do the vote, but I would suggest to the Chair that we have been fairly flexible on time going both ways today.

Chairman BISHOP. I concur about that.

Mr. IVEY. All right, thank you.

Chairman BISHOP. The clerk will call the roll.

The CLERK. Ms. Greene of Georgia. Sorry. Ms. Greene of Georgia.

[No response.]

The CLERK. Mr. Ezell.

[No response.]

The CLERK. Mr. Strong.

Mr. Strong.

Mr. STRONG. Aye.

The CLERK. Mr. Strong votes aye.

Mr. Crane.

[No response.]

The CLERK. Mr. Ivey.

Mr. IVEY. No.

The CLERK. Mr. Ivey votes no.

Mr. Thanadar.

[No response.]

The CLERK. Mrs. Ramirez.

Mrs. RAMIREZ. No.

The CLERK. Mrs. Ramirez votes no.

Ms. Clarke.

Ms. CLARKE. No.

The CLERK. Ms. Clarke votes no.

Chairman BISHOP. The Chairman votes no.

The CLERK. Mr. Bishop—

Chairman BISHOP. Excuse me, the Chairman votes aye.

The CLERK. Mr. Bishop votes aye.

Mr. IVEY. I liked it better the first time.

Chairman BISHOP. The clerk will report.

The CLERK. On that vote, Mr. Chairman, there were 2 ayes and 3 noes.

Chairman BISHOP. The motion on the table fails. The motion before the committee is the motion—or the motion of the gentleman, the Ranking Member, to admit the item into the record.

All in favor will say aye.

All opposed, no.

The noes have it.

Mr. IVEY. I ask for a recorded vote.

Chairman BISHOP. A recorded vote is ordered. The clerk will call the roll.

The CLERK. Ms. Greene.

[No response.]

The CLERK. Mr. Ezell.

[No response.]

The CLERK. Mr. Strong.

Mr. STRONG. No.

The CLERK. Mr. Strong votes no.

Mr. Crane.

[No response.]

The CLERK. Mr. Ivey.

Mr. IVEY. Aye.

The CLERK. Mr. Ivey votes aye.

Mr. Thanadar.

[No response.]

The CLERK. Mrs. Ramirez.

Mrs. RAMIREZ. Aye.

The CLERK. Mrs. Ramirez votes aye.

Ms. Clarke.

Ms. CLARKE. Aye.

The CLERK. Ms. Clarke votes aye.

Chairman BISHOP. The Chairman votes no.

The CLERK. Chairman Bishop votes no.

Chairman BISHOP. The clerk will report.

The CLERK. On that vote, Mr. Chairman, there were 3 ayes and 2 noes.

Chairman BISHOP. The motion is adopted and the item will be received into the record.

[The information follows:]



...the Southern Poverty Law Center has been instrumental in building new momentum for the white nationalist movement. After years of decline, the SPLC's website now attracts more visitors than ever before, and its conservative base has expanded to include the likes of Donald Trump and Paul Ryan. The center's influence is also reflected in its efforts to combat far-right hate groups across the country. In addition to its work on immigration, the SPLC has become a key player in the fight against racism and discrimination in schools and workplaces.

In light of these findings, it is clear that the SPLC's role in combating white nationalism is crucial. By exposing the true nature of the movement and its supporters, the SPLC helps to ensure that the public remains informed and educated about the threat posed by white nationalists.

HATEWATCH

MORE THAN AN OCCASIONAL CRANK: 2,012 TIMES THE CENTER FOR IMMIGRATION STUDIES CIRCULATED WHITE NATIONALIST CONTENT

May 23, 2017

by Stephen Piggott and Alex Amend

Center for Immigration Studies (CIS) executive director Mark Krikorian badly wants respect.

The surprising Electoral College victory of President Donald Trump has been like winning the lottery for nativist extremists and other fringe groups. For Krikorian, he's been making the most of it by arguing in the mainstream press that his group, long attacked from across the political spectrum for its connections to eugenics-

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friendly white nationalists and ⁰⁰⁰⁰²shoddy research, doesn't deserve to be labeled a hate group.

The Southern Poverty Law Center listed CIS as a hate group for the first time when our annual count was published in February of this year. The designation resulted primarily from their move to start publishing the work of discredited race scientist Jason Richwine (who was once forced to resign from the arch-conservative Heritage Foundation) and their shocking circulation of an article from one of America's most prominent white nationalist websites and another written by a fringe Holocaust-denier in their weekly newsletter.

On the question of the CIS newsletter, Krikorian attempted to play down its significance and the racists included in it, arguing in the *Washington Post* that it is "trivial" for SPLC to criticize CIS for "occasionally includ[ing] pieces by writers who turned out to be cranks." In a May 3 appearance on NPR, Krikorian doubled down, saying that "it doesn't even pass the laugh test" for SPLC to criticize CIS for circulating the work of a known Holocaust-denier like John Friend.

The SPLC decided to conduct a more thorough investigation into CIS's weekly immigration commentary email roundup, with the help of the civil rights group Center for New Community (CNC). Our findings reveal that on far more than a few occasions CIS has circulated materials from white nationalists and anti-Semites, prominent racist thinkers whose "crank" status is well known (in many cases for decades). Rather than reflecting an interest in a range of debatable viewpoints, as Krikorian also likes to point out that CIS circulates *New York Times* articles, CIS' newsletter reveals an organization with a sophisticated grasp of the nativist extremist and white nationalist movement. The evidence, from the ideology of CIS' founder to its publishing of Richwine, shows that this

fluency is because the group is cut from the same cloth.⁰⁰⁰⁰⁰²

SPLC and CNC examined approximately 450 of CIS's weekly emails dating back almost 10 years and found that CIS circulated over 1,700 articles from [VDARE.com](#), an average of over three VDARE articles in every weekly immigration roundup it sends out.

VDARE is a blatantly racist website and a hub for white nationalists and anti-Semites who are opposed to non-white immigration. VDARE's founder is [Peter Brimelow](#), one of the high priests of the "Alt-Right," the latest rebranding of white nationalism. Krikorian is quite familiar with Brimelow, and wrote a [review](#) of Brimelow's infamous anti-immigrant book *Alien Nation*, calling it a "flawed jewel." CIS also published Brimelow in a 1998 colloquy titled "[What , Then, Is the American, This New Man?](#)"

In total, CIS has circulated 51 articles penned by Brimelow, the majority of them republished from VDARE.

A further 27 were authored by [John Derbyshire](#), a white nationalist Brimelow hired after the former was [fired by the National Review](#) in one of the magazine's periodic purgings of racist contributors for a screed he wrote titled, "The Talk: Non-Black Version." The article included lines like, "A small cohort of blacks — in my experience, around five percent — is ferociously hostile to whites and will go to great lengths to inconvenience or harm us," as well as handy tips like, "If planning a trip to a beach or amusement park at some date, find out whether it is likely to be swamped with blacks on that date."

Other white nationalist contributors to VDARE CIS has circulated include F. Roger Devlin, an author and regular on the white nationalist speaking circuit, and [Virginia Abernethy](#), a woman who

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describes herself as an “ethnic separatist” who also once ran as a VP candidate for the white nationalist political party American Freedom Party (AFP), then known as the American Third Position (A3P).

CIS also circulated three articles from the white nationalist website American Renaissance, headed by Jared Taylor, one of the most prominent white nationalists of the past quarter century, and one Taylor article published at VDARE. Taylor organizes a yearly conference, which is among the most well attended white nationalist gatherings.

Following Hurricane Katrina in 2005, Taylor wrote, “Blacks and whites are different. When blacks are left entirely to their own devices, Western civilization — any kind of civilization — disappears.” This sentiment resonates with one of Krikorian’s most infamous remarks made after the devastating 2010 earthquake in Haiti. In the ensuing debate around accepting Haitian refugees, Krikorian said, “My guess is that Haiti’s so screwed up because it wasn’t colonized *long enough*” (his emphasis).

CIS distributed eight articles penned by Marcus Epstein, a white nationalist who pled guilty to drunkenly assaulting a black woman in Washington, D.C. in 2007. Epstein was a key member of the now-defunct white nationalist student group Youth for Western Civilization (YWC). CIS also circulated three articles from the YWC website.

Six articles written by the notorious Norwegian anti-Muslim blogger Peder Are Nøstvold Jensen who writes under the name “Fjordman,” were also circulated by CIS in its weekly emails. Fjordman was cited over 100 times in the manifesto of racist mass murderer Anders Behring Breivik, who killed 77 people in Norway in 2011.

In 2008, CIS circulated an article in *Taki's Magazine* from white nationalist Richard Spencer — the face of the alt-right movement — and two pieces from Spencer's old white nationalist website AlternativeRight.com. CIS also distributed one piece by William Regnery, the founder of the National Policy Institute (NPI) the white nationalist think tank Spencer now runs. Regnery also founded the Charles Martel Society, the publisher of the racist and anti-Semitic journal *The Occidental Quarterly*.

Our study further found that CIS shared material with its readers written by anti-Semites and Holocaust deniers and published on some of the most prominent anti-Semitic websites. CIS circulated two articles from the American Free Press (AFP), which carries stories on Zionism, secret "New World Order" conspiracies, and thinly veiled vilification of American Jews and Israel.

CIS picked up four pieces authored by prominent anti-Semite Kevin MacDonald, a former psychology professor at California State University, Long Beach who published a trilogy that supposedly "proves" that Jews are genetically driven to destroy Western societies. MacDonald also serves as the editor to the aforementioned *Occidental Quarterly*.

Yet another article authored by a white nationalist writer with anti-Semitic tendencies was circulated by CIS. Peter Gemma spent years as the head of design, marketing, and advertising for the racist tabloid of the Council of Conservative Citizens (CCC). Gemma once reviewed a book by British denier David Irving, organized a 2005 speaking event for Irving and gave a speech at the denialist Institute for Historical Review, according to the Institute for Research on Education & Human Rights. In 2000, Gemma appeared with David Duke and Don Black, both former leaders of the Knights of the Ku Klux Klan, at an event meant to raise money for the white nationalist British National Party, according to the same report.

CIS also sent out a piece from Iran's notoriously anti-Semitic Press TV. Holocaust-deniers and anti-Semites including David Duke are regular guests on the Tehran based TV channel.

One article CIS circulated was authored by Holocaust-denier John Friend. Friend has described the Holocaust as a "manufactured narrative, chock full of a wide variety of ridiculous claims and impossible events, all to advance the Jewish agenda of world domination and subjugation." Another piece CIS circulated is from Rense.com, a site full of Holocaust-denial material which published a birthday ode to Adolf Hitler in 2015 including lines like, "You NEVER built Jewish gas chambers," and "You removed Jews and their Zionist agenda from positions of power in banking, media and politics, but only after World Zionism declared World War on Germany In 1933 and proved their hatred for the German people." The piece circulated by CIS refers to Jews as "predators" and includes lines like, "How come that the Jews are so rich? Only Jews are offended by the question because they are too arrogant and insecure to recognize [sic] that every stranger, not necessarily a Jew, is being asked from time to time who is he and what makes him tick."

As our analysis shows, CIS has a long track record of disseminating articles from white nationalist, and anti-Semitic websites for a reason. That reason is that CIS, founded in part by white nationalist John Tanton, is not some sober think tank pushing numbers, as Krikorian would very much like mainstream press outlets to believe.

It's a hate group.

22. 000007

Immigration Crisis Accelerates

By John Friend

American Free Press, June 6, 2016

With the influx of foreigners, many of whom lack basic skills and have almost no education, Western nations have seen increasing crime rates and a total failure of the integration process. So-called refugees are committing rape and other horrific crimes against European women and men in increasing numbers, while European governments and police agencies offer excuses for their violent, criminal behavior. Wages have been suppressed, workers have been displaced, and entire communities have been transformed as a result of the immigration crisis in both Europe and America.

The native ethnic stock that founded and built Western Europe and the U.S. is systematically being replaced through massive Third World immigration, which is facilitated and encouraged by Western governments. In times past, foreign armies had to fight and sacrifice to conquer foreign lands and nations. In the modern era, Western governments give up their lands without a fight in the name of "tolerance," "diversity," and "humanitarianism."

For the traditional peoples of Europe and America, time is running out and decisive action must be taken if they are to have a future in the lands their ancestors founded and developed.

CIS circulated an article from the anti-Semitic "American Free Press" authored by well-known Holocaust denier John Friend.

3. Immigration Restriction—Ruined by its Success?

By Richard Spencer

Taki's Magazine, October 1, 2008

At first read, Scott McConnell's review of Mark Krikorian's *The New Case Against Immigration—Both Legal and Illegal* seems like a rather courteous, and not particularly surprising, examination of the volume. McConnell rightly credits Krikorian with crafting a well-researched, levelheaded book that will be indispensable once the immigration debate gets going again during a McCain or Obama presidency.

Dig a little deeper, however, and one discovers another message altogether, one that's left partially concealed and which has been overlooked by most all those who've blogged and commented on the review thus far. It's a message that, to say the least, brings into question McConnell's commitment to what can be called "pathetic immigration reform."

McConnell is suggesting much of the same—that the arrival of more "antiwar" Latinos and Asians would be a good thing as they'd displace all those pro-war rednecks.

McConnell and I are in agreement on most foreign-policy issues; however, I find his demographic-engineering project rather appalling, and not particularly well conceived. McConnell should heed the advice of his erstwhile neocon colleagues who warned of the multiplying "unintended consequences" that arise when one tries to engineer desired outcomes through public policy—like, say, trying to end the Iraq war through increased immigration.

http://www.takimag.com/takimags/article/immigration_restriction_ruined_by_its_success/

In 2008, CIS circulated an article by Richard Spencer. CIS also circulated articles from Spencer's old site, AlternativeRight.com.

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25.

The Great Replacement: The 1965 Immigration Act and the Think Tanks

By Jared Taylor

VDare.com, October 6, 2015

...

AR staff wanted to know what was wrong with national origins quotas. Mexico's immigration law forbids any change to "the equilibrium of the national demographics," and Israel uses immigration policy to stay Jewish. African and Asian countries would never let their populations be replaced. Mr. Kammer replied that he believed the "equilibrium" portion of the Mexican immigration law has been repealed, precisely because it was so hypocritical. As for the US, he said that "non-discrimination on the basis of national origin has become part of our civic life—discrimination contradicts something about our national character."

...

<http://www.vdare.com/articles/the-great-replacement-the-1965-immigration-act-and-the-think-tanks>

CIS shared over 1,000 articles from VDARE, a white nationalist website. Here, they shared an article by prominent white nationalist Jared Taylor.

18.

Winnie The Pooh On Immigration And Race

By Israel Shamir

Rense.com, February 16, 2010

Mass immigration is nearly sandwiched between invasion and slave trade. If the immigrants prosper, it is invasion; if they are kept down, it is slavery. Either way a small slice of the local population will profit: they will be called 'compadres' or 'slave traders' as the situation develops. In general, wealthy people enjoy the fruits of immigration while poor ones bear the brunt of it. However, not all wealthy people take advantage of the situation to the same degree. Wealthy people, like the rest of us, have different attitudes toward the society that nurtures them: they might be divided into shepherds and predators. The shepherds fleece their sheep while predators will slaughter every last one if the price is right.

...

<http://www.rense.com/general/89/winnie.htm>

This one is truly bizarre. Rense.com is an extremely fringe website dedicated to anti-Semitic conspiracy theories.

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23. 000009

Karl Rove—Poster Boy for National Suicide
By Virginia Abernethy
VDare.com, November 14, 2012

...
Republicans should take note that mass immigration is detrimental to Americans with similar labor force characteristics. Therefore, advocacy for more immigration with special benefits is a DIS-unifying message.

On the contrary, established and legal immigrants respond to appeals to opportunity and protecting jobs from waves of new and more desperate labor force participants. Established Hispanic immigrants are receptive to evidence that they are among the victims when newer waves of immigrants accept jobs with lower wages and fewer benefits.

Case in point: forty-seven percent of Hispanics supported the 2004 Arizona Proposition which sought to make welfare unavailable to illegal aliens and also discourage non-citizens from voting. No recent Republican presidential candidate has won a larger proportion of the Hispanic vote—regardless of professed support for mass immigration and amnesty for illegal aliens!

Avoidance of wars is another issue that Americans of almost all stripes and immigrants have in common. In his speech to the Democratic Convention in Baltimore, President Obama's listing of accomplishments was received quietly; the audience changed from merely polite to thunderous

CIS circulated an article by Virginia Abernethy, a woman who describes herself as an "ethnic separatist." She's another longtime and well-known white nationalist.

Charles Murray Wants to Suspend Low-Skilled Immigration

By Henry Wolff
American Renaissance, September 29, 2016

...
Looking specifically at non-incarcerated men of "prime-age"—between 25 and 54—without a high school degree, Dr. Richwine found 35 percent of native-born Americans were neither working nor looking for work in 2015, compared to only 8 percent for similarly situated immigrants. When considering both the employed and the unemployed, on average, natives worked the equivalent of 35 full-time weeks, compared to 49 weeks for their immigrant counterparts. Among natives, the problem is particularly bad for this class of blacks, who work an average of only 24 weeks, compared to 36 weeks for whites and 42 weeks for Hispanics.

...
The panel also discussed the increasing defects of the American lower class, something highlighted in Dr. Murray's 2012 book *Coming Apart*. While this is related to unemployment, it's unclear which comes first. In her comments, Prof. Wax said that whereas progressives often blame unemployment of the low-skilled on structural factors such as corporate greed, globalism, and outsourced manufacturing jobs, employers may simply prefer immigrants—and not just because they're willing to work for lower wages. She pointed to rising obesity, single parenthood, and drug use among the native lower class as possible explanations. She also blamed cultural attitudes: More Americans say a low-skilled job is a "dead-end" or think society owes them a living.

CIS also circulated a handful of links from Jared Taylor's "American Renaissance." Here it's for an article extolling race scientist Charles Murray, which aligns with the organization's decision to start publishing another race scientist in Jason

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Please.

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR IMMIGRATION)
STUDIES,)
)
)
Plaintiff,)
) Civil Action No. 19-0087 (ABJ)
v.)
)
RICHARD COHEN, *et al.*,)
)
Defendants.)

MEMORANDUM OPINION

Plaintiff, the Center for Immigration Studies ("CIS"), brought this civil suit against defendants, Richard Cohen and Heidi Beirich, two individuals who operate the Southern Poverty Law Center ("SPLC"), alleging a violation of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 *et seq.* Compl. [Dkt. # 1]. Plaintiff alleges that defendants conspired to violate RICO when SPLC designated CIS a "hate group" in 2016. *Id.* ¶¶ 13, 28.

Defendants moved to dismiss the complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), Defs.' Mot. to Dismiss [Dkt. # 11] ("Defs.' Mot."), and plaintiff opposed the motion. Pl.'s Opp. to Defs.' Mot. [Dkt. # 13] ("Pl.'s Opp."). Because plaintiff has not sufficiently alleged a predicate offense or a pattern of racketeering, the Court will grant defendants' motion to dismiss.

BACKGROUND

The Center for Immigration Studies ("CIS") is a non-profit organization incorporated in Washington, D.C. Compl. ¶ 3. CIS's mission is "providing immigration policymakers, the academic community, news media, and concerned citizens with reliable information about the

social, economic, environmental, security, and fiscal consequences of legal and illegal immigration into the United States. *Id.* ¶ 16.

The Southern Poverty Law Center ("SPLC") is a non-profit organization with its headquarters in Montgomery, Alabama. Compl. ¶ 7. The organization monitors and publishes investigative reports and expert analyses on groups that it identifies as extremist "hate groups." *Id.* ¶ 11. Defendant Heidi Beirich leads SPLC's Intelligence Project, which publishes a blog called "Hatewatch." *Id.* ¶ 8. Richard Cohen is the President of SPLC, and as plaintiff puts it, "collaborates with Beirich in designating hate groups." *Id.* ¶ 9.

Plaintiff alleges that Cohen and Beirich designated CIS to be a hate group in 2016, although they knew that CIS did not meet SPLC's definition for a hate group. Compl. ¶¶ 13, 18. SPLC's definition is "an organization that – based on its official statements or principles, the statements of its leaders, or its activities – has beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics." *Id.* ¶ 14. SPLC went on to publish thirteen blog posts on Hatewatch in which SPLC "reiterat[ed] that CIS was a hate group." *Id.* ¶ 19.

According to plaintiff, because being an immigrant is not an immutable characteristic, Compl. ¶ 15, and because the principles of CIS do not attack or malign an entire class of people, defendants' hate group designation constitutes the crime of wire fraud within the meaning of 18 U.S.C. § 1343 because the blog posts were transmitted on the internet. *Id.* ¶¶ 20, 28. Plaintiff asserts that defendants' goal was to "wreck" and "destroy" CIS financially. *Id.* ¶ 22.

Plaintiff asserts that it has suffered damages in the form of lost donations. In 2018, the AmazonSmile Program removed CIS from its list of non-profit organizations eligible for donations. Compl. ¶ 23. This has resulted in a loss of "at least \$10,000 in donations to date and damages are ongoing." *Id.* ¶ 24. Plaintiff also asserts that Guidestar USA, Inc., a non-profit

watchdog, published SPLC's designation of CIS as a hate group on its website. *Id.* ¶ 25. CIS undertook an effort to remove the designation, and while GuideStar ultimately removed it, plaintiff maintains that this caused a "diversion of resources from CIS' mission and likely deterred contributions." *Id.*

On January 16, 2019, plaintiff filed a complaint in this court alleging defendants conspired to violate RICO when they falsely designated plaintiff as a hate group in furtherance of a scheme to destroy plaintiff. Compl. ¶¶ 28–31. Plaintiff seeks judgment against defendants for treble damages and "an injunction prohibiting defendants from again calling CIS a hate group and requiring defendants to state on the SPLC website that CIS is not a hate group, pursuant to 18 U.S.C. § 1964(a)." *Id.* ¶¶ 32–33.

STANDARD OF REVIEW

"To survive a [Rule 12(b)(6)] motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). In *Iqbal*, the Supreme Court reiterated the two principles underlying its decision in *Twombly*: "First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions." *Iqbal*, 556 U.S. at 678. And "[s]econd, only a complaint that states a plausible claim for relief survives a motion to dismiss." *Id.* at 679, citing *Twombly*, 550 U.S. at 556.

A claim is facially plausible when the pleaded factual content "allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678. "The plausibility standard is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." *Id.* A pleading must offer more than

"labels and conclusions" or a "formulaic recitation of the elements of a cause of action," *id.*, quoting *Twombly*, 550 U.S. at 555, and "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Id.*

In evaluating a motion to dismiss under Rule 12(b)(6), a court must "treat the complaint's factual allegations as true and must grant plaintiff 'the benefit of all inferences that can be derived from the facts alleged.'" *Sparrow v. United Air Lines, Inc.*, 216 F.3d 1111, 1113 (D.C. Cir. 2000) (internal citation omitted), quoting *Schuler v. United States*, 617 F.2d 605, 608 (D.C. Cir. 1979); *see also Am. Nat'l Ins. Co. v. FDIC*, 642 F.3d 1137, 1139 (D.C. Cir. 2011), quoting *Thomas v. Principi*, 394 F.3d 970, 972 (D.C. Cir. 2005). Therefore, when considering a motion to dismiss, a court must construe a complaint liberally in the plaintiff's favor. *Kowal v. MCI Commc'n Corp.*, 16 F.3d 1271, 1276 (D.C. Cir. 1994). Nevertheless, the court need not accept inferences drawn by the plaintiff if those inferences are unsupported by facts alleged in the complaint, nor must the court accept plaintiff's legal conclusions. *Id.*; *see also Browning v. Clinton*, 292 F.3d 235, 242 (D.C. Cir. 2002). In ruling upon a motion to dismiss for failure to state a claim, a court may ordinarily consider only "the facts alleged in the complaint, documents attached as exhibits or incorporated by reference in the complaint, and matters about which the Court may take judicial notice." *Gustave-Schmidt v. Chao*, 226 F. Supp. 2d 191, 196 (D.D.C. 2002), citing *EEOC v. St. Francis Xavier Parochial Sch.*, 117 F.3d 621, 624–25 (D.C. Cir. 1997).

ANALYSIS

Defendants have made several arguments in support of their motion to dismiss: (1) plaintiff fails to allege a cognizable predicate offense under RICO; (2) plaintiff fails to allege a pattern of racketeering activity; (3) plaintiff fails to allege each defendant's participation in the scheme; (4) plaintiff fails to allege proximate causation between the predicate acts and the alleged harm; and (5) plaintiff's RICO claim is actually a defamation claim which is barred by the First Amendment, as is the injunctive relief plaintiffs seek. Defs.' Mot. at 9–19.

The Court finds that plaintiff has failed to allege the predicate offense and a pattern of racketeering necessary for a RICO claim. Thus, plaintiff's lawsuit fails and the Court need not address defendants' other arguments.

To state a claim for a RICO conspiracy, "the complaint must allege that (1) two or more people agreed to commit a subsection (c) offense, and (2) a defendant agreed to further that endeavor." *RSM Prod. Corp. v. Freshfields Bruckhaus Deringer U.S. LLP*, 682 F.3d 1043, 1048 (D.C. Cir. 2012), citing *Salinas v. United States*, 522 U.S. 52, 65 (1997); see 18 U.S.C. § 1962(d).

Subsection (c) provides that:

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

18 U.S.C. § 1962(c). Congress enacted § 1962(c), and RICO generally, "to target . . . the exploitation and appropriation of legitimate business by corrupt individuals." *Yellow Bus Lines, Inc. v. Drivers, Chauffeurs & Helpers Local Union 639*, 883 F.2d 132, 139 (D.C. Cir. 1989), modified on other grounds, 913 F.2d 948 (D.C. Cir. 1990), cert. denied, 501 U.S. 1222 (1991) (citation omitted). Section 1964(c) allows "[a]ny person injured in his business or property

by reason of a violation of section 1962" to bring a civil suit for treble damages, costs, and attorneys' fees. § 1964(c).

I. Plaintiff has failed to allege a predicate offense.

Plaintiff's RICO claim is predicated upon alleged violations of the wire fraud statute, 18 U.S.C. § 1343, Compl. ¶¶ 20, 28, which is listed as a predicate offense under 18 U.S.C. 1961(1)(B). Section 1343 provides that:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings ... for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

Wire fraud requires proof of (1) a scheme to defraud; and (2) the use of an interstate wire communication to further the scheme. *United States v. Philip Morris USA Inc.*, 566 F.3d 1095, 1116 (D.C. Cir. 2009); *United States v. Maxwell*, 920 F.2d 1028, 1035 (D.C. Cir. 1990). "The crux of these requirements is that the wire fraud statute makes criminal only breaches of duty that are accompanied by a misrepresentation or non-disclosure that is intended or is contemplated to deprive the person to whom the duty is owed of some legally significant benefit." *United States v. Lemire*, 720 F.2d 1327, 1335 (D.C. Cir. 1983), reaffirmed in *United States v. DeFries*, 129 F.3d 1293 (D.C. Cir. 1997). False or partially false statements can be "actionable fraud if intentionally misleading as to facts," *Philip Morris*, 566 F.3d at 1128, and the fraud results in action that is "to the advantage of the misleader and the disadvantage of the misled." *Id.*, quoting *Emery v. Am. Gen. Fin., Inc.*, 71 F.3d 1343, 1348 (7th Cir. 1995).

"Inherent in any scheme to defraud is falsehood of some kind." *Manax v. McNamara*, 660 F. Supp. 657, 660 (W.D. Tex. 1987), *aff'd*, 842 F.2d 808 (5th Cir. 1988). While a "scheme to

"defraud" encompasses the element of materiality of the falsehood, "[t]he common-law requirements of 'justifiable reliance' and 'damages,' . . . plainly have no place in the federal fraud statutes." *Neder v. United States*, 527 U.S. 1, 24–25 (1999); *see Bridge v. Phoenix Bond & Indemnity Co.*, 553 U.S. 639, 650–661 (2008) ("[A] plaintiff asserting a RICO claim predicated on mail fraud need not show, either as an element of its claim or as a prerequisite to establishing proximate causation, that it relied on the defendant's alleged misrepresentations."). Essential to the scheme to defraud is that "the defendant must have fraudulent intent at the time of the charged" wiring. *United States v. Coughlin*, 610 F.3d 89, 97–98 (D.C. Cir. 2010) (discussing mail fraud statute); *United States v. Autuori*, 212 F.3d 105, 115 (2d Cir. 2000).

Defendants argue that plaintiff has failed to state a claim for wire fraud, and instead, it has alleged "garden-variety defamation." Defs.' Mot. at 10. They maintain that "merely pleading the word 'fraud' does not transform the public statements into fraud." Defs.' Reply in Supp. of Defs.' Mot. to Dismiss [Dkt. # 14] at 4. Plaintiff argues that this fraudulent statement is actionable because they have alleged a factual misrepresentation, and that they are not seeking to redress harm to its reputation. Pl.'s Opp. at 8–9.

Plaintiff maintains that defendants committed fraud when they did not adhere to SPLC's own internal definition when they categorized CIS as a hate group. Compl. ¶¶ 18, 21. SPLC's definition of "hate group" is: "an organization that – based on its official statements or principles, the statements of its leaders, or its activities – has beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics." *Id.* ¶ 14. Plaintiff alleges that: being an illegal immigrant is not an immutable characteristic, *id.* ¶ 15; CIS provides the public with information regarding immigration in the United States, including the "fiscal consequences of legal and illegal immigration," *id.* ¶ 16; CIS's motto is "pro immigrant, low immigration." *id.*; and to

the extent that CIS supports reductions in legal or illegal immigration, those views are consistent with bipartisan commissions. *Id.* ¶ 17. From this, plaintiff asserts that defendants knew or should have known that the designation did not satisfy the SPLC definition, and it concludes that the designation under those circumstances constituted a scheme to defraud with the intent to destroy CIS financially. *Id.* ¶¶ 18, 21, 22.

The Court agrees with defendants that plaintiffs have failed to state a claim for the crime of wire fraud, because plaintiff has failed to allege that any fraud occurred. Plaintiff's allegations do not lend support for its legal conclusion that defendants engaged in a "scheme to defraud." Significantly, the complaint is devoid of any allegation that defendants made a statement that was false. The upshot of the complaint is that defendants advanced a conclusion that was debatable, and that this expression of a flawed opinion harmed plaintiff's reputation.

First, defendants' designation does not concern a "fact" – whether or not SPLC adhered to its definition to designate CIS to be a hate group is an entirely subjective inquiry. Indeed, when SPLC designated CIS a hate group according to its own definition – and not some legal or government definition – it was announcing that, *in its view*, CIS is a hate group.¹ See *De Magno v. United States*, 636 F.2d 714, 720 n.9 (D.C. Cir. 1980) (where defendant qualified her statement with "it seemed to her," thus making clear that what she had to say was only an opinion, it did not constitute fraud). And, it is not even clear from the complaint whether defendants failed to adhere to their definition of a hate group since it could encompass a wide variety of views and behavior.

¹ Defendants point out that allowing a RICO claim to stand based upon their hate group designation implicates First Amendment concerns. Defs.' Mot. at 15–19. Because the Court finds that plaintiff has failed to state a claim under RICO, it need not address defendants' First Amendment arguments.

Plaintiff asserts that being an immigrant is not an immutable characteristic, but the SPLC definition does not require the presence of an immutable characteristic. Compl. ¶¶ 14–15.

Plaintiff argues that SPLC's definition is "objective and factual" and cites the district court opinion in *United States v. Philip Morris* for the contention that the designation is actionable. Pl.'s Opp. at 9. In that case, the court found that statements regarding the effects of cigarettes were factual enough to be actionable as wire fraud. 449 F. Supp. 2d 1, 853 (D.D.C. 2006), *aff'd in part, vacated on other grounds*, 566 F.3d 1095 (D.C. Cir. 2009). The statements at issue concerned the hazards of smoking and the company's marketing policies: company officials maintained that nicotine was not addictive; they denied that they marketed cigarettes to youths, and they marketed "low tar" cigarettes as safer than regular cigarettes, among others. *Id.* at 852–53. The court recognized that typically, "a statement of opinion cannot constitute fraud," *id.* at 853, citing *De Magno*, 636 F.2d at 720 n.9, but found that there was "overwhelming evidence" that defendants knew that their public statements were fraudulent, and that "where objective data is available to disprove a statement or demonstrate that it is misleading at the time it was made, a public statement of opinion by a company spokesperson can constitute actionable fraud." *Id.*

The statements at issue here do not come close to those in *Philip Morris*. They do not depend upon objective data or evidence, and there is no basis upon which to establish whether they were known to be false when made. See *Marks v. City of Seattle*, No. C03-1701, 2003 WL 23024522 (W.D. Wash. Oct. 16, 2003) (finding failure to state a predicate act for a RICO claim where plaintiff, a city employee, pled that defendant aired a broadcast stating that she used city equipment for personal business, scheduled unnecessary overtime, and used the City rental cars for personal use, because the false statements pled were defamation or false light, and not "false statements in the sense of fraudulent misrepresentation"); see also *Mansmann v. Smith*, No. Civ.

A. 96-5768, 1997 WL 145009 (E.D. Pa. Mar. 21, 1997) (dismissing plaintiff's RICO claim for failure to state a predicate offense and noting that "it is not clear anything fraudulent is alleged; rather, plaintiffs appear to be listing a number of state law tort claims that Defendants allegedly accomplished by means of mail and wire services" where defendants allegedly made false statements discrediting plaintiff's business with the goal of injuring it).

Second, plaintiff has clearly tried to shoehorn a defamation claim into the RICO framework. But the D.C. Circuit has observed that a plaintiff "complaining about a defamatory statement cannot end-run the requirements for a defamation claim" by pleading it as a RICO violation. *See Teltschik v. Williams & Jensen, PLLC*, 748 F.3d 1285, 1288 (D.C. Cir. 2014). Other district courts have not looked favorably at attempts to do so. *See Kimberlin v. Nat'l Bloggers Club*, No. GJH-13-3059, 2015 WL 1242763, at *9 (D. Md. Mar. 17, 2015) (dismissing plaintiff's RICO claim for the additional reason that it "reflect[ed] more of an attempt to spin an alleged scheme to harm his reputation than it reflects a viable RICO claim"); *Ritchie v. Sempra Energy*, No. 10-cv-1513, 2013 WL 12171757 at *4 (S.D. Ca. Oct. 15, 2013) (finding that allegations of a smear campaign, through a website and press releases, containing false statements regarding market analysis, designed to injure the company's good will and lower its stock prices, did not state a predicate offense under RICO); *Kimm v. Lee*, No. 04 CIV. 5724 (HB), 2005 WL 89386, at *4 (S.D.N.Y. Jan. 13, 2005), *aff'd sub nom. Kimm v. Chang Hoon Lee & Champ, Inc.*, 196 F. App'x 14 (2d Cir. 2006) (dismissing plaintiff's RICO claim where plaintiff alleged false statements perpetrated to harm his reputation); *Manax v. McNamara*, 660 F. Supp. 657, 660 (W.D. Tex. 1987), *aff'd*, 842 F.2d 808 (5th Cir. 1988) (where defendant coordinated false and misleading press articles harmful to plaintiff, the scheme was not a fraud on tangible or intangible rights, but rather was damage to his reputation and thus could not be a predicate act under RICO). And, the

law is clear that defamation is not a predicate act under RICO. *Hourani v. Mirtchev*, 796 F.3d 1 (D.C. Cir. 2015). Thus, because plaintiff has failed to sufficiently allege wire fraud, plaintiff has failed to state a predicate offense to sustain its RICO claim.²

The Court's conclusion is consistent with the D.C. Circuit's admonition regarding RICO claims premised on mail fraud or wire fraud in general:

RICO claims premised on mail or wire fraud must be particularly scrutinized because of the relative ease with which a plaintiff may mold a RICO pattern from allegations that, upon closer scrutiny, do not support it This caution stems from the fact that “[i]t will be the unusual fraud that does not enlist the mails and wires in its service at least twice.”

W. Assocs. Ltd. P'ship, ex rel. Ave. Assocs. Ltd. P'ship v. Mkt. Square Assocs., 235 F.3d 629, 637 (D.C. Cir. 2001), quoting *Al-Abood ex rel. Al-Abood v. El-Shamari*, 217 F.3d 225, 238 (4th Cir.

² Defendants also argue that plaintiff has failed to state a claim for wire fraud because it has not pled that defendants intended to obtain money or property through their scheme. Defs.' Mot. at 10–11. Plaintiff argues that this is not a required element for wire fraud. The D.C. Circuit has not ruled on this issue, and the circuit courts currently stand divided. Given the other flaws in the complaint, the Court need not wade into the thicket. Compare *Monterey Plaza Hotel Ltd. P'ship v. Local 483 of Hotel Employees & Rest. Employees Union*, 215 F.3d 923, 926–27 (9th Cir. 2000) (stating that the wire fraud statute “explicitly require[s] an intent to obtain “money or property””); *United States v. Keller*, 14 F.3d 1051, 1056 (5th Cir. 1994) (The requisite intent to defraud exists if the defendant acts “knowingly and with the specific intent to deceive, ordinarily for the purpose of causing some financial loss to another or bringing about some financial gain to [himself].”); *United States v. Walters*, 997 F.2d 1219, 1227 (7th Cir. 1993) (“Both the ‘scheme or artifice to defraud’ clause and the ‘obtaining money or property’ clause of § 1343 contemplate a transfer of some kind A deprivation is a necessary but not sufficient condition of mail fraud.”); *United States v. Baldinger*, 838 F.2d 176, 180 (6th Cir. 1988) (finding that the mail fraud statute, which has virtually identical language to the wire fraud statute, “was intended by the Congress only to reach schemes that have as their goal the transfer of something of economic value to the defendant”) (internal quotation marks omitted) with *Porcelli v. United States*, 404 F.3d 157, 162 (2d Cir. 2005) (finding that an element of mail fraud is that money or property be the object of the scheme, so that the crime is complete when a deprivation occurs), citing *United States v. Hedaithy*, 392 F.3d 580, 602 n.21 (3d Cir. 2004) (“[A] mail fraud violation may be sufficiently found where the defendant has merely deprived another of a property right.”); *United States v. Welch*, 327 F.3d 1081, 1106 (10th Cir. 2003) (“Yet, the intent to defraud does not depend upon the intent to gain, but rather, on the intent to deprive.”); *United States v. Stockheimer*, 157 F.3d 1082, 1087–088 (7th Cir. 1998) (“An intent to defraud does not turn on personal gain . . . all that matters is that [the defendant] intended to inflict a loss.”).

2000); *see id.* (“Although a RICO claim may be based only on predicate acts consisting exclusively of mail and wire fraud, scrutiny of such claims is necessary, and not inconsistent with the breadth of RICO.”).

II. Plaintiff has not alleged a “pattern of racketeering activity.”

Even if plaintiff stated a predicate offense, plaintiff’s RICO claim fails because it has not alleged a “pattern of racketeering activity.” § 1962(c). In order to establish a “pattern of racketeering activity” a plaintiff must allege “at least two acts of racketeering activity . . . within ten years.” 18 U.S.C. § 1961(5). And “in addition to the requisite number of predicate acts, the plaintiff must [also] show ‘that the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.’” *Edmondson & Gallagher v. Alban Towers Tenants Ass’n*, 48 F.3d 1260, 1264 (D.C. Cir. 1995), quoting *H.J. Inc. v. N.W. Bell Tel. Co.*, 492 U.S. 229, 239 (1989).

In *Edmondson*, the D.C. Circuit outlined six factors that are relevant in determining the existence of a “pattern of racketeering.” 48 F.3d at 1263. These factors are: “the number of unlawful acts, the length of time over which the acts were committed, the similarity of the acts, the number of victims, the number of perpetrators, and the character of the unlawful activity.” *Id.* at 1265, quoting *Kehr Packages, Inc. v. Fidelcor, Inc.*, 926 F.2d 1406, 1411–13 (3d Cir. 1991). The six factors are not dispositive; rather, they serve as a guide, and courts are encouraged to evaluate cases using a “fact-specific approach” that is both “flexible” and “commonsensical.” *W. Assocs.*, 235 F.3d at 637. In some cases, “some factors will weigh so strongly in one direction as to be dispositive.” *Edmondson*, 48 F.3d at 1265.

Applying this framework, the *Edmondson* Court rejected a real estate developer’s RICO claim premised on allegations that a tenants’ association illegally blocked the sale of building. 48

F.3d at 1265. The real estate developer accused the tenants' association of committing extortion, bribery, and perjury by "exploit[ing] [a] quiet-title action, holding the building sale hostage and thereby attempting to force [the developer] to pay them off." *Id.* at 1263–64. The D.C. Circuit affirmed the dismissal of the RICO claims because "the single scheme alleged – designed to frustrate one transaction and inflicting a single, discrete injury on a small number of victims – fail[ed] to meet RICO's requirement of a 'pattern of racketeering activity.'" *Id.* Notably, the Court held that when a plaintiff merely alleges a "single scheme, single injury, and few victims," it is "virtually impossible for plaintiffs to state a RICO claim." *Id.* at 1265. This is precisely the case here.

Plaintiff's complaint describes a single scheme: "to falsely designate CIS a hate group and destroy it." Compl. ¶ 28. Plaintiff alleges that more than one blog entry was posted to "carry out this conspiracy." *Id.* ¶ 19. But all of the actions described in the complaint involve a single alleged victim, and they were allegedly aimed at accomplishing a "single discrete goal": the demise of CIS. *Edmondson*, 48 F.3d at 1265. Moreover, plaintiff pleaded a discrete injury – loss of donations – suffered by the victim. See Compl. ¶¶ 23–25. There are only two alleged perpetrators here – defendants Beirich and Cohen. *Id.* ¶ 30. Finally, the alleged acts are all of the same kind – they all are blog posts labeling CIS as a hate group. *Id.* ¶ 19.

While plaintiff states in its complaint that the "attacks are ongoing and will continue," this prediction is not enough to support its legal conclusion that "they may constitute an open-ended pattern of racketeering required by 18 U.S.C. § 1961(5)." Compl. ¶ 28; see *Kowal v. MCI Commc'n Corp.*, 16 F.3d 1271, 1276 (D.C. Cir. 1994), citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986). Even if a future post repeats the same information, it will still not be in a furtherance of the sole scheme alleged.

It is true that the Supreme Court has stated that multiple schemes are not always necessary to demonstrate a pattern of racketeering. *H.J.*, 492 U.S. at 241 (finding that Congress did not intend that “continuity” be shown only by proof of multiple schemes, and that such an inflexible approach “appears nowhere in the language or legislative history of the Act”). But that does not mean that the *Edmonson* approach is not applicable in the appropriate case. In *W. Assocs.*, the D.C. Circuit acknowledged this statement in *H.J.*; it observed that *Edmonson* is “not to the contrary,” and that “the number of schemes alleged remains a useful consideration.” 235 F.3d at 634. And, the facts here do not support varying from *Edmonson*’s finding that a complaint alleging a single scheme, injury, and victim fails to state a claim under RICO.

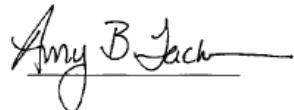
Accordingly, in light of the *Edmonson* factors, the Court finds that plaintiff has failed to allege a “pattern of racketeering.” See *W. Assocs.*, 235 F.3d at 634 (dismissing RICO claim where plaintiff alleged single scheme of fraudulent bookkeeping entries, resulting in single injury to single set of victims); *E. Savings Bank, FSB v. Papageorge*, 31 F. Supp. 3d 1, 13 (D.D.C. 2014) (rejecting RICO claim because “plaintiff has only alleged that the defendants engaged in acts designed to” achieve a “single discrete goal”: “obtain[ing] control of the Property from the plaintiff at a low price”).

Because the Court finds that plaintiff failed to allege a substantive RICO violation under Section 1962(c), it has failed to plead a conspiracy to violate RICO under Section 1962(d). See *Papageorge*, 31 F. Supp. 3d at 12–13 (dismissing RICO conspiracy claim under § 1962(d) where plaintiff failed to plead a RICO violation under 18 U.S.C. § 1962(a)–(c)). Accordingly, plaintiff’s complaint is dismissed.

CONCLUSION

Because plaintiff has failed to plead a predicate offense and a pattern of racketeering activity, the Court will grant defendants' motion to dismiss the complaint.

A separate order will issue.



AMY BERMAN JACKSON
United States District Judge

DATE: September 13, 2019

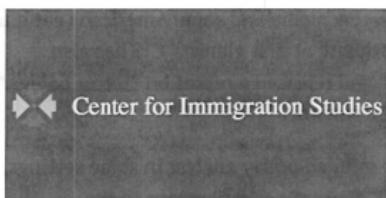


CENTER FOR IMMIGRATION STUDIES

The Center for Immigration Studies (CIS) is a conservative think tank.

[View Profile](#)

Founded in 1985 by [John Tanton](#), the Center for Immigration Studies (CIS) has gone on to become the go-to think tank for the anti-immigrant movement with its reports and staffers often cited by media and anti-immigrant politicians. CIS's much-touted tagline is "low immigration, pro-immigrant," but the organization has a decades-long history of circulating racist writers, while also associating with white nationalists.



EXTREMIST GROUP INFO:

SPLC Designated Hate Group

Date Founded: 1985

Location: Washington D.C.

Ideology: Anti-immigrant

While CIS and its position within the Tanton network have been on the Southern Poverty Law Center's (SPLC) radar for years, what precipitated listing CIS as an anti-immigrant hate group for 2016 was its repeated circulation of white nationalist and antisemitic writers in its weekly newsletter and the commissioning of a policy analyst who had previously been pushed out of the

conservative Heritage Foundation for his embrace of racist pseudoscience. These developments, its historical associations and its record of publishing reports that hype the criminality of immigrants are why CIS is labeled an anti-immigrant hate group.⁰⁰²

CIS reports have been widely criticized and debunked by groups such as the Immigration Policy Center and the CATO Institute. Alex Nowrasteh, an immigration policy analyst at CATO, said in early 2017: “Oh, I’m convinced that [CIS executive director Mark Krikorian is] wrong about all the facts and issues. They’re wrong about the impact of immigrants on the U.S. economy and on U.S. society.” Speaking about CIS to Univision in August of 2017, Illinois Rep. Luis Gutierrez stated: “Their research is always questionable because they torture the data to make it arrive at the conclusion they desire, which is that immigrants are criminals and a burden on the U.S. and our economy. It is the worst kind of deception, but politicians, the conservative media and some Americans eat it up because it always looks somewhat legitimate at first glance.” CIS has also defended the usage of “anchor babies” and released a report on “terror babies,” popular concepts among the nativist movement.

While capable of appearing as a sober-minded policy analyst in some settings, longtime CIS executive director Mark Krikorian’s contributions to the immigration policy debate rarely rise above petulant commentary dashed with extremist statements. Often, these statements are highly revealing.

At his perch at *National Review* and on Twitter, Krikorian has asked, “How many rapists & drug-dealers are the anti-deportation radicals protecting?” and argued that Mexico’s “weakness and backwardness has been deeply harmful to the United States.” Krikorian has called Mexican American journalist Jorge Ramos a “white-Hispanic ethnic hustler” and riffed that if the U.S. were a police state, as Chelsea Manning claimed, then “this mentally ill traitor would have been dumped in a shallow grave years ago.” In one exchange on Twitter, Krikorian tried to whitewash the role eugenicists played in the 1924 Immigration Act, only to stop responding when Harry H. Laughlin’s role in advancing the legislation

was mentioned. Laughlin was the most ⁹⁰³ prominent eugenics advocate prior to WWII and went on to co-found the racist pseudoscience-promoting Pioneer Fund, which Tanton had close ties to through the 1990s.

More recently, CIS has been in the headlines for its connections to former Trump Administration adviser Stephen Miller, a man who in college collaborated with white nationalist Richard Spencer to bring another white nationalist, Peter Brimelow, onto campus for a debate on immigration. Miller was instrumental in pushing for anti-immigrant policies in the Trump White House, regularly drawing from CIS. In early 2017, Miller made the rounds on national media defending the Trump administration's Muslim ban by citing the CIS. "First of all, 72 individuals, according to the Center for Immigration Studies, have been implicated in terroristic activity in the United States who hail from those seven nations, point one," Miller said on NBC's "Meet the Press." Fact-checkers at *The Washington Post* debunked the talking point, which collapsed several categories of crimes related to terrorism to reach a higher number, and awarded it "Three Pinocchios."

IN THEIR OWN WORDS

"We send out a weekly roundup of immigration commentary from all sides, including people we don't agree with. I include *The New York Times*, and their editorials on immigration are usually things we completely disagree with, and we include a pretty broad range, including some sites that publish other material that frankly I find kind of objectionable. But if they are important sites of immigration news, we include them because the whole point is, see the broad spectrums of views and judge for yourself." – CIS executive director Mark Krikorian on C-SPAN defending the inclusion of white nationalist group VDARE in CIS's weekly newsletter, 2019

"Am I a bad person for thinking it was already a holiday?" – CIS executive director Mark Krikorian commenting on a story about the major Islamic holiday Eid al-Adha falling on Sept. 11, 2016

“Obama’s Justice Dept has been doing ⁰⁰⁴ everything in its power for 7.5 yrs to foment race war. Happy now?” – CIS executive director Mark Krikorian on Twitter, [2016](#)

“It’s ironic – it’s illegal for them to work, but they’re working for the immigration service in a sense. ... I don’t have any problem with it in principle. The question is: Is it run well?” – CIS executive director Mark Krikorian on private detention centers with “volunteer” work programs that pay undocumented immigrants \$1 to \$3 a day for cleaning, cooking and other jobs, [2015](#)

“The diminution of sovereignty engineered by the EU is bad enough for some share of the population, but many more will object to extinguishing their national existence à la *Camp of the Saints*.” – CIS executive director Mark Krikorian referencing the [racist novel](#) published by John Tanton’s white nationalist publishing house [The Social Contract Press](#), [2015](#)

“We can expect a disaster. In sum, we’ll witness the unmaking of America.” – CIS senior policy analyst Stephen Steinlight commenting on the prospect of 2014 immigration reform passing, [2014](#)

“Send him back to Liberia so it’s on their dime.” – CIS executive director Mark Krikorian on a Liberian immigrant who was diagnosed with Ebola in Texas, [2014](#)

“We have to have security against both the dishwasher and the terrorist because you can’t distinguish between the two with regards to immigration control.” – CIS executive director Mark Krikorian on anti-Muslim conspiracist [Frank Gaffney](#)’s radio show, [2014](#)

“There’s no court that will stop Obama from doing anything. And we all know, if there ever was a president that deserved to be impeached, it’s this guy. Alright? And I wouldn’t stop. I would think being hung, drawn, and quartered is probably too good for him.” – CIS senior policy analyst Stephen Steinlight at a Tea Party meeting, [2014](#)

"You don't know how long it will be here⁰⁰⁵ before the political activists get engaged in [the Mexican] community and foment something that will look like the civil rights movement for African Americans, but I can promise you it will be a lot bloodier." – CIS senior policy analyst Stephen Steinlight on the prospect of Mexican immigrants attaining U.S. citizenship, [2013](#)

"Tomorrow is Ash Wednesday. ... It's a season of repentance, prayer, and self-denial, to prepare the believer for the commemoration of Christ's suffering and death and for the celebration of his resurrection. And a group of Evangelical grandees has decided to mark the holy season by prostituting scripture for political ends." – CIS executive director Mark Krikorian in response to a group of evangelical leaders calling for immigration reform, [2013](#)

"My guess is that Haiti's so screwed up because it wasn't colonized *long enough*." – CIS executive director Mark Krikorian after the 2010 Haitian earthquake that killed 160,000 people, [2010](#)

"That means the children and grandchildren of immigrants are committing a lot of crime, making this a long-term problem. That's much worse news." – CIS research director Steven Camarota arguing that the children of immigrants are prone to criminality in response to research showing that immigrants commit less crime than the native U.S. population, [2008](#)

"Perhaps the simplest way to approach [skills-based immigration] would be to admit anyone who scores above 140 on an IQ test." – CIS executive director Mark Krikorian advocating for an IQ test component in a draconian immigration policy regime, *The New Case Against Immigration: Both Legal and Illegal*, 2008

"There are real differences between groups, not just trivial ones that we happen to notice more than we should. Race is different in all sorts of ways, and probably the most important way is in IQ. Decades of psychometric testing has indicated that at least in America you have Jews with the highest average IQ, usually followed by East Asians, and then you have non-Jewish whites, Hispanics and then Blacks. These are real differences. They're not going to go away⁰⁰⁶

tomorrow, and for that reason we have ⁰⁰⁸ to address them in our immigration discussions.” – CIS contributing writer Jason Richwine, during a panel about Krikorian’s book, 2008

HISTORY

The Center for Immigration Studies, like the rest of the organized anti-immigrant movement we see in America today, was founded by the late John Tanton, a Michigan ophthalmologist turned population-control alarmist whose racist beliefs stirred him to create a network of organizations with a simple agenda: heavily restricting the immigration levels to the United States in order to maintain a white majority. As Tanton wrote in 1993, “I’ve come to the point of view that for European-American society and culture to persist requires a European-American majority, and a clear one at that.”

Tanton founded his flagship organization the Federation for American Immigration Reform (FAIR) in 1979, an organization that was for years supported by the eugenics promoting Pioneer Fund. Soon after founding FAIR, he was eager to enhance the legitimacy of the anti-immigrant policies FAIR was proposing. To do that, Tanton needed an independent think tank, which came to fruition in 1985, called the Center for Immigration Studies (CIS).

Tanton donated his correspondences to the University of Michigan and among the conversations with Klan lawyers and white nationalists, his role in establishing CIS is made clear. In a letter dated Sept. 16, 1985, Tanton spelled out the need for creating CIS and explicitly confirmed that it would start as a project of FAIR. “After a careful and prolonged study, the FAIR board has concluded that a ‘Think Tank’ on the scale of the Worldwatch Institute is needed. For credibility, this will need to be independent of FAIR, though the Center for Immigration Studies, as we’re calling it, is starting off as a project of FAIR.” The next day, Tanton wrote to Gregory D. Curtis in Pennsylvania where he again described CIS as a “project,” writing, “We’re in the process of setting up independent projects both the Center for Immigration Studies, and the Litigation Program.”

Scholar Steven Gardiner describes in his⁹⁷ 2005 paper, “White Nationalism Revisited,” “There are also organizations, the Federation for American Immigration Reform (FAIR) for example, that in their push for mainstream acceptance vehemently denying racist motivations, even while playing to radicalized fears and allying themselves with doctrine white nationalists.” The same can be said of CIS despite the best efforts of Tanton and others to play up its independence from FAIR and Tanton himself.

CIS became independent in 1986, but the relationship with Tanton and FAIR was far from over. In another memo also written in 1986, Tanton talked about the need to get CIS fully funded and properly functioning, “To expand our fund-raising market, we created the Center for Immigration Studies last year. We need to get CIS fully funded and entrenched as a major Washington think-tank, one that can venture into issues, which FAIR is not yet ready to raise.”

In another 1986 memo to a file kept for the purpose of eventually writing an autobiography, Tanton described CIS as an organization over which he had direct control, as opposed to others that he said were “one level removed from our control.” Eight years later, in 1994, Tanton wrote that he was still setting what he called “the proper roles for FAIR and CIS.”

In 1989, Tanton recorded his oral biography, where he discussed how FAIR donated board members to CIS and also discussed hiring the man who served as the think tank’s first executive director. Tanton stated: “We actually donated several of our board members and donors to the Center for Immigration Studies as it was called – Gene Katz became one of their important donors. Liz Paddock left the main FAIR board and went over to the Center for Immigration Studies board. We subsequently hired a retired foreign service officer, David Simcox, to run CIS.” Tanton also remarked, “Forming [Immigration Reform Law Institute] and CIS were part of an effort to develop a balanced program – a neatly rolled rug!”

Otis Graham – Tanton’s friend and confidant at CIS

A look at the FAIR and CIS boards today⁰⁰⁸ shows that not much has changed. CIS and FAIR share one board member, Frank Morris, and two people who have served on FAIR's advisory board currently sit on the CIS board: Peter Nunez and William Chip.

The man Tanton recorded his oral biography with was a close friend, Otis Graham, who helped grow CIS during its early years before the arrival of its current executive director, Mark Krikorian, in 1995. When Tanton started CIS as a FAIR project in 1985, Graham was a member of the FAIR board. But Tanton's correspondence makes clear that he was able to get Graham to leave the FAIR board in order to run CIS, a job he did until Krikorian took over. Graham did hold the role of executive director and others that were not specified.

Tanton frequently wrote Graham revealing letters. In 1991, he told him about former Klan leader David Duke's campaign for governor of Louisiana that year, which he described as based on "the excesses of affirmative action and illegitimate pregnancy." Tanton told Graham that "there is a lot going on out there on the cultural and ethnic (racial) difference" front and added, in a hopeful tone, that it was "all tied to immigration policy. At some point, this is going to break the dam."

A 1994 Tanton letter also shows that he was critical to raising funds for CIS. Although Tanton said he played a "behind-the-scenes role" at CIS, he revealed that key backers of his other organizations had ponied up millions for CIS. Those large donations were key because CIS does not do direct-mail fundraising.

Krikorian hired and Tanton revisionism

In 1995, another CIS transfer from FAIR occurred, this time in the person of Krikorian. Krikorian worked at FAIR as a newsletter writer and then working at a few newspapers before joining CIS. His stint at FAIR is not mentioned on his bio page at the CIS website. Within a few weeks of his appointment, Tanton sent Krikorian a letter of congratulations, telling him, "If there is anything I can do to help out at any point, please let me know."

It was around this time, too, that the historical revisionism around the founding of CIS began. Though there is no explicit evidence of collusion between Tanton, Krikorian and Dan Stein, FAIR's president, all three have attempted to change the narrative, attempting to put some distance between FAIR, Tanton, and the think tank. The crux of the tale is that Tanton simply raised money for CIS and nothing more. In his letter congratulating Krikorian in February 1995, Tanton wrote, "I have tried in particular to help with fund-raising through the years, and have been able to steer some small amounts of money toward CIS." Less than a year before Krikorian joined CIS, Dan Stein was recording his own oral biography with Tanton. When CIS came up, Stein admitted that both organizations shared office space but also stated, "Yes, CIS was never a project of FAIR, but it was a bit of a spin-off." This is a bit of a whitewash of the facts contained in Tanton's memo almost 10 years earlier where he specifically states that CIS was starting off "as a project of FAIR."

In a correspondence sent to the SPLC as well as testimony before Congress, Krikorian has also pushed this narrative. "We've never had any institutional relationship," Krikorian told the SPLC in an email in 2009. "He's never been on our board or served as an employee, he's never even been in our offices." He said Tanton "had some role back in the mid-80s in helping rustle up money for CIS," but added that he and Tanton had no "personal relationship." Krikorian sounded a similar note in 2004, when he testified before an immigration subcommittee of the House Judiciary Committee. "He wrote us a check, I think it was a year ago," he said of Tanton. "It was the first check I have seen from him in nine or 10 years.... We have no institutional relationship."

The narrative about CIS's independence, especially from a white nationalist like Tanton, is key to the organization being seen as credible in the Beltway. As Stein put it in his oral bio: "Well, yes, there has always been an important role for CIS with its research-oriented profile and greater appearance of objectivity. Its reports have been accepted by the media and some members of Congress as authentic research; it's certainly as authentic as anything that the Urban Institute or any of the Ford Foundation groups have put out. So it plays a very

valuable role, and has continued to develop⁰¹⁰ as an independent organization and perform much of the mission it was originally designed to carry out.”

Despite Krikorian’s having no “institutional relationship” with Tanton, it is clear through Tanton’s correspondences that the two men stayed in touch over the years. Tanton would send Krikorian suggestions and also included him in letters penned to white nationalists. In 1997, Tanton invited Krikorian and others to participate in the annual “Writers Workshop” event put on by his racist publishing house, the Social Contract Press (TSCP). TSCP has published a number of racist texts, including an English language translation of the French novel Camp of the Saints, a book penned by Frenchman Jean Raspail. The novel depicts an invasion of France by immigrants from India who are painted as sexually voracious savages who destroy the country and rape white women. The book gained more notoriety during the 2016 election campaign after reports that Trump’s senior adviser and then-Breitbart executive Stephen Bannon was a major fan of the novel.

TSCP also publishes a quarterly journal, *The Social Contract (TSC)*, which has routinely published nativist screeds authored by influential white nationalists including the late Sam Francis, Patrick Buchanan and Peter Brimelow. TSC’s longtime editor is white nationalist Wayne Lutton, a man described by Gardiner in his 2005 paper as one of the “intellectual theorists of white nationalism.” While Tanton hobnobbed with white nationalists and shared their beliefs, Lutton has a long track record of directly working for white nationalist groups. For a number of years, Lutton was on the editorial advisory board of the *Citizens Informer*, the publication of the white nationalist group Council of Conservative Citizens (CCC), which Charleston shooter Dylann Roof credited with being his gateway into white nationalism. Before working for Tanton, Lutton wrote for and sat on the advisory board of the Institute for Historical Review (IHR), one of America’s longest-running Holocaust denial organizations. In 2002, Lutton joined the editorial advisory board of the antisemitic Occidental Quarterly publication.

Both Krikorian and his staff are regular⁰¹¹ attendees at the TSC Writers Workshop, which also attracts white nationalists, and their writings regularly appear in *TSC*. In 2016, CIS fellow John Miano spoke at the gathering, while Krikorian did the year before, and Jessica Vaughan, CIS's director of policy studies, spoke in 2012. Krikorian has four pieces published in *TSC*, and Steve Camarota, the CIS director of research, is published there three times. CIS fellow Don Barnett and CIS board members Frank Morris, and William Chip as well as former member Vernon Briggs are also published in *TSC*.

Racism in CIS Reports and Speeches

In an interview with NPR in early 2017, in response to the SPLC listing CIS as a hate group Krikorian stated: "Our work is out there. We have published and spoken, myself and my staff, millions of words and there is nothing in there that you're gonna be able to say that is based on a sort of using a religious or racial or ethnic criteria in running our immigration policy. It's just not there." Despite its efforts to "vehemently deny racist motivations" as Gardiner points out in the case of FAIR, the group is capable of "playing to racialized fears." Among the millions of words both written and uttered by CIS staffers, including Krikorian, are a litany of examples of attacks on Latinos, Muslims and immigrants in general.

Hired in 2005 by Krikorian, CIS's senior policy analyst Stephen Steinlight perhaps best epitomizes the organization's general distaste of modern, that is to say largely nonwhite, immigrants. In "The Jewish Stake in America's Changing Demography," a report Steinlight wrote for CIS four years before he joined the organization, he painted American Muslims as Jew haters, writing: "For reasons that appear simultaneously self-evident and self-serving, spokespersons from the organized Muslim community regularly cite the figure of six million Muslims. The number is chosen because it constitutes both a form of demographic riposte to the hated figure of the six million Jewish victims of Nazism that Muslims believe confers vast moral and political advantages on Jews and, secondly, it allows Muslims to claim they have already achieved

numerical parity with American Jews.”⁰¹² Krikorian, for his part, called Muslims a “vicious people,” writing in *National Review* in 2011, “Well, I’m afraid that in the Islamic world democracy faces the problem of a vicious people, one where the desire for freedom is indeed written in every human heart, but the freedom to do evil.” In July of 2017, as tensions mounted in Jerusalem, Krikorian tweeted that Palestinians want to “exterminate the Jews.”

At a Tea Party event in 2014, Steinlight was filmed calling for the hanging of then-President Obama. Speaking at the Highlands Tea Party in Florida, Steinlight stated, “We all know, if there ever was a president that deserved to be impeached, it’s this guy. Alright? And I wouldn’t stop. I would think being hung, drawn and quartered is probably too good for him.” Krikorian’s response to the incident, which was widely covered in mainstream press was to tell HuffPost, “Steve sometimes has used impolitic language and I admonished him to choose his words more carefully in the future,” and put a reprimand in Steinlight’s personnel file.

No such reprimand occurred when Steinlight, speaking at a Tea Party gathering in Texas in 2013, said the following about Mexican immigrants: “Within a few years, I promise you, and I love it when they say, ‘Oh, those people don’t care about political rights, they just care about jobs.’ Do you know how long they will be here before the political activists get engaged in that community, and foment something that will look like the civil rights movement for African Americans, but I can promise you it will be a lot bloodier.” At another Tea Party event in 2014 in Texas, Steinlight anticipated President Trump’s Muslim ban by calling for the return of something similar to the McCarran Internal Security Act, which excluded communists and fascists from immigrating to the United States, but applied to Muslims. He stated, “If I had my druthers, we would bring back something like the McCarran Act, in the ‘50s which barred communists and fascists on the grounds that they believe in things that are subversive to the Constitution. Muslims believe in things that are subversive to the Constitution.” Steinlight conducted an interview in 2013 with the conservative *Washington Times*, stating, “Hispanics don’t exemplify ‘strong family values.’” He also

warned in 2004 that immigration ⁰¹³threatens “the American people as a whole and the future of Western civilization.”

Krikorian also has a long track record of racist remarks. Perhaps his most vile came in the aftermath of the devastating earthquake in Haiti in 2010, that killed an estimated 160,000 people. Writing in his regular column on the conservative *National Review* website nine days after the natural disaster, Krikorian remarked, “My guess is that Haiti’s so screwed up because it wasn’t colonized long enough.” (His emphasis).

He has also routinely attacked influential Americans of color. In 2017, he described civil rights leader John Lewis as “Like a grown man who won the big game in high school and never stops talking about it.” After Justice Susan Sotomayor was appointed in 2009, Krikorian took to *National Review* to say that Americans should not be “giving in to” the “unnatural” pronunciation of her last name.

The new case against immigration: Both legal and illegal

In 2008, Krikorian wrote a book on immigration restriction, *The New Case Against Immigration: Both Legal and Illegal*. Krikorian says today’s immigrants “look” a lot different than immigrants from 100 years ago. Explaining that Europeans previously accounted for the majority of immigration, he laments most immigrants today come from the “third world.” He believes this is the main issue with immigration today. These immigrants, he claims, have intense difficulties with assimilation such as learning English, transnationalism, and “affirmative action for immigrants.”

A hallmark of Krikorian’s argument is to exploit the plight of black Americans. “Today’s ‘systematically different’ immigrants are simply continuing the traditional pattern (common among the Irish and Italians and others in the past) of trying to climb over the backs of black Americans to achieve assimilation” he says. He adds, “Hispanics and Asians are simply the latest immigrant groups trying to use their location on the nonblack side of the divide

as an assimilation tool.” And despite otherwise never advocating on behalf of black Americans, he takes advantage of their position in society to serve his argument. “Bridging this basic divide in American society between black and nonblack – bringing our black countrymen into full membership in the American nation in every respect – is our most urgent long-term domestic concern,” he claims.

Krikorian believes many of these immigrant communities make America vulnerable and the threat “isn’t confined to radical Islam.” In fact, he says America is also susceptible to threats from North Korea, “Communist China,” and Colombia. He adds that Colombian communities in the United States would “serve as a base of operations for FARC attacks in the United States in the event of war.”

On Mexicans he says, “It could well be that there are cultural or other reasons that Mexican immigrants are especially deficient in institution building, but they nonetheless reflect a broader trend in modern society.” Krikorian adds, “But Mexico, already the eight-hundred pound gorilla of immigration policy, is the eight-thousand-pound gorilla with regard to sovereignty, due to its domination of the immigration flow, its proximity, and the historical resentments that many of its people harbor toward our country.”

Krikorian’s book cites his own organization, CIS, and Krikorian himself over 50 times, while also citing white nationalists Peter Brimelow, Steve Sailer and Patrick Buchanan.

Failing studies and bad stats

CIS reports and blog pieces have also been widely discredited and debunked by such groups as the Immigration Policy Center and CATO Institute, which [criticized CIS](#) in 2015 for exaggerating immigrant welfare use. But a number of publications also contain bigoted language demonizing immigrants from all walks of life and making a mockery of CIS’s “pro-immigrant” tagline.

In a 2008 blog, Jessica Vaughan decried¹¹⁵ the Temporary Protected Status (TPS) program, which provides relief for thousands of individuals who have fled war-torn nations and countries dealing with natural disasters. Vaughan wrote, “One legacy of TPS has been its contribution to the burgeoning street gang problem in the United States.” A 2008 report authored by CIS fellow David Seminara referred to immigrants as “Third-World gold-diggers.” In the same report, he wrote, “The use of fraudulent marriage petitions is prevalent among international terrorists.”

In 2010, another CIS fellow David North attempted to blame teenage obesity on immigrants in a piece titled, “Farfetched? Does Illegal Immigration Facilitate Teenage Obesity?” Also in 2010, following the BP oil spill, then CIS writer Phil Cafaro attempted to blame immigrants for the spill, writing, “Population makes a difference – and immigration levels make a difference to our overall population,” before concluding, “In the long-term, regarding efforts to create a sustainable society, these demographic trends loom a lot larger than whether or not BP or Halliburton made some greedy, foolish decisions to cut corners in the Gulf.”

CIS reports are a big hit with white nationalists, for which immigration is their “most important” issue, as Gardiner accurately points out. One white nationalist who has routinely cited CIS figures is Jared Taylor, one of the most prominent white nationalists of the past quarter century. After Hurricane Katrina in 2005, Taylor wrote, “Blacks and whites are different. When blacks are left entirely to their own devices, Western civilization – any kind of civilization – disappears” – a comment indistinguishable from Krikorian’s following the Haitian earthquake in 2010. Taylor’s columns in his now-defunct *American Renaissance* journal and AMREN website cites CIS at length. Krikorian, in a recent Reddit AMA, attempted to distance himself from Taylor, writing, “Sorry, I never ‘promoted’ him. He came to a public event once and asked a question. You could’ve done the same – would I be promoting you?” But again, Krikorian’s swift dismissal doesn’t tell the whole truth. Taylor has actually asked questions at multiple CIS events, and both men have attended Tanton’s Writers Workshop events in the

past. Tanton was a big fan of Taylor's⁰¹⁶ and helped fund the *American Renaissance* journal when Taylor launched it in 1990.

CIS staffers cozying up with racists

The Taylor-Krikorian connections don't stop there. CIS circulates a weekly email to its supporters that contains articles on immigration written by people from across the political spectrum. A study conducted by the SPLC and the Center for New Community (CNC) found that CIS circulated over 2,000 pieces of material from racist websites or penned by white nationalists, including three pieces published on the AMREN website.

Over 1,700 articles circulated by CIS in its weekly email came from VDARE, a racist website that serves as a hub for white nationalists, antisemites and nativists. VDARE stands for Virginia Dare, the supposed first white child born in the Americas. VDARE was founded by English white nationalist Peter Brimelow, a former *National Review* contributor who now is seen as a key player in the racist "alt-right" movement. Brimelow's relationship with CIS dates back decades, when Tanton would write to him and Krikorian. Krikorian wrote a review of Brimelow's infamous anti-immigrant book *Alien Nation*, calling it a "flawed jewel." CIS also published Brimelow in a 1998 colloquy titled "What, Then, Is the American, This New Man?"

Brimelow wrote 51 pieces circulated by CIS. Other VDARE authors CIS circulated include antisemite Kevin MacDonald, a former psychology professor at California State University, Long Beach, who published a trilogy that supposedly "proves" that Jews are genetically driven to destroy Western societies. CIS staffers have also written articles for VDARE throughout the years. CIS fellow John Miano has written dozens of pieces for VDARE, dating back to 2001, and in 2016 attended VDARE's Christmas party.

Kevin MacDonald was far from the only antisemite circulated by CIS to its supporters. One article CIS circulated was authored by Holocaust denier John Friend, who has described the Holocaust as a "manufactured narrative, chock

full of a wide variety of ridiculous claims⁹¹⁷ and impossible events, all to advance the Jewish agenda of world domination and subjugation.”

Another piece CIS circulated is from [Rense.com](#), a site full of Holocaust-denial material which published a birthday ode to Adolf Hitler in 2015 including lines like, “You NEVER built Jewish gas chambers,” and “You removed Jews and their Zionist agenda from positions of power in banking, media and politics, but only after World Zionism declared World War on Germany In 1933 and proved their hatred for the German people.” The piece refers to Jews as “predators” and includes lines including: “How come that the Jews are so rich? Only Jews are offended by the question because they are too arrogant and insecure to recognize [sic] that every stranger, not necessarily a Jew, is being asked from time to time who is he and what makes him tick.”

Six articles written by the notorious Norwegian anti-Muslim blogger Peder Are Nøstvold Jensen who writes under the name “Fjordman,” were also circulated by CIS in its weekly emails. Fjordman was [cited](#) over 100 times in the manifesto of racist mass murderer Anders Behring Breivik, who killed 77 people in Norway in 2011.

In 2008, CIS circulated a Taki’s Magazine article by white nationalist [Richard Spencer](#) – the face of the alt-right movement – and two pieces from Spencer’s old white nationalist website [AlternativeRight.com](#). CIS also distributed one piece by William Regnery, the founder of the National Policy Institute (NPI) the white nationalist think tank Spencer now runs. Regnery also founded the Charles Martel Society, the publisher of the racist and antisemitic journal [*Occidental Quarterly*](#).

In 2007, Krikorian accepted an invitation to speak at Michigan State University from its chapter of Young Americans for Freedom (YAF), a conservative college organization. This chapter of YAF, however, was not like many of its sister chapters across the country. The chapter was led by one of Richard Spencer’s friends, white nationalist [Kyle Bristow](#). The MSU-YAF had been widely covered in the media for a series of nasty stunts – staging a “Catch an Illegal Immigrant

Day," holding a "Koran Desecration" competition, and posting "Gays Spread AIDS" flyers across campus. Krikorian was part of the same speaker series that included Nick Griffin, a Holocaust denier who heads the extremist British National Party, and Jared Taylor (whose speech was later cancelled). Bristow is now the white nationalist movement's go-to lawyer.

A number of CIS reports have also appeared reprinted in the *Journal of Social, Political and Economic Studies*, published by Roger Pearson, a white nationalist who has been active on the far right since the 1950s. In 1958, Pearson founded the Northern League, a "Pan-Nordic cultural organization" dedicated to convincing Northern Europeans to recognize "their common problems and their common destiny," and to come to "an appreciation ... of the threat of biological extinction with which we [i.e. Nordics] are threatened." The members of this new group included Nazis. In 1957, Pearson wrote, "If a nation with a more advanced, more specialized, or in any way superior set of genes mingles with, instead of exterminating, an inferior tribe, then it commits racial suicide, and destroys the work of thousands of years of biological isolation and natural selection." In total, three reports published by CIS were reprinted in Pearson's journal, two back in 2002, and one in 2009. The civil rights group Center for New Community contacted Pearson about the 2009 reprint, and his response was, "If I remember correctly, it was reprinted with the permission of Center for Immigration Studies."

On multiple occasions CIS staffers have granted interviews with another antisemitic outlet, American Free Press (AFP). AFP was founded by now-deceased antisemite Willis Carto, who like Pearson was active on the radical right for over half a century. AFP carries stories on Zionism, secret "New World Order" conspiracies, and thinly veiled vilification of American Jews and Israel, something that could be learned by conducting a simple Google search.

Mainstream credibility

Tanton described in his oral biography that CIS "has gone on to be quite successful" and that most certainly is the case in part due to the group working

hard to distance itself from its founder,⁹¹⁸ while at the same time fostering relationships with elected officials and government agencies. This was a key goal of Tanton's, first described in a memo he wrote back in 1986. Under the subheading "Infiltrate the Judiciary Committees," Tanton wrote: "This is a long-range project. We should make every effort to get legislators sympathetic to our point of view appointed to the House and Senate Judiciary Committees, and their Immigration Sub-Committees. Think how much different our prospects would be if someone espousing our ideas had the chairmanship! If we secure the appointment of our people as freshmen members of the committee, we will eventually secure the chairmanship. Remember: we're in this for the long haul."

Later in the memo, Tanton wrote about the need to "develop strong relationships with the [U.S. Immigration and Naturalization Service], and with the Bureau of Consular Affairs in the State Department (which supervises the issuance of visas). Here I'm speaking of not just the people in Washington, but the workers in the field. We should recruit field people to membership, and get their ideas on how to change things, drawn from their perspective of daily work with the problem. The Departments of Labor and Education also have a piece of this pie, and we should get to know them as well."

Steinlight and other CIS staffers have not been shy about promoting their strong ties with agencies now under the Department of Homeland Security (DHS), a department formed long after Tanton wrote his strategic memos.

The CNC detailed the relationships between CIS and these agencies at length in a 2015 report titled "Blurring Borders: Collusion Between Anti-Immigrant Groups and Immigration Enforcement Agencies." Speaking specifically about CIS, it reads, "In a July 2014 appearance on the internet radio show Cotto & Company, CIS Senior Policy Analyst Stephen Steinlight admitted that a recent CIS publication that inspired multiple Congressional inquiries could not have been done "without our ongoing good connections with whistleblowers in agencies like Immigration and Customs Enforcement." As recently as March 31, 2015, CIS's Jessica Vaughan published analysis based on, as she opaquely

phrased it, “DHS statistics, which have ²²⁹ not been released to the public, but were obtained by the Center.”

CIS has also worked with Border Patrol in the past, most notably during border tours that the group organizes on both the U.S./Mexico and U.S./Canada borders.

While members of Congress are comfortable working with FAIR, CIS currently has the monopoly when it comes to testifying before Congress. In total, CIS staffers have testified over 100 times, and 11 times since the beginning of 2016. FAIR has not testified before Congress since 2012, according to its website.

While CIS routinely hosts panel discussions featuring nativist members of Congress, including Rep. Mo Brooks of Alabama and Rep. Lou Barletta of Pennsylvania, a more blatant example of CIS’s deep relationships with elected officials occurred during the last major push for comprehensive immigration reform in 2013. CIS director of national security policy Janice Kephart left the organization to take up of special counsel to the Senate Judiciary Committee. During the heated debates over the bill in the Senate, then-Sen. Jeff Sessions of Alabama, a longtime ally of the anti-immigrant movement, was the key spokesperson on the Senate floor in opposite to the bill. During Sessions’ rebuttals Kephart could be seen sitting behind the senator.

In early 2014, as the prospect of comprehensive immigration measures diminished, CIS again relied on leaks from its friends in DHS to publish two reports. The first claimed that ICE “released 68,000 aliens with criminal convictions” in 2013 and the second cited internal DHS metrics claiming that 36,000 immigrants awaiting the outcome of their deportation proceedings were released by DHS under President Obama’s watch that same year. The 36,000 number promoted Rep. Lou Barletta, a close ally of the anti-immigrant groups, to write an op-ed citing the first CIS report where he claimed its release was “the day immigration reform died.”

Following the tragic shooting death of ⁰²¹Kate Steinle in San Francisco in July 2015 by an undocumented immigrant, CIS and other anti-immigrants used it as an opportunity to attack so-called “sanctuary cities.” CIS published a map of sanctuary jurisdictions on its website that prompted a backlash. In July 2017, Mark Krikorian published a piece on the two-year anniversary of Steinle’s death, using it to push for anti-sanctuary policies. A week earlier, Steinle’s father, who was with her on the night she died, provided quotes in a piece in the *San Francisco Chronicle* titled, “Leave Kate Steinle Out of the Immigration Debate.” “I don’t know who coined ‘Kate’s Law,’” Jim Steinle stated, “It certainly wasn’t us.” In 2015, Steinle said in an interview that his family is not opposed to sanctuary policies.

History of attrition through enforcement

Since its inception, CIS has been advocating for some form of “attrition through enforcement.” Various CIS writers have advocated for this policy, from David North to Jessica Vaughn.

What began as a reflection of IRCA in 1987 has evolved into CIS’s core policy. David North explains in his 1987 article that immigrants need to be treated as poorly as possible so that they themselves choose to leave, alleviating the work of immigration enforcement. “Being arrested as one heads illegally over-the border, and then being sent back to the nearest port of entry, is a nuisance, and little more. Being arrested in illegal status in New York, and being sent home to Lima or Sydney is a major disincentive, and the individual either will not try again, or will not try again quickly,” he says.

Attrition through enforcement was formalized in the anti-immigrant movement in 2005. The United States needs to “shrink the illegal population through consistent, across-the-board enforcement of immigration law,” Krikorian proclaimed. Krikorian says in denying immigrants access to jobs, identification, housing and “in general making it as difficult as possible for an illegal immigrant to live a normal life here,” undocumented individuals would “self-deport.”

Kris Kobach, former Kansas secretary of state and counsel for the Immigration Reform Law Institute (IRLI), a legal department of FAIR, an SPLC-designated hate group, is responsible for some of the most anti-immigrant legislation, particularly attrition through enforcement. Kobach has also attended a TSC Writers Workshop.⁰²²

Kobach first began experimenting with this policy on a smaller scale, helping to draft and then defend legislation like Ordinance 5165 in Fremont, Nebraska, which barred undocumented individuals from renting property. These ordinances were then rolled into bigger omnibus packages which were introduced in Arizona as SB 1070 and then in Alabama as HB 56. Both bills allow law enforcement to racially profile individuals when there is “reasonable suspicion” they are undocumented.

In 2008, Kobach authored *Attrition Through Enforcement: A Rational Approach to Illegal Immigration*, in which he touts the Legal Arizona Workers Act (LAWA), which requires all employers in Arizona to use E-Verify, as a successful example of attrition through enforcement.

E-Verify

E-Verify is an integral component of attrition through enforcement according to Krikorian. In 2015, Pew published a report, “More Mexicans are Leaving Than Coming to the U.S.” which found a net decline in immigration from Mexico from 2009 to 2014. Working off the results of this report, Krikorian accounted this decline to attrition through enforcement. He says the Pew report suggests that if the U.S. implements nationwide E-Verify, tracks and punishes individuals who overstay their visas, prosecutes “border infiltrators” and deports every “illegal arrested by local police,” then the “illegal population will shrink considerably.” However, no analysis or evidence is provided to substantiate this claim. The Pew report Krikorian cites actually says family reunification is the top reason for leaving.

Advertised as a free system for employers to verify if employees are documented, E-Verify is estimated to cost almost \$1 billion to implement nationwide. An audit published by U.S. Citizenship and Immigration Services (USCIS) in 2009 estimates it would cost the federal government \$635 million, an additional \$10 million in compliance costs, and at least \$200 million to the private sector alone.⁰²³

In addition to the cost of implementation and maintenance of this program, E-Verify often wrongly presumes workers guilty and forces individuals to defend their documented status. This affects all people – not just the undocumented. E-Verify has an almost 1% inaccuracy rate for wrongly identifying legal workers as unauthorized.

The ACLU estimates there are 154 million workers in the United States, and if the E-Verify system fails just 1% of the time, it will keep 154,000 people from working. These 154,000 people can be denied by the system for a number of reasons, but the cause is rarely obvious. The E-Verify system compiles data from 20 different databases, and the effort to clear the system error can be not only rigorous, but costly as well.

Across two administrations: Trump to early Biden years

Donald Trump's rise to power brought CIS and the rest of the nativist movement closer to the White House and closer to shaping immigration policy than ever before.

Krikorian bragged to Reuters in October 2016 that the Trump team had received requests for research and studies during the campaign. In August, Trump released a campaign ad that specifically cited CIS. Also in August, Krikorian met with Trump officials in New York, where he was asked to be a campaign surrogate, a position that he turned down.

Trump's major national security speech, also delivered in August 2016, contained a call for an "ideological screening test," similar to the one used in the

Cold War and touted by Krikorian in December 2015. In his *National Review* column he wrote, “The narrowest solution would be to restore the principle of ‘ideological exclusion’ to U.S. immigration law. With the end of the Cold War – which too many imagined to be the End of History – we eliminated the legal bar to enemies of America who were not actual members of terrorist organizations or card-carrying members of totalitarian political parties.”

Trump’s victory resulted in nativists obtaining top jobs in the administration and DHS and Alabama Senator Jeff Sessions was appointed Attorney General. Aside from working hand in hand with Kephart in 2013, Sessions has endorsed the work of CIS and participated in a panel discussion event the group organized in 2006 and spoke on a CIS teleconference in 2013. During the 2016 campaign, Sessions spoke at a reception for guests invited to a CIS conference. Stephen Miller, a Sessions staffer-turned Trump adviser and speechwriter, served as the keynote speaker at a CIS awards ceremony in 2015. In 2017, CIS staffer Jon Feere left the organization and took up a position at the DHS. Former FAIR executive director Julie Kirchner also was hired for a position at USCIS.

In 2016 CIS began commissioning Jason Richwine, a disgraced former Heritage Foundation analyst, to write reports and blogs for the organization. Richwine’s racist views were exposed in 2013 after he co-authored a major Heritage Foundation report on the “costs” of the most recent comprehensive immigration reform bill. Journalists, as well as civil rights groups such as the SPLC and the Anti-Defamation League, reported on the racist nature of Richwine’s Harvard dissertation in which he claimed, “No one knows whether Hispanics will ever reach IQ parity with whites, but the prediction that new Hispanic immigrants will have low-IQ children and grandchildren is difficult to argue against.” Richwine’s beliefs in IQ differences between the races are prevalent not only in anti-immigrant circles, but also white nationalist ones. He authored pieces for the white nationalist website Alternative Right, founded by Richard Spencer.

But five years prior to this, Krikorian was exposed to Richwine’s views on race and IQ in a panel discussion organized by the American Enterprise Institute to

discuss Krikorian's book, *The New Case Against Immigration*. With Krikorian sitting on the same panel, Richwine stated: "There are real differences between groups, not just trivial ones that we have to notice more than we should. Race is different in all sorts of ways, and probably the most important way is in IQ. Decades of psychometric testing has indicated that at least in America you have Jews with the highest average IQ, usually followed by East Asians, and then you have non-Jewish whites, Hispanics and then blacks. These are real differences. They're not going to go away tomorrow, and for that reason we have to address them in our immigration discussions."⁰²⁵

Present

With the election of Joe Biden, the anti-immigrant movement, including CIS, found itself at an inflection point. The previous four years represented a recent high-water mark of the nativist movement's ability to influence federal immigration policy. However, with the Biden administration's promise to reverse former President Trump's draconian immigration agenda, CIS and other anti-immigrant hate groups shifted from a proactive strategy to one centered on preserving the anti-immigrant status quo they helped usher in.

As part of the effort to defend its policy victories over the last four years, CIS has welcomed several former Trump administration officials to its staff, some of whom had worked at CIS in years past.

One former Trump administration official who joined CIS is Robert Law. From 2017 to 2021, Law worked at U.S. Citizenship and Immigration Services (USCIS), first as senior policy adviser and subsequently as chief of the Office of Policy and Strategy. Law, who prior to joining the Trump administration had held multiple positions at FAIR, reportedly helped draft President Trump's executive order that temporarily blocked the issuance of new green cards in April 2020. Currently, Law serves as CIS's Director of Regulatory Affairs and Policy.

Jon Feere is another former Trump administration official presently working at CIS. Since 2002, Feere has worked at CIS on and off, in a variety of positions.

During his time in the Trump administration, Feere served in ICE as the senior adviser to the director and as ICE's chief of staff from January 2017 to January 2021. Feere was a political appointee of the Trump administration, meaning his nomination did not require Congressional approval. At CIS, Feere is the director of investigations.⁰²⁶

CIS is currently focused on using a state-centric strategy to protect the anti-immigrant policy remnants of the Trump administration. In a Dec. 6, 2021, report, CIS Director of Policy Studies Jessica Vaughan noted the importance of a state and local government-led blueprint that reiterates CIS's commitment to an extreme slate of "self-deportation" policies, which are long proven failures for the states and communities that have adopted them over recent decades.

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Chairman BISHOP. The time is with the gentlelady of New York. Ms. CLARKE. Thank you very much, Mr. Chairman.

We are here today because Republicans are demagoguing and exploiting the xenophobic and white supremacist ideologies that are fueling the immigration debate in this Nation.

For those who are showing up at our border I am concerned about how we as a Nation are going to address what is basically a broken immigration system. People don't choose to leave their families and communities, their culture, their language on a whim. Most often people leave because their very lives are at stake.

Just 700 miles from our border, the Nation of Haiti is facing an unprecedented crisis. Gangs control their capital city, Port-au-Prince, and every-day citizens are being terrorized by brutal murderers and kidnappings. Millions of Haitians face food insecurity and given the choice between starvation and violence and illicit migration, it is little wonder that people arrive at our borders.

Though conditions in China are very different it is never easy for an individual to choose to migrate, and I believe that we as a Nation, particularly a Nation of immigrants, have an obligation to bring our immigration system into the 21st Century so that we can live up to the creed of our Nation.

Dr. Oyen, what can you tell us about the demographics of the Chinese border-crossers and why they are leaving China and how they integrate into communities in the United States once they arrive?

Ms. OYEN. Based on what has been reported so far, a lot of the reporting seems to be that they are from China's expansive middle class. You will see that there are people who have spent a couple thousand equivalents of U.S. dollars to make the trip, and they have a harrowing journey through Ecuador and through the Darien Gap and up.

There are people who spent tens of thousands of dollars which usually allowed them to fly the entire way to Tijuana and then cross the border.

The reason why that, sort-of, expansive middle class seems to be the population that is moving, it is people who have something to sell, to have the money to do that, but it is also people who have been particularly severely hit by the zero-COVID policies and the economic fallout from the pandemic.

So there is a lot of small business owners who have lost their businesses or have lost jobs or don't see the kinds of jobs that they are looking for or don't see opportunities available to them and so that becomes an argument for economic migration in this way.

So the demographics do appear to be predominantly people traveling alone and predominantly male, based on the numbers who are coming into Ecuador which has visa-free entry from China. So it does appear to be that is the population that is most likely out of work, that very often can't find and is not happy in China.

In some cases there is, you know, demographic changes in China that make more men than women so and then, of course, there is historical reasons why Chinese men have usually undertaken risky immigration journeys.

Ms. CLARKE. Very well.

Well, Mr. Chairman, I really think that as part of a Committee on Homeland Security we have an obligation to really bring our immigration laws into the 21st Century and do it in a bipartisan manner. I hope that you will be a proponent for that going forward and in the future.

Having said that, I thank you for the opportunity and I yield back the balance of my time.

Chairman BISHOP. The gentlewoman yields back.

The Chair now recognizes Mr. Higgins for 5 minutes of questioning.

Mr. HIGGINS. Thank you, Mr. Chairman.

My colleagues across the aisle, I am just visiting this subcommittee today and I appreciate being here. I know I don't have the right to vote because I am not on this subcommittee. I sit on another one, but I would have voted in support of my Republican colleagues today. Let the historical record reflect that fact.

Let me also state that my Democrat colleagues across the aisle appear to be saying to Americans across the country that have endured border policies enacted on the day that President Biden was inaugurated and began his actions, Executive Actions to change the policy of this country to open our border.

It wasn't the cartels that changed on January 20, 2021. It was the President of the United States.

It wasn't the 1,954 miles of our border that changed in January 2021. It was a President of the United States changed our policies and the world was listening, was it not, Mr. Bensman, as you pointed out.

So Americans that have endured 15 million illegals crossing into our country in 4 years, crime waves rolling across America from sea to shining sea, fentanyl poisoning killing 100,000 Americans per year, Americans across the country that have an objection to that, and we have got a problem with that.

Apparently Democrats are saying we are all bunch of Nazis, white supremacists, antisemitic. This is disconnected from reality, man. America is suffering generational trauma because of the Biden administration policies that have blown our border wide open.

Now immigrants of means, Chinese healthy and well-funded coming into our country being granted what? Asylum. Is a healthy, well-funded, warrior age, young men coming into our country, nobody over there has a problem with that?

Mr. Bensman, you mentioned interviewing thousands you said. That is quite a lot. I would say that places you in the expert category, sir.

How can we confirm who these Chinese nationals rolling across our Southern Border, thousands at a time now, how can we confirm? How do we know who they are? They tell us. They give us a name. They give us some documentation, but they are healthy. They are well-funded. They could buy documentation anywhere, quality documentation. How do we know who they are?

Are we taking any biometric data from them? Are we getting any documentation, DNA, fingerprints, retinal scans, photographs, et cetera?

Mr. BENSMAN. We should be. There should be biometrics collected at different points along the trail in Panama, for example, Costa Rica, if they go through those.

Mr. HIGGINS. At a processing center?

Mr. BENSMAN. Yes, through the—

Mr. HIGGINS. You are talking about at a DHS-run processing center in another country. But does the United States, the DHS, have possession, from your experience of interviewing these thousands of illegal immigrants, does the United States have files on these people, who they are—fingerprints, retinal scans, et cetera?

Mr. BENSMAN. I would say in general they do not. They will have, and especially they will have maybe a first fingerprint from

somewhere along the trail. They may take them at the border once they get here, but they don't really have anything to bounce them off against.

Mr. HIGGINS. OK. So these——

Mr. BENSMAN. The real——

Mr. HIGGINS. These Chinese nationals coming into our country from Europe experience or then maybe anyone can answer this, are they are being reviewed for gang affiliations and gang tattoos, triad tattoos, et cetera?

Mr. BENSMAN. No.

Mr. HIGGINS. I see a no.

Mr. SINGLETON. Currently, no.

Mr. Singleton.

Dr. Oyen, do you know if these Chinese nationals are at least, you know, being looked at for tattoos coming into our country?

Ms. OYEN. I would not know that, no.

Mr. HIGGINS. You don't know.

Mr. Hankinson, are they being checked?

Mr. HANKINSON. I wouldn't think they have the time to do a whole lot of checking given how quickly they are being released.

Mr. HIGGINS. Take your shirt off, 10 seconds, tattoos, yes or no? We do it in jails across the country every day at the local, State, and Federal level. We look for tattoos, gang tattoos. We could do it at the border if we wanted to without hiring one more agent or spending one more penny. Take your shirt off. Do you have tattoos, yes or no? It is simple. We do it at jails across the country.

Are we are doing that, Mr. Bensman?

Mr. BENSMAN. I would say not.

Mr. HIGGINS. That answer is no. The answer is no. Well, my goodness, I have expired my time, Mr. Chairman, but I have not expired my passion. Thank you, I yield.

Chairman BISHOP. The gentleman yields back.

I had some indication, an inkling that we might proceed to a second round of the questioning, but I don't believe in the light of the turn of the hearing that we will do that. I had started off with great optimism about the nature of the hearing, but it is unfortunate.

I will say it is amazing that the person injecting the acrimony is 1 of the 9 Democrats to vote against a resolution condemning the October 7 attack, also voted present on a resolution to bar Hamas members and those who participated in October 7 attack from entering our country. Astonishing.

I will thank the witnesses for your valuable testimony and the Members for your questions. Members of the subcommittee may have additional questions for the witnesses, and we would ask the witnesses to respond in writing.

Pursuant to committee rule VII(D), the hearing record will be open for 10 days. With that, the hearing is adjourned.

[Whereupon, at 3:30 p.m., the subcommittee was adjourned.]

A P P E N D I X I

QUESTIONS FROM HONORABLE AUGUST PFLUGER FOR SIMON R. HANKINSON

Question 1a. The PRC has expanded its activities and influence in Latin America in recent years, financing and developing critical infrastructure and entrapping governments in debt through programs like the Belt and Road Initiative. China has also increased its military ties in Latin America, selling arms and equipment to Venezuela, Bolivia, Ecuador, and other countries in the region.

What concerns should we have about China's growing presence in the Western Hemisphere?

Answer. Concerns about China's recent activity in the Western Hemisphere are rooted in the Chinese Communist Party's (CCP) concerted use of state power across domains. In Latin America, China uses political and economic power with its investment in dual-use infrastructure to serve strategic objectives and facilitate potential future military integration. The Belt and Road Initiative is a key factor, as 21 states in the region hold membership, creating formal inroads to facilitate CCP influence in the region. In Peru, for example, CCP-owned China Southern Power Grid acquired approximately \$3 billion in assets from their domestic power grid, leading to 70 percent Chinese control in this sector.

Recent Chinese lithium mining investments in Argentina alone total more than \$2 billion, and generally speaking China is outcompeting U.S. infrastructure investments in Latin America. New CCP-backed infrastructure projects raise additional concern due to their dual-use and strategic implications. Seventeen Chinese infrastructure projects focused on constructing deep-water ports are now under way in the region, including multiple projects that surround the Panama Canal. Contracts for investment projects are carried out by state-owned companies, such as China Communications Construction (CCC) and China Ocean Shipping Company (COSCO), that are informally part of China's expansive military-civil fusion program. Additionally, Chinese companies such as Huawei continue to create inroads through the construction of 4G and 5G telecommunications infrastructure throughout the region. The increased foothold could allow the CCP access to treasure troves of data by virtue of the PRC's 2015 National Security Law, which requires all firms to actively contribute to national security and cooperate with Government requests for information.

Question 1b. To what extent do you believe the Chinese Communist Party may be recruiting individuals in these countries to help carry out their influence in the United States?

Answer. The CCP is working with Latin American countries to advance Chinese interests in the region at the expense of U.S. security and prosperity. Since the turn of the century, the PLA has conducted over 200 senior leader visits to Latin America and the Caribbean. Last year, Brazilian President Luiz Inacio Lula da Silva concluded a visit to China by pledging to work with Beijing to "rebalance" global politics and further their joint trading interests. A rebalancing of international systems and norms would benefit Chinese interests at the cost of American interests. Furthermore, the *Wall Street Journal* reported that Cuba is allowing China to build a surveillance facility for Chinese intelligence services to monitor maritime traffic and electronic communications from the United States.

Beyond building ties with political leaders, China is also working to establish a cultural and educational relationship with the Latin American people. China has established at least 39 Confucius institutes in the region, which are Chinese propagandist institutions with known ties to China's security and intelligence agencies. China also awards Hanban scholarships to Latin America's best China scholars, along with free trips to China for academics and journalists, providing additional opportunities for recruitment and intelligence collection.

QUESTIONS FROM HONORABLE AUGUST PFLUGER FOR CRAIG SINGLETON

Question 1. This Congress, the House Homeland Security Committee has led efforts to expose the malign and threatening activity occurring at clandestine Chinese Police Stations in the United States. In April 2023, the FBI arrested two individuals for operating a Chinese police station in Manhattan, New York, where they destroyed evidence, illegally stalked and assaulted people in the United States, conducted transnational repression, and ultimately obstructed justice.

Recently, FBI Director Wray said, “The PRC has made it clear that it considers every sector that makes our society run as fair game in its bid to dominate on the world stage.” Now, this quote was in reference to civilian and critical infrastructure, but it sounds like they are already targeting the interworking of our civil society.

A report in September 2022 revealed the presence of 110 Chinese police stations located around the world. In your opinion, what is the greatest threat posed by these Chinese police stations to U.S. citizens and our national security?

Answer. Response was not received at the time of publication.

Question 2a. As we've discussed in this committee before, the Chinese Communist Party has a pattern of engaging in transnational repression and intimidation tactics against Chinese nationals, affiliates, and especially dissidents living in the United States. While this is not a new strategy for the CCP, I imagine it has been exacerbated by the increased presence of potentially malign actors with ties to the CCP crossing our border illegally.

Do you believe the increase in transnational repression could be related to irregular, illegal immigration of Chinese nationals, some of whom may have ties to the People's Republic of China?

Question 2b. What type of tactics does the CCP use, and do you expect them to continue?

Answer. Response was not received at the time of publication.

QUESTION FROM HONORABLE AUGUST PFLUGER FOR TODD BENSMAN

Question. The PRC has expanded its activities and influence in Latin America in recent years, financing and developing critical infrastructure and entrapping governments in debt through programs like the Belt and Road Initiative. China has also increased its military ties in Latin America, selling arms and equipment to Venezuela, Bolivia, Ecuador, and other countries in the region.

The Associated Press recently reported that short video platforms and messaging apps are being used to provide on-the-ground footage and step-by-step guides from China to the United States, including tips on what to pack, how to survive in the jungle, what hotels and guides to use, how much to bribe police officers in certain countries along the way, and of course, what to do when encountering U.S. immigration officers. Apps like TikTok and Douyin are the primary platforms for this communication. How might these practices be used to facilitate and assist PRC operatives once they are already in the United States?

Answer. Response was not received at the time of publication.

A P P E N D I X I I

STATEMENT OF MARTIN KIM, DIRECTOR, IMMIGRATION ADVOCACY, ASIAN AMERICANS
ADVANCING JUSTICE—AAJC

MAY 16, 2024

Chairman Bishop, Ranking Member Ivey, and Members of the subcommittee, I write today with great concern about how the recent increase in Chinese migration to the Southern Border has been framed by some members of this subcommittee. While there are legitimate and serious criticisms of the Chinese Communist Party (CCP) and the Xi Jinping regime, those criticism do not justify the attacks we have seen on immigrants fleeing the repression of the CCP and present a risk to the broader Asian and Pacific Islander (API) community.

Asian Americans Advancing Justice—AAJC (“Advancing Justice—AAJC”) is a national non-profit organization founded in 1991 dedicated to advancing civil and human rights for Asian Americans. We strive to empower Asian American and Pacific Islander communities across the country by bringing local and national constituencies together and advocating for Federal policy that reflects the needs of Asian Americans and promotes a fair and equitable society for all. Advancing Justice—AAJC is the leading national advocate for immigration and anti-racial profiling policy on behalf of the Asian American community, and in this capacity, we work to address the racial profiling and discriminatory targeting of Asian Americans and immigrants.

As the subcommittee’s invited witnesses noted, the recent increase in Chinese migration is due to a variety of factors, including increased oppression by the CCP and worsening economic conditions within China. These heightened pressures come at a moment when the wait times for Chinese immigrants looking to migrate through other channels have skyrocketed: according to the most recent visa bulletin, and as just one example, Chinese immigrants with approved family petitions who applied 3 to 17 years ago are only now eligible to receive family-based visas.¹ As might be expected, the increased pressures leading people to leave China combined with the difficulty securing other pathways into the United States has led to a change in the historical migration patterns of this population.

Given that the United States is a country that values democracy and individual liberty, it is no surprise that those fleeing repressive environments like the Xi Jinping regime seek to immigrate to the United States. In fact, it is precisely these kinds of immigrants that the United States should welcome. History is filled with examples of immigrants from totalitarian and repressive regimes seeking refuge here, whether they were Jewish immigrants who fled Nazi Germany or those seeking to leave the Soviet Union during the Cold War. We should not look at immigrants, like those from China, coming to the United States from these conditions with automatic suspicion.

However, instead of welcoming Chinese immigrants, Members of this subcommittee have called this new Chinese immigration “illegal” and claim that these immigrants represent a “security risk.” While it is true that the number of Chinese immigrants at the Southern Border has increased, it is important to note that—contrary to the framing of this hearing—seeking asylum at the Southern Border is not illegal: it is a human right enshrined in international² and domestic law.³ Chinese

¹ Visa Bulletin, U.S. Dep’t of State, Vol. X, No. 89 (May 2024), <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2024/visa-bulletin-for-may-2024.html>.

² Convention relating to the Status of Refugees, signed July 28, 1951, 189 U.N.T.S. 150 (entered into force April 22, 1954); Protocol relating to the Status of Refugees, signed Jan. 31, 1967, 606 U.N.T.S. 267 (entered into force October 4, 1967).

³ 8 U.S.C. § 1158.

immigrants, like other immigrants, have the right to seek asylum here in the United States. Similarly, even though the CCP has engaged in activities seeking to undermine U.S. interests, there is no evidence that all or even a significant proportion of Chinese immigrants have strong ties to the CCP.⁴

When immigrants from China are singled out as “security risks” or as “spies” it can have significant, adverse, and even violent consequences for Chinese Americans and API communities more broadly.⁵ In the case of this hearing, the implication that Chinese immigrants fleeing China are a national security risk plays into historical stereotypes of the “perpetual foreigner” and recent incidents of anti-Asian violence. The rhetoric and framing deployed in this hearing fails to meaningfully distinguish between the Chinese government and Chinese citizens. Instead, Members of this committee should seek to better understand the nuances that impact migration patterns.

As we have seen time and time again, overbroadly attributing anti-U.S. sentiment to Chinese people is not only a misrepresentation of a diverse group, but also leads to discriminatory blowback against the Asian American community in the United States. Racist stereotypes about Asian American “foreignness” and “disloyalty” have been used to justify incarceration, assault, and even the murder of our community members. During World War II, unfounded suspicion of Japanese Americans led to the forced incarceration of over 120,000 Japanese Americans by the U.S. Government. In 1982, anti-Japanese sentiment stemming from economic competition in the United States led to the brutal assault and murder of Chinese American Vincent Chin, who was mistaken as a Japanese American. After 9/11, misplaced blame for terrorist attacks fed directly into rampant Islamophobia and violent attacks against Muslim Americans, as well as Sikh and South Asian Americans who were inaccurately perceived to be Muslim. More recently during the peak of the COVID-19 pandemic, prominent politicians wrongfully attributed the disease to Chinese individuals in our community, leading to a 339 percent increase in reported violent anti-Asian attacks across the United States.⁶ And even more recently, there has been a 180 percent increase in anti-Muslim hate incidents exacerbated by the conflict in Gaza, the rest of the Occupied Palestinian Territories, and Israel.⁷

We agree with the subcommittee that the increase in Chinese immigration to the Southern Border is worthy of attention. We also agree that the threats posed by the Chinese government are real and should be explored. There are ways to do so without painting all API immigrants and Asian Americans as possible threats.⁸ For this reason, we ask that the Members of this subcommittee refrain from inflammatory rhetoric that will only serve to expose our communities to risk and weaken the United States as a whole.

⁴ Fu Ting, Ali Swenson, and Didi Tang, Trump suggests Chinese migrants are in the US to build an ‘army.’ The migrants tell another story, AP NEWS (May 14, 2024), <https://apnews.com/article/trump-china-immigrant-migrants-border-army-05478af9702aa8cc0264bb52-c8ba7bd9>.

⁵ Viet Thanh Nguyen and Janelle Wong, Bipartisan political rhetoric about Asia leads to anti-Asian violence here, THE WASHINGTON POST (Mar. 19, 2021), https://www.washingtonpost.com/outlook/atlanta-shooting-political-rhetoric-violence/2021/03/19/f882f8e8-88b9-11eb-8a8b-5cf82c3dffe4_story.html.

⁶ Kimmy Yam, Anti-Asian hate crimes increased 339 percent nationwide last year, report says, NBCNEWS.COM (Jan. 31, 2022, updated Feb. 14, 2022), <https://www.nbcnews.com/news/asian-america/anti-asian-hate-crimes-increased-339-percent-nationwide-last-year-repo-rcna14282> (last updated May 22, 2024).

⁷ Kanishka Singh, Anti-Muslim incidents jump in US amid Israel-Gaza war, REUTERS (Jan. 29, 2024), <https://www.reuters.com/world/us/anti-muslim-incidents-jump-us-amid-israel-gaza-war-2024-01-29/>; Nicquel Terry Ellis and Chadelis Duster, ‘Anxiety and fear are high’ US Palestinians, Muslims fear a return to post-9/11 Islamophobia, CNN.COM (Oct. 17, 2023), <https://www.cnn.com/2023/10/17/us/us-palestinians-muslims-fear-islamophobia-surge-reaj/index.html>.

⁸ Asian Americans Advancing Justice/AAJC, Advancing Justice—AAJC Messaging Guidance, <https://www.advancingjustice-aajc.org/publication/advancing-justice-aajc-messaging-guidance> (updated Jan. 19, 2024).

STATEMENT OF THE NISKANEN CENTER

MAY 16, 2024

New data suggests political repression, slowing economy driving irregular Chinese migration to United States

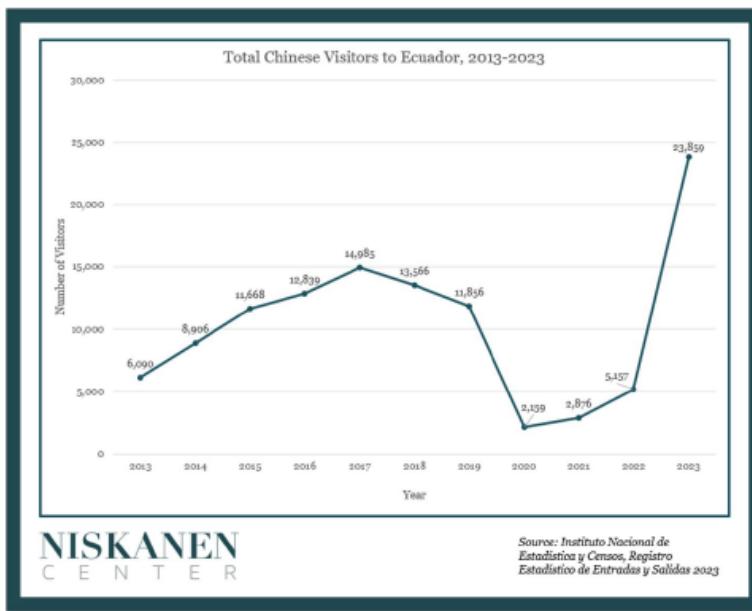
INTRODUCTION

Despite intense interest from lawmakers and the media about Chinese migration through the Southern Border, reliable data sources about these migrants are limited.

One of the available sources is the annually updated Ecuadorian Statistical Registry of International Entries and Exits. This database offers an invaluable glimpse into the characteristics of Chinese migrants entering Ecuador, the only mainland country in the Western Hemisphere that offers visa-free travel to Chinese nationals.

Since most Chinese migrants enter the Americas via Ecuador, these records can reasonably be used to draw inferences about irregular Chinese migration. This assumption is supported by the net entry/exit data, which show that Chinese nationals entered Ecuador 48,381 times in 2023 but only left 24,240 times. The resulting entry/exit deficit was 24,141—by far the highest number of any nationality.

Several other data points from the latest release, which summarizes 2023 international entries, further strengthen our knowledge of irregular Chinese migration. For example, U.S. Customs and Border Protection data has shown a sharp increase in encounters with Chinese nationals in recent years. This increase is mirrored by the Ecuadorian travel data, which indicates a record high of 23,859 Chinese nationals traveled to Ecuador at least once in 2023, an increase of almost 235 percent compared to the previous 5-year average.

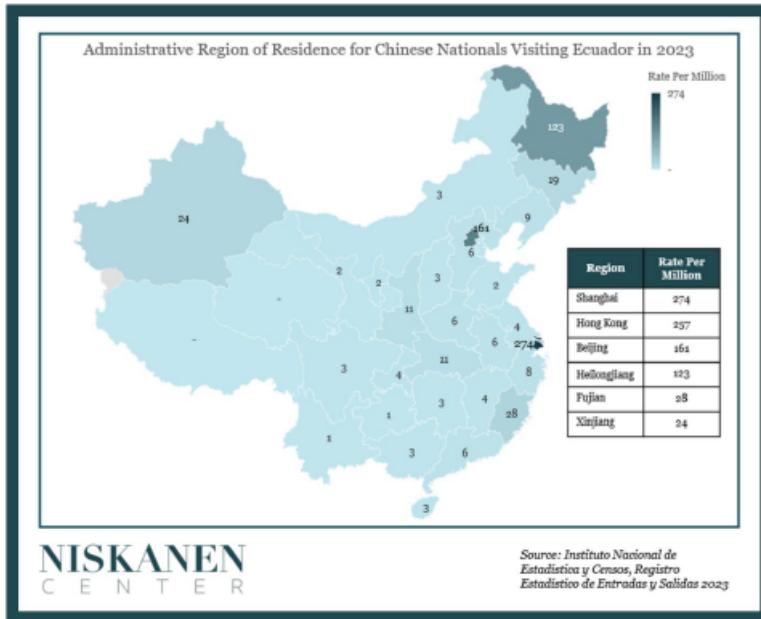


Some of the new data points, however, complicate our assumptions about who these migrants are.

AREAS EXPERIENCING REPRESSION REMAIN OVERREPRESENTED

Our analysis of last year's data found that Hong Kong and Xinjiang, which have experienced acute levels of social and political repression by the Chinese Communist Party (CCP) in recent years, were overrepresented as cities of origin logged in Ecuadorian entry data.

This finding is replicated in this year's data, with Hong Kong having the second-highest rate of travel to Ecuador per million and Xinjiang having the sixth.



Hong Kong can be explained to some extent by the region's relatively high economic development, airport presence, and overall population, making regular business travel and overrepresentation in the entry data plausible.

However, two consecutive years of high proportional numbers from Xinjiang defy easy explanation. High levels of travel from the prefectures of Aksu and Altay heavily skew Xinjiang's numbers. Aksu is 80 percent Uyghur, while Altay is majority Kazakh—which could indicate that the travelers from this region may not be Han Chinese or at least have first-hand familiarity with the CCP's system of repression in this region.

The most reasonable explanation for Xinjiang's high numbers are that residents are especially motivated to escape the repressive CCP security apparatus in the region.

However, the numbers from this data set need to be stronger to indicate that persecution is a necessary driver for irregular travel from China to Ecuador. Only two provinces saw no travel to Ecuador in 2022 and 2023: Qinghai, which is only 51 percent Han Chinese, and the Tibetan Autonomous Region, which is 86 percent ethnic Tibetan.

Both provinces have experienced large-scale human rights violations but have yet to record the same levels of outbound travel as Xinjiang and Hong Kong. This suggests that other factors outside of possible social, religious, and political concerns are also significant in determining whether a region has a high amount of irregular emigration.

DECLINING NORTHEASTERN REGIONS ALSO HIGH

The provinces in China's "rust belt" in the northeast have experienced a significant population decline in recent years, losing 30 percent of their population from 2010 to 2020.

In this region, despite their plummeting populations, Heilongjiang, Jilin, and Liaoning are all in the top third of origin regions among Chinese travelers to Ecuador when adjusted for population, as indicated in this table by an asterisk.

Region	2023 Rate of Travel to Ecuador per Million
Shanghai Municipality	274
Hong Kong Special Administrative Region	257
Beijing Municipality	161
Heilongjiang Province*	123
Fujian Province	28
Xinjiang Uyghur Autonomous Region	24
Macau Special Administrative Region	19
Jilin Province*	19
Hubei Province	11
Shaanxi Province	11
Liaoning Province*	9

Source: Author's tabulation of data from Instituto Nacional de Estadística y Censos, Registro Estadístico de Entradas y Salidas 2023.

These regional reflections that China's intensifying political persecution and a slowing economy likely contribute to irregular migration are supported by the broader Chinese demographic profile drawn from the Ecuadorian travel data.

MOST TRAVELERS MALE, MIDDLE CLASS, UNDER 40

Chinese migrants encountered at the U.S.-Mexico border are often ominously referred to as "military-aged males."

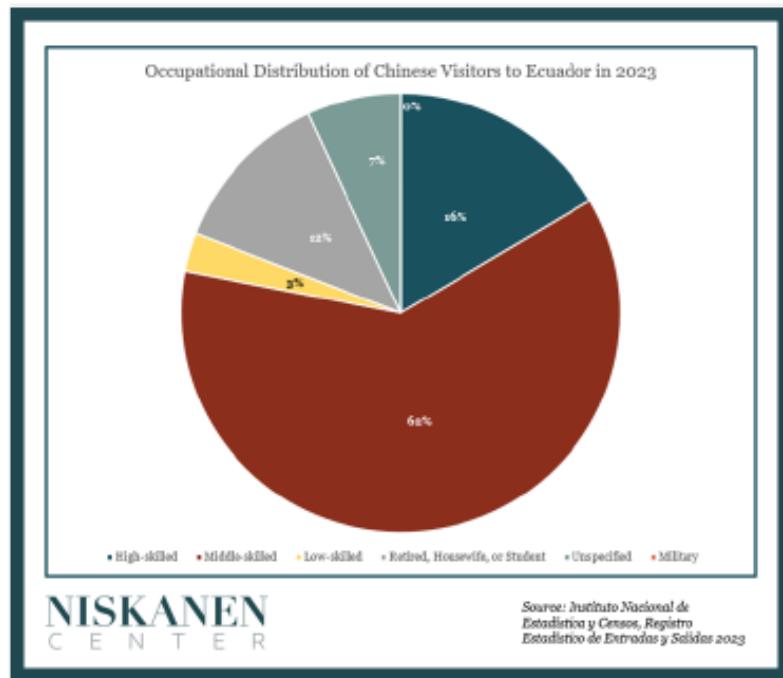
This data corroborates the fact that the migrants are largely young and male. In 2023, 71 percent of Chinese entrants to Ecuador were male, and 55 percent were between 15 and 39 years of age. Three factors almost certainly explain these demographics, none indicating a national security risk.

First, due to the one-child policy, China has a significant gender imbalance that has left many men struggling to find women they could marry. The pressure created by this imbalance has already created a market for trafficking within China, and it is reasonable to assume that young Chinese men could be motivated to undertake the journey if they believe it will make it easier to find a spouse.

Second, social media has made the otherwise logically daunting journey far more manageable and appealing, and young people are more likely to feel comfortable using social media to navigate the journey.

Finally, middle-class young men in China are the demographic most likely to have the means and capability to organize and complete the expensive and grueling route to the United States via Ecuador.

Occupational data from entrants to Ecuador corroborate this explanation: Almost 80 percent were either high- or middle-skilled professionals, while less than 1 percent (and only 2 in total) listed "military" as their field of work.



CONCLUSION

There is no singular characteristic that explains why increasing numbers of asylum seekers from China are presenting themselves at the Southern Border. Stifling political repression, a slowing Chinese economy, the emergence of social media as a conduit for irregular travel, and a perceived limited window of opportunity are all mutually-compounding factors that together make the record 24,376 encounters with Chinese nationals recorded by U.S. CBP in fiscal year 2024 to date easier to comprehend.

One popular explanation favored by some commentators is that these Chinese migrants are spies. As we have explained before, this interpretation is highly dubious.

American policy makers interested in effectively rolling back the CCP should instead reject their assumption that any ethnic Chinese person owes them fealty and aggressively promote practical, bipartisan solutions that protect anti-communist dissidents and advance American Democracy as an alternative worldview.

Olivia Enos at the Hudson Institute has convincingly made the case for stepping up enforcement of the Uyghur Forced Labor Prevention Act, the Uyghur Human Rights Policy Act, and the Global Magnitsky Act to target CCP human rights violations.

At the level of immigration policy, the United States should better enable Chinese dissidents to access our refugee system. This can be done by passing the Uyghur Human Rights Protection Act and the Hong Kong Safe Harbor Act, which would allow dissidents from these areas to enjoy Priority Two (P-2) processing in the refugee resettlement system, allowing them to enter the United States refugee program without a referral from the UNHCR, an embassy, or an NGO.

Despite their authoritarian structure, the CCP does not control the narrative over irregular Chinese migration to the United States. Whether the United States decides to shape this narrative before it shapes us in the eyes of people seeking freedom in China, East Asia, and the world is up to us.

