

Testimony of Brandon Judd
On behalf of the
National Border Patrol Council
In front of United States House Judiciary Committee
June 25, 2014

Chairman Goodlatte, Ranking Member Conyers, members of the Committee, on behalf of the 16,500 rank and file Border Patrol Agents whom I represent, I would like to thank you for having this hearing.

My name is Brandon Judd and I am the President of the National Border Patrol Council. I have been a Border Patrol Agent for nearly 17 years, most of which were spent in the Tucson, Arizona and El Centro, California sectors.

During my years in the Border Patrol, I've seen how policy can directly affect border security. For the Agents on the border, the latest surge in unaccompanied minors is not a surprise. I know our natural inclination is to look for a single smoking gun and apportion blame accordingly. However, this crisis is the culmination of a variety of factors including:

- First - the Catch and Release program. This program is bad policy and encourages people from countries other than Mexico to enter the United States illegally. Under this policy, and in most cases, individuals entering the U.S. illegally know they will be released if apprehended. The result is no one is afraid of breaking the law. Currently, my understanding is about 90 percent of the unaccompanied minors are being placed with either a family member or a close family friend; many of whom are in this country illegally themselves. Although unaccompanied minors are still subject to deportation through the removal process, we have to be honest with ourselves. Most will never honor the Notice to Appear in court and face deportation. They simply fail to appear and blend into the community.
- Second - under sequestration Border Patrol manpower was decreased by five percent. The real life impact of this decrease means that we effectively lost about 1,100 Agents. To put this loss in perspective, the cities of El Paso and Tucson only have about 1,100 sworn officers each in their respective departments. This manpower decrease did not go unnoticed and for those trying to enter the country illegally – it was a good time to try.
- Third - organized crime's ability to quickly adapt to changes in manpower and policies affecting the borders of the United States. Our borders are constantly under attack by multi-national drug cartels and this latest surge in unaccompanied minors is just another example. These cartels have a well-developed intelligence network and are very skilled at exploiting our shortages in manpower. It is no coincidence that many of the same cartels responsible for the violence in Central America are also making hundreds of millions of dollars smuggling unaccompanied children (UAC) across the border. In fact, the current surge has made all aspects of smuggling easier by tying up Border Patrol Agents with large groups of UACs. If efficiency and safety were the goal, it would make more sense for the cartels to cross UACs into the US through ports of entry by way of the

Customs Service. That way, they can manage uncertainties better and avoid risking harsh terrains and inhospitable weather while still gaining entry to the United States. Instead, the cartels purposely cross between ports of entry to tie up Border Patrol manpower, creating holes in our enforcement and facilitating their other lines of business, such as drug smuggling and the smuggling of known criminals into the US. Make no mistake this is big business for the cartels. It has been reported that nearly 40 percent of our manpower is being pulled from the field to perform duties such as processing and caring for those in our custody until they are either released or turned over to the Enforcement and Removal Office (ERO), a component of the Immigration and Customs Enforcement Agency (ICE). This decrease has stressed our workforce to the breaking point and makes it nearly impossible to effectively patrol the border and fight against organized crime.

The question I know many of you are asking is what we need to do to address this crisis and I think the following actions would improve our nation's response:

- End our Catch and Release policy. We need to detain unaccompanied minors until their cases are properly adjudicated. As long as we continue to release unaccompanied minors to family and friends, this problem will not only continue but will grow exponentially. Organized crime will continue to exploit our weaknesses and take advantage of the policy. We know from experience that the chance of minors being deported after they've failed to appear in court is small, once they've been released into the community. We need to follow through enforcing the laws of this nation, so that breaking the law carries consequences.
- Do not grant special status. This is a corollary to the catch and release program. We need to be crystal clear that unaccompanied minors and their families will not be rewarded for breaking the law through special or legal status after being arrested. We need to acknowledge that our immigration policies over the last 30 years have been at best inconsistent. If we are to stop this latest crisis with unaccompanied minors, we have to change the cost-benefit analysis for those who exploit holes in border security.
- Address the manpower shortfall immediately. Congressman Chaffetz has introduced legislation called the Border Patrol Agent Pay Reform Act that would restore manpower on the border while also saving the American taxpayer millions of dollars a year. This legislation is groundbreaking and will increase the efficiency and effectiveness of the agency while also saving money. Several Members on this Committee are already cosponsors and I want to thank you for your support.

The Senate Homeland Security Committee is marking up the Senate companion of the Chaffetz bill today. We look forward to working with Chairman Issa on the Oversight Committee and hope to move this legislation before the August recess. Timing is critical as we were looking at further cuts in the near future.

- Strengthen interior enforcement. We have already discussed how a lack of consequences for breaking the law in the form of the Catch and Release program has encouraged a new flood of illegal immigration. By the same token, a lack of consequences for those who

successfully enter our country without being detected is also encouraging illegal immigration. We already have laws on the books that, if enforced, will stem the flow. However, these laws only work as a deterrent if they are consistently enforced.

This is a difficult issue with no single solution, but I believe the fix is well within our reach. The crisis is real and our Agents are fully aware of the hardship many of the children have endured in search of a better life or to be with their family. Many Agents try to contribute in small ways: some spend their own money to buy toys and diapers, others spend time with the minors in what is undoubtedly a very confusing environment for them. In the end, the current crisis needs to be addressed through consistent enforcement of the laws we already have, and through adequate manpower at the border. We must change the current cost-benefit analysis for illegal immigration so the rewards and incentives are less appealing.

Again, I want to thank the Committee for the opportunity to testify and if you have any questions I would be happy to answer them to the best of my ability.