

forward. They were worried that there would be children who would simply not be claimed. And I wondered if that was at all a consideration, if that's anything that you're worried about once that MOU goes into effect.

MR. MILLER: I'll let either DHS or HHS handle the question on the MOA.

To take your first part about the court settlement in 1997, subsequent judicial rulings, and Zadvydas, et cetera: I think, again, it's a pretty straightforward issue, which is that there is near-unanimous Republican agreement about the need to change law and policy in order to close those loopholes, and that Democrats are opposing them, which makes them extraordinarily hypocritical at best in their recent comments -- and, worse than that, makes them responsible for the current illegal migration crisis.

The other point I would just make more holistically is that we're talking about child safety, which is an issue of profound importance -- inestimable importance. The child smuggling trade would be shut down if we could close these loopholes, and that would end an enormous amount of preventable human suffering.

And I also think the other point is, is that many U.S. citizen who would put their children -- or who put minors, related to them or not, into similar kinds of circumstances and conditions faced by Central American minors would, in many cases, face far more stiff and serious criminal penalties and liabilities inside the United States. And that's a point that I don't really hear being addressed by some of the critical Democrat members of Congress about why they apparently don't see any contradiction there in terms of -- when you talk about the issue of child endangerment, why we would give a free pass to some to engage in child endangerment and smuggling, and not others.

MR. WAGNER: Steve Wagner here at HHS, responding to the other half of your question. So as I mentioned, the MOA is going to help us do our job better, both at ensuring we don't release children who have gang affiliations and also better vetting the sponsors. That's a paramount importance to us that we are ensuring that we're only releasing kids to qualified sponsors and that we have thoroughly looked at their background.

If somebody is unwilling to claim their child from custody because they're concerned about their own immigration status, I think that de facto calls into question whether they're an adequate sponsor and whether we should be releasing a child to that person. Plus, we have the problem of people fraudulently claiming to be parents when, in fact, they're not.

Actually matching the family relationship is a challenge for us. And we're really looking forward to the implementation of this MOA so that DHS helps us do our job even more effectively.

Q Hi. Thanks so much. Jonathan, I think this is a question for you, because I got these statistics from your office. But when we took a look at the actual percentage of fraudulent cases of people using kids to try to cross the border illegally, the stats I got from your office were 46 out of all 300,000 last year. So that's about .015 percent.

So I guess my point is that the thing that you seem to be basing this on is incredibly rare. Am I misunderstanding something here?

MR. HOFFMAN: Heather, I'll be happy to talk with you offline on that, because I think your numbers that you used were looking at an overall number of the trafficked population, not UACs, not family units, and so the percentages were somewhat different. But I'll be happy to talk to you offline about that.

MR. MILLER: I want to also respond to that, too. Until the MOA is fully operational, it would be difficult to have any real certain data on something of that nature at all. But more fundamentally, that is one of the 20 different issues that we raised on the call.

The fundamental issue is the child endangerment that happens as a result of them being smuggled, period. And the smuggling, period, is happening because of these loopholes, period. So if people care about stopping child smuggling, they'll close the loopholes.

We cannot have an immigration system where you get a free pass to enter illegally if you smuggle the child. It should not surprise anybody that that has led to a massive increase in child smuggling. And so there's an extraordinary amount of hypocrisy on the part of those who are expressing concern for child welfare by protecting the loopholes that put the children into dangerous situations in the first place.

We need to end the policy of having catch and release for individuals who exploit loopholes and our federal laws.

Q Hey, thank you guys for having the call. I just wanted some clarification on the Flores decision. And you cited it as rationale for separating children from their families. Could you explain that? And also, you mentioned that you're continuing policies of the previous administration in terms of doing this, but isn't this something that the -- I mean, AG just announced this last month as a new policy, right? So can that really be a continuation of the previous administration? Could you guys address that?

MR. MILLER: Yeah I want to clarify a couple things. The Attorney General did not announce the policy that if you criminally prosecute somebody, your child is not also placed into the same criminal prosecution and detention. That's, I think, been the case not only in this country but in almost all countries for a very long time.

The surge in illegal border crossings and the threat that that puts to American safety and child safety obviously required a zero-tolerance policy for illegal entry. But the underlying policy, in terms of how criminal prosecutions are handled, as well as all other underlying policies about -- of children who are in danger have not changed.

With respect to the Flores -- other than to the extent that we are improving them to better protect child safety -- with respect to the Flores Settlement Agreement, the point is, is that the settlement agreement prevents a family unit from being detained together past a certain period of time.