



NEWS



NEW: SOUTHWEST BORDER SECTOR CHIEFS CONFIRM THAT LACK OF CONSEQUENCES ENCOURAGES MORE ILLEGAL IMMIGRATION

December 8, 2023

“There needs to be a consequence to illegal activity”

WASHINGTON, D.C. — Today, House Committee on Homeland Security Chairman Mark E. Green, MD (R-TN) issued the following statement after the Committee released a second round of selections from transcribed interviews conducted earlier this year with U.S. Border Patrol chief patrol agents responsible for the sectors along the Southwest border:

“Dedicated Border Patrol agents on the frontlines of this crisis have now told us on the record that consequences are essential to securing our borders, and a lack of consequences only incentivizes further unlawful activity—confirming that Secretary Mayorkas and President Biden’s failed policies of mass catch-and-release, parole, and otherwise minimal consequences are responsible for this historic crisis,” **Chairman Green said.** “This should not surprise anyone—law enforcement is all about consequences, and when you remove the consequences, chaos surges. Without the ability to remove or detain inadmissible aliens amid this crisis, our Border Patrol agents are unable to succeed in their missions and are instead relegated to processors in Mayorkas’ catch-and-release scheme.”

According to their testimony, these Border Patrol leaders believe consequences are a crucial tool in their mission to secure America’s borders, and that conversely, a lack of consequences for breaking the law creates a significant incentive, or “pull factor,” for individuals to illegally enter the country.

The interviews with eight chief patrol agents and one deputy chief patrol agent were conducted by the House Committee on Homeland Security and the House Committee on Oversight and Accountability as part of the Committees’ ongoing investigation into Department of Homeland Security (DHS) Secretary Alejandro Mayorkas and the causes, costs, and consequences of the unprecedented crisis at America’s borders.

The closed-door testimony of these chief patrol agents confirms what the Committee has learned on numerous occasions from current and former senior DHS leaders, and contradicts Secretary Mayorkas’ testimony before Homeland Republicans that “[the border is secure](#).” In a [March 2023 field hearing](#) in Pharr, Texas, then-Border Patrol Chief Raul Ortiz responded to Committee questioning on the use of consequences at the border, including Remain in Mexico and repatriation flights, by saying, “We have to have those tools in our tool kit.” In addition, National Border Patrol Council President Brandon Judd testified in a [March 2023 hearing](#) that the “main magnet” drawing people across our borders is whether they will be released into the interior if and when they are apprehended.



[Read more in Epoch Times via Mark Tapscott.](#)

Read sections of the transcripts below.

THE IMPORTANCE OF CONSEQUENCES TO DETERRING ILLEGAL IMMIGRATION

Chief Patrol Agent Aaron Heitke, San Diego Sector

Q: Why is it important for the Border Patrol to detain and remove illegal border crossers?

A: There needs to be a consequence to the illegal activity, otherwise it won’t stop. And when you look at a population that’s coming, the only real consequence that we have is to send them back to their home country.

Detention—there isn’t enough detention in our country to detain everybody. And even if there was, it would be short term. Many of these folks come and have traveled for 6 months or a year to get here. A day or two in detention is not a penalty to them. They’re more willing to do that. Fines, obviously, are not going to be effective when the individuals have everything they own with them.

And so the only real consequence we have is to send them back to their home country. And if somebody has traveled from wherever for an entire year and you fly them all the way back to their country, it’s a significant penalty.

Q: Do you believe these consequences are being employed or deployed, do you suppose? Are people facing these consequences at a rate significant enough to deter them from illegally entering into the United States?

A: Not right now.

Q: Not right now.

A: Not right now.

Q: Was there a time when they were facing these consequences at a rate that was more effective at deterring people from entering the United States illegally?

A: I would say yes. When the numbers were low enough for us to be able to manage and send back more people, yes.

Q: When would that have been in recent times?

A: It’s been several years.

Q: Can you give me an approximate year?

A: I would be guessing if I did.

Q: Just give me an estimate, and that’s fine.

A: An approximate timeframe going back maybe to 2017, 2018.

Chief Patrol Agent Aaron Heitke, San Diego Sector

Q: And you talked about—you talked about the importance of consequences.

A: Yes.

Q: So, in making sure that, you know, there are consequences, do you agree that things like increasing detention capacity, increasing the speed of removal of migrants who are deemed not to have a lawful basis to remain, those are all things that are helpful to your mission?

A: Yes.

Q: Increasing removal flights?

A: Yes.

Q: Increasing the consequences for those who are ordered removed from the country?

A: Yes.

Chief Patrol Agent Sean McGoffin, Big Bend Sector

Q: Do you think it’s important as a matter of border security policy to maintain detention on individuals throughout the life cycle of their immigration case?

A: For what we are doing, absolutely.

Chief Patrol Agent Jason Owens, Del Rio Sector

Q: Would you agree that a significant likelihood of release into the United States after a short stay in custody would incentivize someone to try to illegally cross into the United States?

A: So what I will tell you is this: I think that if there is no consequence for an action, there’s no deterrence for a person to not commit that action.

Chief Patrol Agent Jason Owens, Del Rio Sector

Q: If you—being someone on the front lines there, if there were certain policies you could enact that would improve the border security’s—border security’s—the accomplishment of border security in the Border Patrol’s mission, which types of policies would you prefer?

A: Any policy that increases my capacity to deal with the border security mission and ensures a consequence on those that we’re trying to take into custody for a violation of law—any policy that promotes those two things, one or both of those things would probably be something that I would be interested in looking at.

Chief Patrol Agent Gregory Bovino, El Centro Sector

Q: Isn’t part of the ability to stop someone understanding why they are coming?

A: I think that consequences, providing a consequence is probably the primary way to stop someone from coming.

Q: When you say consequences what do you mean?

A: Providing a consequence to someone that illegally enters the country, providing a consequence of some type has a great effect on migration routes and those who seek to come across the border.

Chief Patrol Agent Gregory Bovino, El Centro Sector

Q: Sure. I believe you said in the previous hour that criminal consequences or penalties help deter people from crossing the border unlawfully?

A: I said that consequences, whether they be criminal or otherwise, help deter, not just criminal consequences, so, no, I didn’t say that.

Q: Fair enough. But consequences in general help deter people from crossing illegally?

A: Yes.

Chief Patrol Agent John Modlin, Tucson Sector

Q: Is it likely—we talked about detention—that migrants who are detained would not be communicating a similar message to those who are released back home, that I was released into the interior?

A: Yeah. So I think it’s significant.

FAILURE TO DETAIN ILLEGAL ALIENS CAUSES MORE TO COME BY CREATING A “PULL FACTOR”

Chief Patrol Agent Sean McGoffin, Big Bend Sector

Q: Would you agree that there are pull factors bringing people to the United States?

A: I believe there are pull factors.

Q: Do you think that release from detention is a pull factor?

A: I think it can be a pull factor.

Q: And, under this administration, you’re familiar with the Border Patrol’s use of the notices to report for a period of time?

A: We never did those in Big Bend.

Q: Are you familiar with the fact that Border Patrol used notices to report?

A: I mean, I believe that I have an understanding that there was some type of—I don’t know if it was called a notice to report, but I believe there was something being used.

Q: Do you know what the notice to report did?

A: To report to ERO facilities, I’m assuming? I believe? I don’t know.

Q: Are you familiar with Border Patrol using parole-plus-ATD as a means of release?

A: I know that it’s been authorized to do so, yes.

Q: Do you think that those two policies, allowing the release of illegal aliens into the United States without issuing a notice to appear, could act as a pull factor for people to come across the southwest border?

A: I think it goes back to what I’ve said before. I mean, if you call home and tell them this is what happened, I think there’s a potential for that.

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector

Q: Would you say that public perception of favorable immigration policies would be a pull factor to the United States?

A: If immigration laws were more lax for migrants to be able to more easily enter the United States?

Q: Not the laws necessarily, the policies implementing the laws. If someone perceives that they’re going to be released, is that a pull factor?

A: Yes.

Q: Before taking office or right as he took office, President Biden issued a 100-day pause on enforcement and removals. Do you think that’s the type of favorable policy that people perceive as a pull factor—that is a pull factor?

A: If there aren’t deliverable consequences to entering the country illegally, then there will be a pull factor.

Chief Patrol Agent Anthony “Scott” Good, El Paso Sector

Q: And you mentioned that cartels are exploiting this through their false messaging, through social media, or any messaging to social media that may be sometimes turn out to be true. And then you also mentioned that there’s an increase in Venezuelan migration because of the failed government there. But none of those could exist if—or it would be harder to have a pull factor if the United States had different views or different approaches on how these migrants were handled, correct?

Because if none of them were released on custody, then they wouldn’t be on social media telling their friends and neighbors and family, I got released. I made it here. The social media posts from the cartel, maybe—maybe it wasn’t true that it was so safe because I got, you know, abused along the way or whatnot, but I’m here.

That part was true. Is that—is that—

Interjection: What are you actually asking, [Committee staffer]? I mean, that was—do you understand what he’s asking?

A: I would say that the more people that are released, the more there is a draw.

[...]

Q: I think we’ve discussed this already, but I want to hit it again. Does the likelihood of release into the interior of the United States increase the likelihood that individuals will attempt to illegally enter the United States?

A: It increases the likelihood.

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector

Q: Do you think that perception of favorable policies—of favorable immigration policies in the United States could be a pull factor too?

A: It could be, yes.

Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector

Q: What do you consider adequate consequences for illegal entry into the United States?

A: So, you know, in my time—I’m not a policy person. I enforce the policy, the rule of law and such. But, you know, we—in the Border Patrol, for us, it’s mostly the consequences that—that bring a balance to illegal immigration, obviously, for entering illegally between those ports of entry.

Any consequence where a person is able to receive a penalty for an illegal act—is will work, will work to—to balance, you know, that—that—that illegal immigration type situation.

I think that, when there’s not a consequence, we continue to see some of these surges that we—that we’re experiencing here recently.

Chief Patrol Agent John Modlin, Tucson Sector

Q: And under Title 8 before, during, and now, people face consequences for attempting to cross unlawfully, correct?

A: So it depends on—it depends on the demographic. Yes, there’s always a consequence of they’re being charged with this violation of the Immigration Code. It just—you know, I think it’s a definitional thing about a consequence. If—if somebody is served a notice to appear and released into the United States, then, you know, certainly, some people would not see that as a consequence as much as if they were to be served, held in detention and then, you know, go to a hearing, and then either be returned or allowed to stay in the United States.

Chief Patrol Agent Joel Martinez, Laredo Sector

Q: My colleague earlier asked you briefly about push and pull factors. Would you say that release can be a pull factor for people coming into the United States?

A: Yes.

Q: Do you think that the current rate of release at the southwest border is an active pull factor for people coming into the United States?

A: Yes.

Chief Patrol Agent John Modlin, Tucson Sector

Q: Do you consider release into the interior to be a pull factor?

A: So I think, most importantly, what I would say, because, again, I think there’s a lot of pull factors, I think optimally, other than the rare occasion where you have someone with a crazy medical condition, everyone should be detained. And that, to me, is the most obvious way to not encourage illegal migration, is everyone’s held until they have a hearing.

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