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# CONGRESSIONAL TESTIMONY

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Hearing on “**Security Risk: The Unprecedented Surge in Chinese Illegal Immigration**”

**Testimony Before**

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

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## **Introduction**

I spent 23 years as a Foreign Service officer with the Department of State, serving at U.S. diplomatic missions in seven 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 two 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 two 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.<sup>i</sup>

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 U.S. illegally over the Southwest Land Border.<sup>ii</sup> 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.<sup>iii</sup> 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."<sup>iv</sup>

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."<sup>v</sup> 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.<sup>vi</sup> 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."<sup>vii</sup> 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."<sup>viii</sup> 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.<sup>ix</sup> In 2021, DHS reported that "approximately 40,800 PRC nationals in the United States are subject to final orders of removal."<sup>x</sup> However, in November 2023, the New York Times quoted an anonymous Biden administration official as saying that "Of the 1.3 million people in the United States with final orders to be deported, about 100,000 are Chinese."<sup>xi</sup>

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 U.S. 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 U.S. 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 to the multiple DHS reports.<sup>xii</sup> 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.<sup>xiii</sup> 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.<sup>xiv</sup>

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, three years into the Biden administration, Border Patrol encountered 3,700 Chinese – 200 hundred times as many.

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

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

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

In Fiscal Year 2024 as of March 31<sup>st</sup>, the Department of Homeland Security encountered 41,970 total inadmissible Chinese nationals at our borders. 24,296 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.<sup>xv</sup>

On just one day in April 2024 (April 24<sup>th</sup>) the Border Patrol encountered 206 Chinese nationals crossing into just the San Diego sector of the Southwest border.<sup>xvi</sup> San Diego sector has seen explosive growth in Chinese illegally arriving by foot. In FY 2021, the Border Patrol had only 75 encounters with Chinese nationals all year in San Diego sector. That rose to 942 in FY 2022, 10,520 in FY 2023, and they are up to 23,890 in FY 2024 so far.<sup>xvii</sup> DHS has even granted appointments to Chinese, supposedly located in Mexico, under their CBP One application for them to apply for parole after being allowed to fly into the U.S. 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.<sup>xviii</sup>

In March 2024, I visited the California border in San Diego, Jacumba Hot Springs, Otay Mesa, and Imperial Beach. I spent a morning watching two 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 NGOs, 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.<sup>xix</sup> 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.<sup>xx</sup> 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.”<sup>xxi</sup>

## **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.”<sup>xxii</sup> 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.<sup>xxiii</sup> After 2020, China’s zero-COVID policy forced testing, vaccines, and lockdowns, enforced by surveillance state and sometimes violence.<sup>xxiv</sup> 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 U.S. illegally by land are economic migrants seeking employment.<sup>xxv</sup> Like millions of other 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.<sup>xxvi</sup>

### **Pull Factors: Unprecedented Ease To Travel, Enter, Stay, Work in the U.S.**

#### **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 unprecedented geopolitical and environmental circumstances.<sup>xxvii</sup> 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.”<sup>xxviii</sup> The result has been predictable: The easier it appears to be to enter the U.S. 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 U.S. illegally since January 2021.<sup>xxix</sup>

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.”<sup>xxx</sup> 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.<sup>xxxi</sup>

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.<sup>xxxii</sup> 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.<sup>xxxiii</sup> 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 together in a bipartisan way to address our broken immigration and asylum system.”<sup>xxxiv</sup> 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 worldwide transportation network financed and often built by China.<sup>xxxv</sup> 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 U.S.**

Under the Biden administration, Chinese nationals, like people from 180 other countries, come in increasing numbers simply because they can. Worldwide 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 U.S. from many countries along the Panama–Mexico route.<sup>xxxvi</sup>

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.<sup>xxxvii</sup> From Ecuador, many Chinese migrants headed for the U.S. 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 nine months of 2023, which is 40 times the number that took this route in 2021.<sup>xxxviii</sup> 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."<sup>xxxix</sup> 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.<sup>xl</sup> There are reports that others pay extra to bypass the Darién Gap by taking sea transport from Ecuador further north.<sup>xli</sup>

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, three times what Latin American migrants typically pay."<sup>xlii</sup> 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 U.S.<sup>xliii</sup> 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.<sup>xliv</sup>

### **Chinese Immigration After 1965**

It was difficult for Chinese to enter the U.S. until the Immigration Act of 1965, which began the modern era of mass immigration into the United States. The majority of immigrants to the U.S. now come now from Latin America, Asia, and Africa rather than Europe as in the previous three 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.<sup>xlv</sup> 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 U.S., according to the Department of Agriculture, amounting to 1% of land held by foreigners.<sup>xlvi</sup> 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.”<sup>xlvii</sup> 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.<sup>xlviii</sup> Large holdings of land are owned by shell companies and cutouts that can obscure the real holder’s Chinese origin.<sup>xlix</sup> Chinese individuals and entities have also purchased or attempted to buy land close to U.S. military installations in several states.<sup>1</sup>

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.<sup>li</sup> 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.

While China was poor, emigration to the U.S. 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.<sup>lii</sup>

## **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 U.S. for the purpose stated, and that he has a home outside the U.S. 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,<sup>liii</sup> it began dropping fraud charges<sup>liv</sup> against alleged Chinese military personnel accused of falsifying visa applications.<sup>lv</sup> It appears that the Justice Department’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.<sup>lvi</sup>

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 U.S. 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 U.S. 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 US-Mexico border have ties to Chinese intelligence, using US border vulnerabilities for espionage," according to private intelligence analyst Grey Dynamics.<sup>lvii</sup>

In January 2024, the Daily Caller reported that the Biden administration has "drastically simplified the vetting process for Chinese illegal immigrants" started in April of 2023, based on a source at U.S. Customs and Border Protection (CBP).<sup>lviii</sup> 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 five. 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,<sup>lix</sup> 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 "multilayered border security efforts include various screening and vetting processes that work to detect and prevent individuals who pose national security or public safety risks from entering the United States."<sup>lx</sup> 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.<sup>lxi</sup> 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."<sup>lxii</sup> 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.<sup>lxiii</sup> 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.<sup>lxiv</sup> 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 judge<sup>lxv</sup> at a specified time and place.<sup>lxvi</sup> 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 meantime, only a small minority of released aliens are under any kind of monitoring under Immigration and Customs Enforcement’s Alternatives to Detention (ATD) program.<sup>lxvii</sup> 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.<sup>lxviii</sup> 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.<sup>lxix</sup>

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 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 3:00 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 U.S. 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.

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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.<sup>1</sup>

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.<sup>2</sup> More Chinese nationals are now crossing the Southwest border near San Diego than Mexican nationals.<sup>3</sup>

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."<sup>4</sup>

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.<sup>5</sup>

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.<sup>6</sup>

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.<sup>7</sup>

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.”<sup>8</sup>

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.<sup>9</sup>

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.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup>

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.<sup>16</sup>

"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.<sup>17</sup> "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.<sup>18</sup> 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.<sup>19</sup>

“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.”<sup>20</sup>

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.<sup>21</sup>

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



new 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.<sup>22</sup>

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.<sup>23</sup>

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.<sup>24</sup>

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.<sup>25</sup>

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.<sup>26</sup> They can also claim business travel to Ecuador following the 2023 conclusion of a free trade agreement with China.<sup>27</sup>

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 "coytotes") 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.

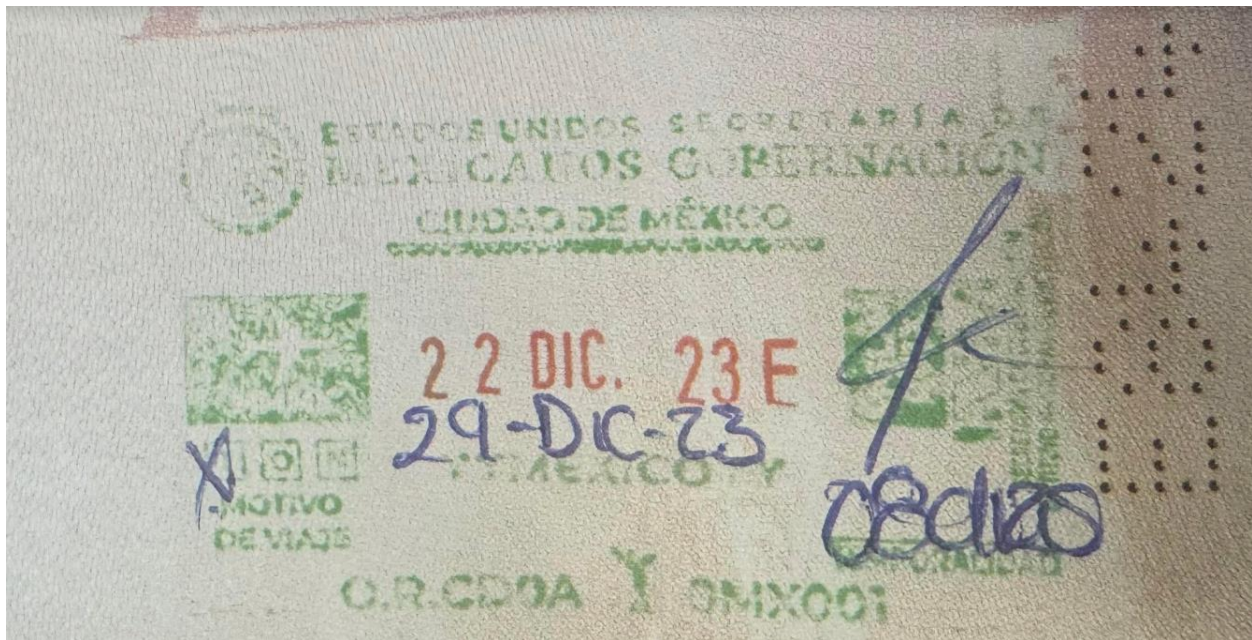


*Kingdom of Bahrain passport stamp found in a discarded Chinese passport recovered at the California-Mexico border. Courtesy of San Diego resident Cory Gautereaux*





*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 Gautreaux*

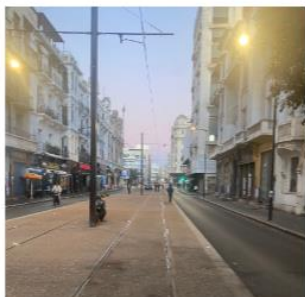
Other evidence suggests that some Chinese border crossers travel first – but briefly – to other popular tourist destinations for Chinese, in Southeast Asia but that the “tourists” end up in Ecuador within a few days to begin their journey to the United States.

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.<sup>28</sup>

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.

**10-11 DEC 2023:** photos of Moroccan style décor (10 DEC), Casablanca Tramway route (10 DEC), and a beach resort hotel called “Piscine Miami” (11 DEC) that is located in Casablanca, Morocco (top three photos from phone, bottom three from open source research). See below.

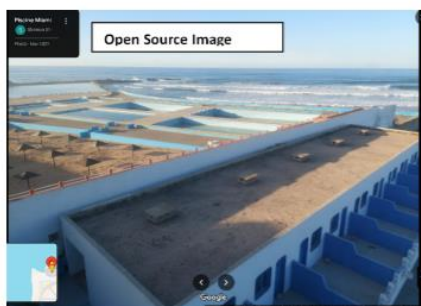


10 DEC 23



11 DEC 23

10 DEC 23



*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*



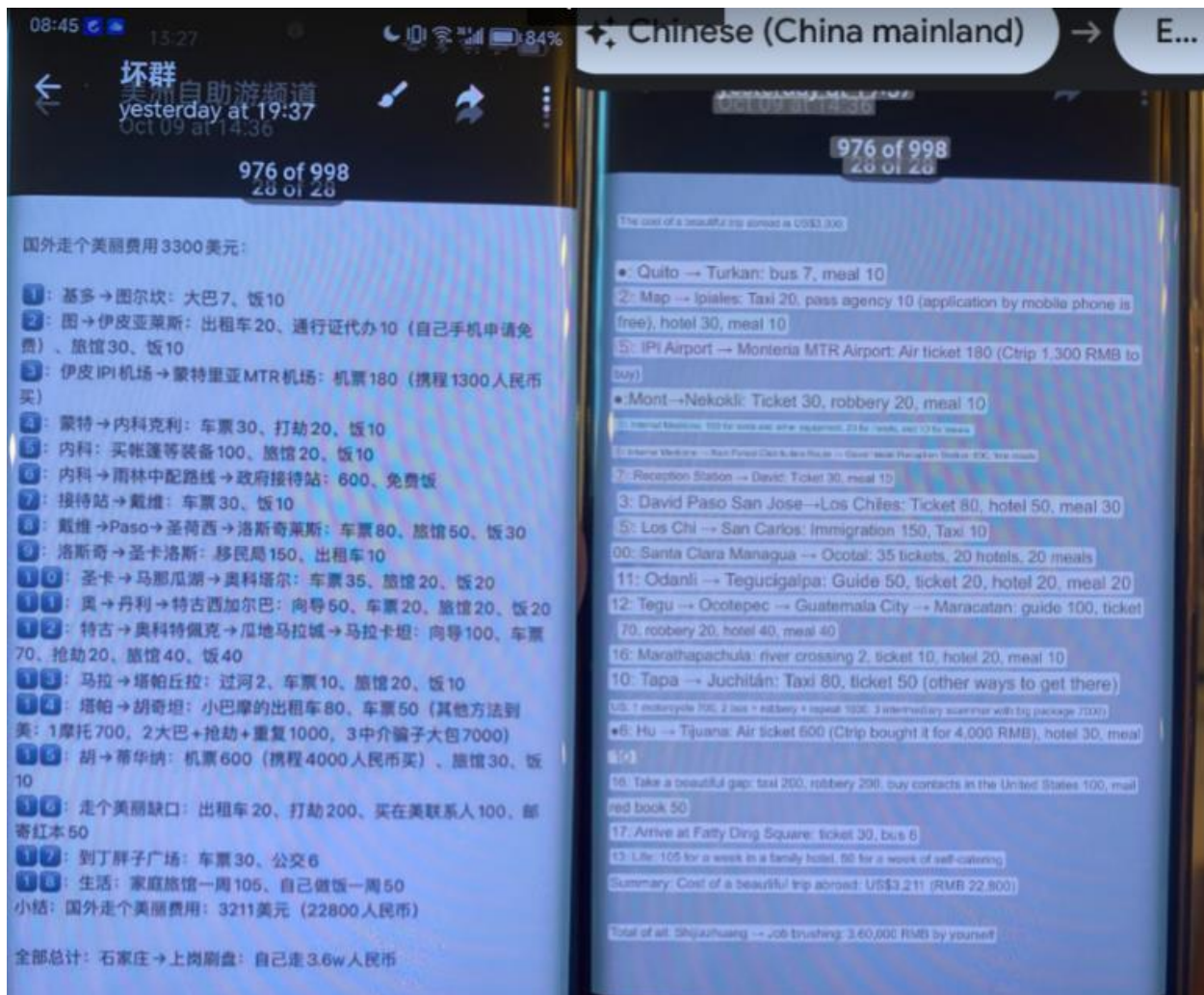


Figure 1 Compiled by independent researcher Heather Kaiser Kent, a former U.S. Army intelligence officer of 11 years

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.<sup>29</sup>



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 Gautreaux*

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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<sup>1</sup> [U.S. Border Patrol Nationwide Apprehensions by Citizenship and Sector](#) FY2007-2019

<sup>2</sup> 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.

<sup>3</sup> Melissa Koenig, "[More Chinese migrants now crossing San Diego border than Mexican nationals](#): report," 23 February 2024.

<sup>4</sup> Elliot Spagat, "[Border Patrol paroles migrants to avoid massive overcrowding](#)," Associated Press, 23 June 2022.

<sup>5</sup> 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>

<sup>6</sup> "[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.

<sup>7</sup> 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.

<sup>88</sup> Philip Lenczycki, "[Biden Admin Watered Down Vetting Process for Chinese Illegal Immigrants, Email Shows](#)," 2 January 2024.

<sup>9</sup> 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 Throngs 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.

<sup>10</sup> Bruce Golding, "[Not just balloons: Here's how China spies on the US](#)," The New York Post, 5 February 2023.

<sup>11</sup> 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.

<sup>12</sup> Todd Bensman, "[Joe Biden Just Condemned America to More Chinese Espionage – and Worse](#)," The National Interest, 18 July 2021.

<sup>13</sup> "[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.

<sup>14</sup> "[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.

<sup>15</sup> [Homeland Threat Assessment 2024](#), Department of Homeland Security Office of Intelligence and Analysis, September 2023.

<sup>16</sup> [Ibid](#); p. 7

<sup>17</sup> [Ibid](#); p. 7

<sup>18</sup> [Annual Threat Assessment of the U.S. Intelligence Community](#), Office of the Director of National Intelligence, p. 11, February 2023.

<sup>19</sup> [Annual Threat Assessment of the U.S. Intelligence Community](#), Office of the Director of National Intelligence, p. 7, March 2024.

<sup>20</sup> [Ibid](#); p. 12.

<sup>21</sup> 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.

<sup>22</sup> 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.

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<sup>23</sup> 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.

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

<sup>25</sup> “[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.

<sup>26</sup> “[Ecuador wants to attract more Chinese tourists](#),” Cuenca highlife, 2 January 2014; “[Ecuador Welcomes Chinese Tourists](#),” TeleSUR, 29 February 2016.

<sup>27</sup> Francisco Vazquez, “[Ecuador and China Conclude Free Trade Agreement Negotiations](#),” 5 January 2023.

<sup>28</sup> Phone recovered by Cory Gautereaux and analyzed by private researcher Heather Kaiser Kent, a former U.S. Army intelligence officer of 11 years, for Todd Bensman. Contact: [heatherkaiser@protonmail.com](mailto:heatherkaiser@protonmail.com); substack [https://substack.com/@heatherusa?r=20nu7u&utm\\_medium=ios&utm\\_source=profile](https://substack.com/@heatherusa?r=20nu7u&utm_medium=ios&utm_source=profile).

<sup>29</sup> Todd Bensman [posting on Twitter \(X\)](#), 22 September 2021.



House Homeland Security Committee

*Subcommittee on Oversight, Investigations, and Accountability*

# Security Risk: The Unprecedented Surge in Chinese Illegal Immigration

CRAIG SINGLETON

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*Foundation for Defense of Democracies*

Washington, DC  
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.

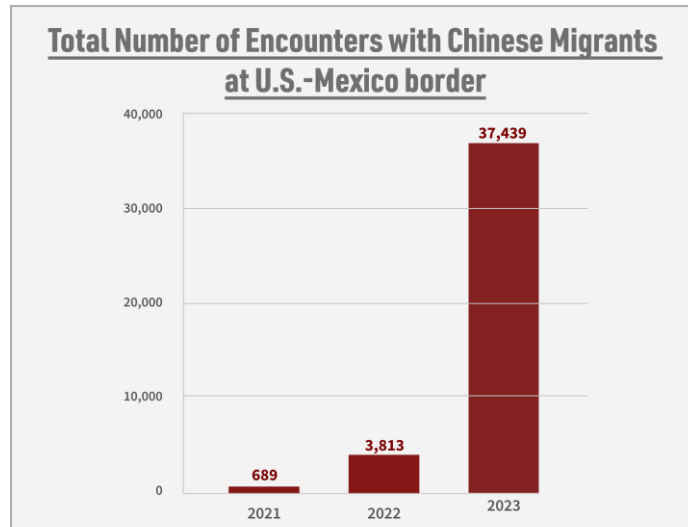
## Section I: Historical Context and Current Trends

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.<sup>1</sup> 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

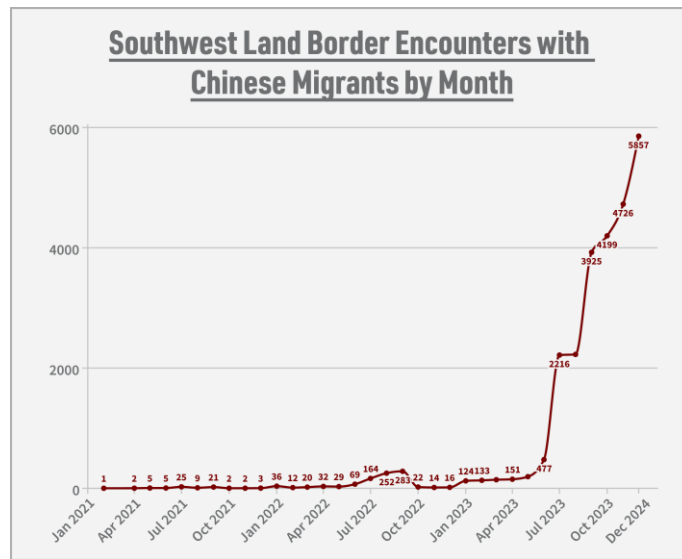
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<sup>1</sup> 2021 apprehensions: 689; 2023 apprehensions: 37,000. CBP data. Caroline Anders, “Ten times more Chinese migrants entered the U.S. through Mexico last year,” *Semafor*, February 14, 2024. (<https://www.semafor.com/article/02/14/2024/ten-times-more-chinese-migrants-entered-the-us-through-mexico-last-year>)

crossed the border without being apprehended.<sup>2</sup> 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.<sup>3</sup>



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](#).

<sup>2</sup> Maria Sacchetti and Nick Miroff, “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/biden-migrants-us-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/>)

<sup>3</sup> 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-us-border.html>)

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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

Examples of Chinese migrant stories and tutorials on social media:

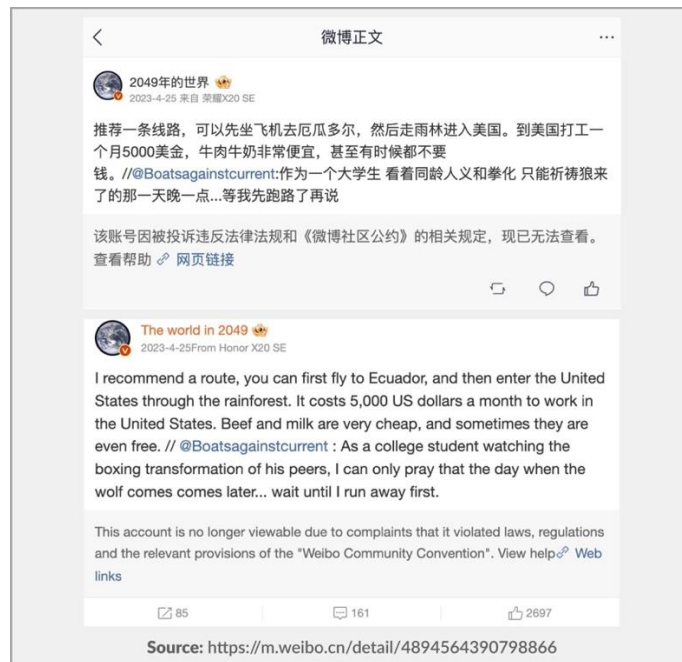
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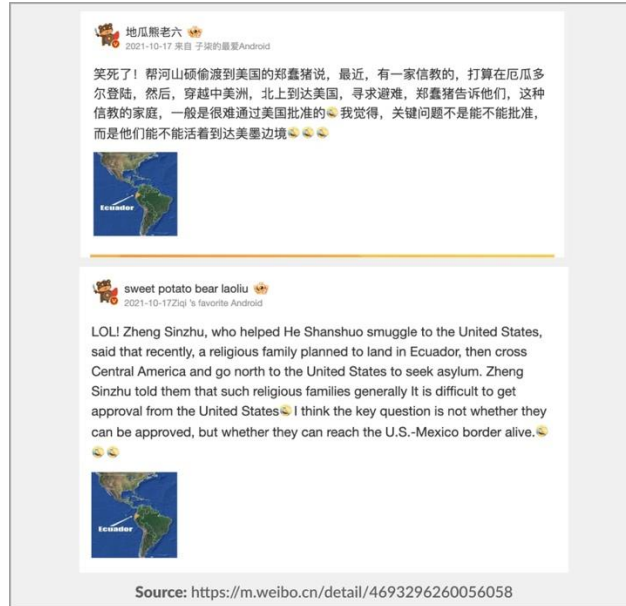
<sup>4</sup> U.S. Department of Justice, Executive Office for Immigration Review, “Adjudication Statistics,” October 12, 2023. (<https://www.justice.gov/eoir/page/file/1107366/dl>)

<sup>5</sup> Echo 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-us-mexico-border-2023-04-28>)

<sup>6</sup> *Ibid.*

<sup>7</sup> David Noriega, Aarne Hikkila, and Adiel Kaplan, “‘The world has changed’: WeChat, snakeheads and the new era of global migration,” *NBC News*, May 4, 2024. (<https://www.nbcnews.com/news/asian-america/demographics-migration-us-are-rapidly-shifting-s-change-rcna149623>)





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.<sup>8</sup> 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.

<sup>8</sup> Yong Xiong, Simone 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-dst/index.html>)



## 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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> 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.<sup>12</sup> 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

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<sup>9</sup> Ibid.

<sup>10</sup> Such illegal migration is often referred to on Chinese social media as "walking the route" (走线). 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>)

<sup>11</sup> 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), (China). (<https://www.chinalawtranslate.com/en/national-intelligence-law-of-the-p-r-c-2017>)

<sup>12</sup> "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,the%20government's%20counterespionage%20work%20\(art](https://www.loc.gov/item/global-legal-monitor/2023-09-21/china-counterespionage-law-revised/#:~:text=The%20revised%20law%20is%20dedicated,the%20government's%20counterespionage%20work%20(art))



concern of potential exploitation at the border.<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup>
- **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.<sup>16</sup>
- **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

<sup>13</sup> “The China Threat,” *Federal Bureau of Investigation*, accessed May 13, 2024. (<https://www.fbi.gov/investigate/counterintelligence/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>)

<sup>14</sup> 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/opa/pr/two-arrested-operating-illegal-overseas-police-station-chinese-government>)

<sup>15</sup> Gordon Lubold and Warren P. Strobel, “Lawmakers Request Details of Chinese Nationals at Sensitive U.S. Facilities,” *The Wall Street Journal*, September 19, 2023. ([https://www.wsj.com/politics/national-security/lawmakers-request-details-of-chinese-nationals-at-sensitive-u-s-facilities-1827e57f?mod=article\\_inline](https://www.wsj.com/politics/national-security/lawmakers-request-details-of-chinese-nationals-at-sensitive-u-s-facilities-1827e57f?mod=article_inline)); Nick Mordowanec, “Chinese Migrant Suddenly Found on California Military Base,” *Newsweek*, March 29, 2024. (<https://www.newsweek.com/chinese-migrant-suddenly-found-california-military-base-1885133>)

<sup>16</sup> Dareth 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-n1279724>)

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.<sup>17</sup> 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.<sup>18</sup> 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.

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<sup>17</sup> “Investigation Findings: The CCP’s Role in the Fentanyl Crisis,” *The Select Committee on the CCP*, April 16, 2024. (<https://selectcommitteeontheccp.house.gov/media/investigations/investigation-findings-ccps-role-fentanyl-crisis#:~:text=The%20Select%20Committee's%20investigation%20has,synthetic%20narcotics%20through%20tax%20rebates>); 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/IF10890>)

<sup>18</sup> Kenton 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 Hits the Midterms,” *Foreign Policy*, November 4, 2022. (<https://foreignpolicy.com/2022/11/04/china-us-midterm-election-interference-meddling-social-media-cybersecurity-disinformation>)

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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup>

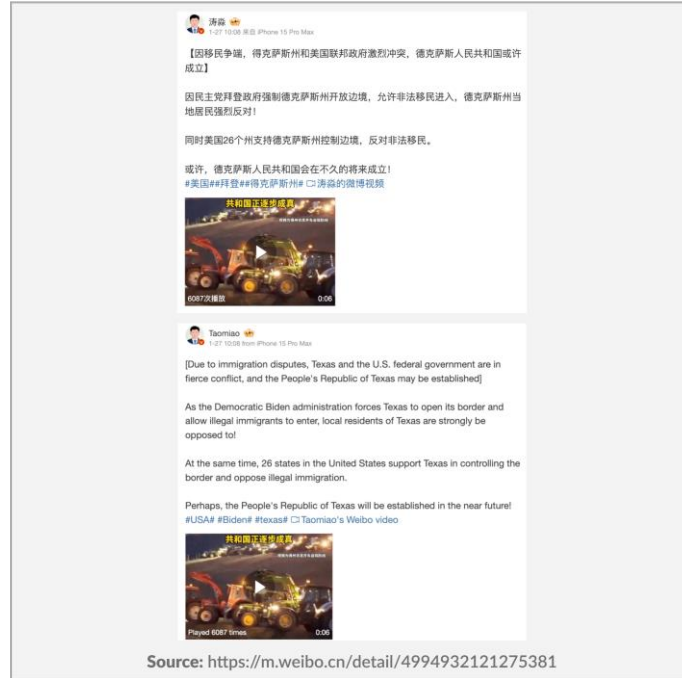
Examples of Chinese social media postings:

<sup>19</sup> Erin Burnett, "Chinese media seizes 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-pkg-ripley-ebof-vpx.cnn>); Tiffany Hsu, "Chinese Influence Campaign Pushes Disunity Before U.S. Election, Study Says," *The New York Times*, February 15, 2024. (<https://www.nytimes.com/2024/02/15/business/media/chinese-influence-campaign-division-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-1877081>)

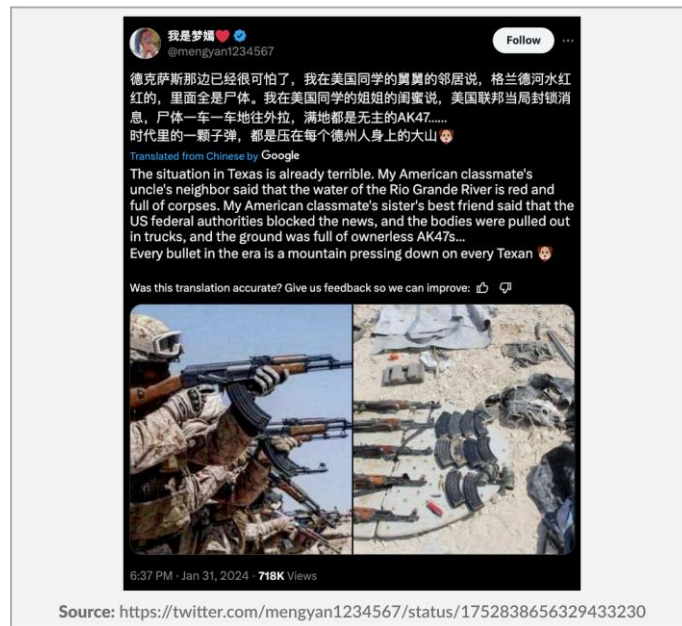
<sup>20</sup> Micah McCartney, "China's Internet Reacts to Texas and US Federal Government 'State of War,'" *Newsweek*, January 30, 2024. (<https://www.newsweek.com/china-reacts-texas-us-federal-government-joe-biden-immigration-fight-1865112>)

<sup>21</sup> Kerry Allen, "Misinformation spreads in China on 'civil war' in Texas," *BBC* (UK), February 2, 2024. (<https://www.bbc.com/news/world-us-canada-68185317>)

<sup>22</sup> 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>)



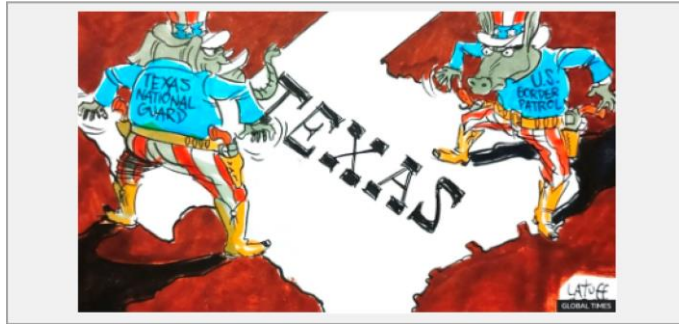
A screenshot of a Weibo post *falsely* claiming that farmer tractors gathered on the Texas-Mexican border to protest people who entered the U.S.-Mexico border illegally.



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” (武装对峙), framing it as

evidence of a systemic breakdown within the United States.<sup>23</sup> 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 stance 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

<sup>23</sup> “得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://news.cctv.com/2024/01/29/ARTIMzIcZHmrVNDIOnjszfK240129.shtml>)

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.



Congressional Testimony

Statement of Dr. Meredith Oyen

Associate Professor, History  
Director of Asian Studies  
University of Maryland, Baltimore County  
Baltimore, Maryland

Hearing “Security Risk: The Unprecedented Surge in Chinese Illegal Immigration”

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

U.S. House of Representatives  
310 Cannon House Office Building Washington, D.C. 20515  
Thursday, May 14, 2024, 2:00 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 online publication *The Conversation*.<sup>1</sup>

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.<sup>2</sup> That is a small percentage of the more than 5 million ethnic

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<sup>1</sup> “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>.

<sup>2</sup> 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->

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

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.<sup>4</sup> Migrants who have talked to reporters at the border have cited the difficulty finding jobs and the impact of the

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know-about-unauthorized-immigrants-living-in-the-us/#:~:text=The%20largest%20increases%20were%20from,India%20(725%2C000).

<sup>3</sup> In FY23 a total of 417,008 Non immigrant Visas were issued to nationals from China. In the same year, the B visa refusal rate was at 26.62%, down from FY22 and the FY21 spike of 79.09%. That said, the current refusal rate is much higher than it was a decade prior, when it was 8.5% in FY13. 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>.

<sup>4</sup> Elaine 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-791934f7f9b83de455e8f8aa7178b628>; 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-pandemics-impact-on-the-chinese-economy/#:~:text=The%20unprecedented%20pandemic%20hindered%20consumer,dropped%20into%20the%203%25%20range..>

pandemic on small businesses.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup> 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.<sup>9</sup> 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

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<sup>5</sup> Sharyn 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/>.

<sup>6</sup> Simone 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>

<sup>7</sup> Elieen 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>

<sup>8</sup> “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/>.

<sup>9</sup> Maryann 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>.

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.<sup>10</sup> The decision to undertake this route is also a product of modern information sharing through social media and online 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 to undertake the journey.<sup>11</sup> 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.<sup>12</sup> The lack of cooperation between the United States and China on effecting deportations – something that was endemic to the relationship in the 1950s through 1970s and has ebbed and flowed in the years since – has ensured that even those not granted the right to remain in the

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<sup>10</sup> Vincent 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>.

<sup>11</sup> 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/>.

<sup>12</sup> 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>.



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.<sup>13</sup>

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 1850s:

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.<sup>14</sup>

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

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<sup>13</sup> 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-514f42ee56e80fe7eb7f9fcc71c4d55c>).

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

skewed female, with the result of the overall demographics of Chinese immigrants in the United States trending majority female.<sup>15</sup>

However, just as in the earliest periods of migration, dangerous routes for unauthorized migrants are dominated by men. In the 1990s 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.<sup>16</sup> 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 precipitated 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

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

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

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.<sup>17</sup> 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.<sup>18</sup>

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 1970s. 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

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<sup>17</sup> Lee, 89.

<sup>18</sup> 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.

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.<sup>19</sup> 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.<sup>20</sup>

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 two 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.<sup>21</sup> During the 1990s, 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.<sup>22</sup> 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.<sup>23</sup>

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<sup>19</sup> 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).

<sup>20</sup> 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>.

<sup>21</sup> Harmeet Kaur, "Vincent China 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>.

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

<sup>23</sup> 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.