



National Border Patrol Council

Committee on the Judiciary Questions Responses Brandon Judd

- 1) The year 2014 was the high watermark for illegal crossing of unaccompanied alien minors and family units to date. In 2015, CBP had a concerted media campaign in Guatemala, El Salvador, and Honduras, informing the population that if they attempted to cross into the U.S. illegally, they would be detained. It is believed that this media campaign is what caused the decrease in 2015. However, there were still thousands of persons that attempted illegal entry. These persons in 2015 were ultimately released, as they were in 2014. The action did not comply with the concerted campaign and it spread; those who were released were able to go back to their communities and tell others that the campaign of detention if caught illegally crossing the border was not being carried out. In 2016, we are realizing the consequences of not following through on promised action and that is an increase in attempted illegal crossing of the border.
- 2) Yes, all cross border crime is controlled by criminal cartels. DHS Secretary Johnson is correct that most UACs are smuggled into the U.S. at a high price and the smugglers are controlled by criminal operations. The money being paid by these children's parents to have them smuggled is circulating through the drug cartels and other organized crime activity on the border, which will inevitably lead to an increase in border crime.
- 3) Yes, unaccompanied minors are being released to family members who are also here illegally. Many of these minors are then being forced into free labor by these same family members. They are being coerced into working on farms and ranches, when released by HHS to illegal immigrant family members.
- 4) This is verbal direction from direct supervisors and not a written policy. Agents are being told not to ask why minors are crossing. They are ordered to do the paperwork and pass them off and the processing centers in Tucson, Arizona and McAllen, Texas will corroborate this. This unwritten policy has been in effect since the increase of UACs being smuggled across the border caught national attention, sometime in late 2014. As Agents were informing their superiors that these families were paying for UACs to be smuggled across the border, the Agents were then being told not to question the children.

- 5) The Border Patrol has finite resources that we expect to be able to be used across the border. When these resources are stressed to the breaking point, like we are currently seeing in McAllen, Texas, holes along the border develop. These holes allow smugglers to exploit our operations because Agents are tied up taking UACs into custody and processing large groups of individuals who are crossing the border. Again and again I have testified that these smugglers could accomplish this same goal by taking these individuals and minors ports of entry. At these ports these people could present themselves legally and ask for asylum.
- 6) On August 26, 2015, Border Patrol agent Andy Herdina, Thomas Nothhelter, and I met with DHS Deputy Secretary Alejandro Mayorkas to discuss these exact concerns. Deputy Secretary Mayorkas told us that the Border Patrol needs to focus its resources towards the worst of the worst. He said that by prioritizing those we choose to deport, we will help alleviate the burden on an already overburdened court system. He further stated, "Why would we NTA those we have no intention of deporting?" He also stated, "We should not place someone in deportation proceedings, when the courts already have a 3-6 year back log." Since the day of this meeting, we have seen no improvements in our enforcement efforts and the morale of the Border Patrol Agents is one of, if not the lowest in the entire Federal Government.
- 7) It is my belief that the catch and release and non-issuing of NTA simply amounts to amnesty. The vast majority of these individuals will never be sent back to their own countries for several reasons: first and most concerning, because we refuse to enforce our immigration laws. The second reason is because once released, these individuals disappear into communities throughout the United States to never be seen again.
- 8) During the meeting with Deputy Secretary Mayorkas on August 26, 2015, Border Patrol Agent Andy Herdina informed Deputy Secretary Mayorkas that he personally was ordered to release a person he arrested and processed who had a criminal felony arrest record out of the state of Louisiana. The felony arrest was for domestic assault. Deputy Secretary Mayorkas was incredulous and asked that I get him the specific information of this case. Although Deputy Secretary Mayorkas asked me to get him this information, it took several days and several arguments with the office of Border Patrol Management before they would provide me the information. That information has since been sent to Deputy Secretary Mayorkas via Border Patrol Management Headquarters. This is just one example of thousands that have taken place throughout the Border Patrol, whether in Texas, California, Arizona, New Mexico, or the northern and coastal borders.
- 9) I do not know who specifically in the Administration crafted this policy but it was conveyed to Agents verbally at musters shortly after the Administration announced their new enforcement priorities. Let me give you a real example that was recently brought to me. In the RGV sector the border is the Rio Grande River and illegal aliens must cross it to enter the United States. We have apprehended illegal aliens just north of the border who are still soaking wet from crossing the river. If they claim, as increasingly they are doing, that they have been here since January 1, 2014 we will process and then release them. They are still wet from the river and miles from

any civilization and on their word alone we release them unless we physically saw them cross the river. This policy de facto creates an open border with Mexico for any illegal alien who wants to claim that they were here before 2014.