

# NEWS



## NEW: SOUTHWEST BORDER SECTOR CHIEFS DESCRIBE THEIR NEW POLICIES OF MASS RELEASE UNDER SECRETARY MAYORKAS' CATCH-AND-RELEASE POLICIES

December 8, 2023

**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 third selection of transcribed interviews conducted with U.S. Border Patrol chief patrol agents responsible for the sectors along the Southwest border:

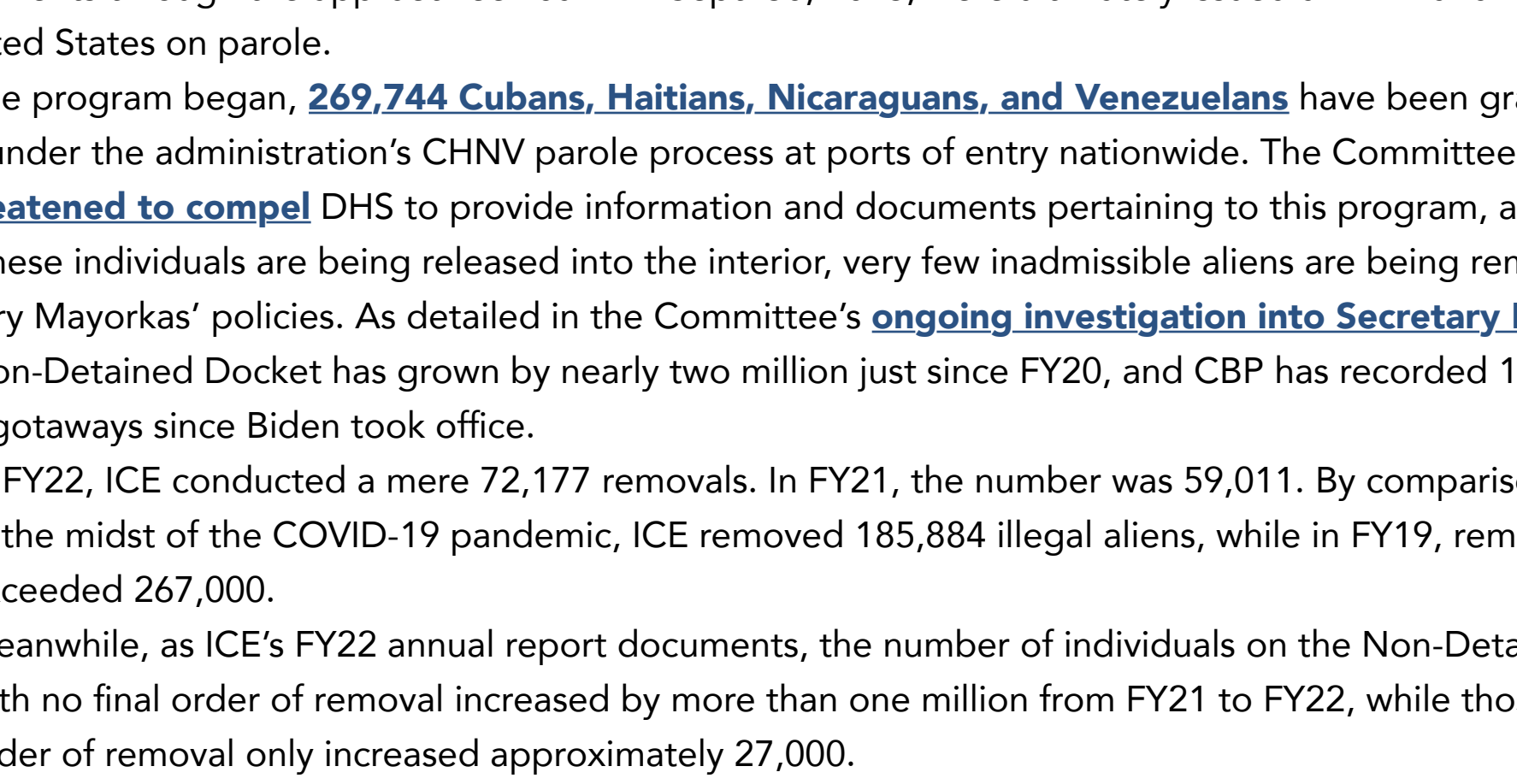
*“Just one look at these transcripts and you know Border Patrol leadership sees firsthand that Secretary Mayorkas’ mass-parole and catch-and-release policies have not only led to the release of millions of inadmissible aliens into our communities, but have incentivized millions more to come to our borders with the knowledge that this administration will quickly release many of them into the interior.”* **Chairman Green said.** *“Homeland Republicans are committed to providing much-needed transparency to the American people about the worst border crisis in our history and shedding light on how Secretary Mayorkas has refused to enforce the laws passed by Congress—recklessly compromised our homeland security in doing so.”*

From April-September 2023, the House Committee on Homeland Security and the House Committee on Oversight and Accountability conducted interviews with eight chief patrol agents and one deputy chief patrol agent to acquire more information about operations in their sectors and how the crisis has impacted the safety and security of the United States. These interviews were part of the Committees’ ongoing investigation into Department of Homeland Security (DHS) Secretary Alejandro Mayorkas and the unprecedented crisis at America’s borders.

The statements of several of the chief patrol agents interviewed by the Committees make clear that the lack of consequences for individuals illegally crossing our borders, especially the expectation of prompt release into the interior, have without a doubt contributed to the historic crisis at our borders. In one instance, the deputy chief patrol officer for the Yuma Sector in Arizona informed Committee staff that roughly 70 percent of the inadmissible aliens apprehended since January 2021 in his sector had been released into the interior.

The historic number of inadmissible aliens illegally crossing the border or arriving at ports of entry on Secretary Mayorkas’ watch have been released through a number of different pathways. More than 1.6 million individuals have been released via some form of parole, despite the Immigration and Nationality Act (INA) limiting parole to acquire on a “case by case” and “temporary” basis. The Border Patrol alone has also released well over one million illegal aliens with a “Notice to Appear” (NTA) on their own recognition, which requires the illegal alien to appear for a court date before an immigration judge, often years in the future. U.S. Customs and Border Protection (CBP)’s Office of Field Operations (OFO) has also issued more than half a million NTAs since February 2021. Finally, for a short time in 2021, at least 104,000 illegal aliens were released with a “Notice to Report” (NTR) to an Immigrations and Customs Enforcement (ICE) facility within 60 days.

As these border sector chiefs revealed in [other documentation released by the Committee](#), the lack of meaningful consequences for unlawful entry have created perverse incentives to enter illegally.



### Startling Stats on Secretary Mayorkas’ Failure to Deter Mass Illegal Immigration:

- Since Jan. 20, 2021, the Border Patrol has released [over 1.2 million illegal aliens via NTA](#).
- Since February 2021, OFO has recorded more than 540,000 NTAs, though CBP has not been transparent about the number of those who were subsequently released into the interior.
- Since Jan. 20, 2021, the Biden administration has recorded more than 1.6 million paroles.
- Despite Secretary Mayorkas’ repeated promises to make greater use of CBP’s expedited removal authority following the end of the Title 42 public health order, the vast majority of illegal aliens apprehended by the Border Patrol since June have been processed via other means. The percentage of illegal aliens processed under expedited removal has never exceeded 20 percent of all apprehensions since Title 42’s expiration. For example, in October 2023, the Border Patrol issued 120,175 NTAs, but only processed 28,334 aliens via expedited removal.
- In response to a subpoena threat, the Committee recently obtained documents from DHS regarding the expanded use of the CBP One app, which showed [95.8 percent of all inadmissible aliens](#) who scheduled appointments through the app between Jan. 12-Sept. 30, 2023, were ultimately issued an NTA and released into the United States on parole.
- Since the program began, [269,744 Cubans, Haitians, Nicaraguans, and Venezuelans](#) have been granted mass parole under the administration’s CHNV parole process at ports of entry nationwide. The Committee has [threatened to compel](#) DHS to provide information and documents pertaining to this program, as well.
- While these individuals are being released into the interior, very few inadmissible aliens are being removed under Secretary Mayorkas’ policies. As detailed in the Committee’s [ongoing investigation into Secretary Mayorkas](#), ICE’s Non-Detained Docket has grown by nearly two million just since FY20, and CBP has recorded 1.7 million known getaways since Biden took office.
  - In FY22, ICE conducted a mere 72,177 removals. In FY21, the number was 59,011. By comparison, in FY20, in the midst of the COVID-19 pandemic, ICE removed 185,884 illegal aliens, while in FY19, removals exceeded 267,000.
  - Meanwhile, as ICE’s FY22 annual report documents, the number of individuals on the Non-Detained Docket with no final order of removal increased by more than one million from FY21 to FY22, while those with a final order of removal only increased approximately 27,000.
  - Removals of criminal aliens have also declined, with only 38,447 removals of convicted criminal aliens in FY22, compared to around 173,000 total removals of criminal illegal aliens in FY19 (around 77,000 of 85,000 interior removals).

### Read sections of the transcripts below.

#### ILLEGAL ALIENS KNOW THERE ARE NO LONGER CONSEQUENCES

##### Chief Patrol Agent Jason Owens, Del Rio Sector

**Q:** Is it a relatively recent phenomenon that single adult men are turning themselves in to Border Patrol custody rather than evading apprehension?

**A:** It’s not something that I encountered regularly up until just a couple years ago.

**Q:** Why are they turning themselves in?

**A:** I think they believe that they’re going to be processed and given a notice to appear so that they can await their immigration hearing in the United States.

##### Chief Patrol Agent Aaron Heitke, San Diego Sector

**Q:** Is there any particular nationality that has been trying to evade arrest that you’ve noticed more than others?

**A:** The main nationality that tries to evade arrest is Mexican nationals.

**Q:** Why is that?

**A:** Because they know they’ll be removed under Title 42 immediately.

**Q:** So does that imply the people who aren’t necessarily evading arrest believe that they will be released and not removed under Title 42 or Title 8?

**A:** Correct.

##### Chief Patrol Agent John Modlin, Tucson Sector

**Q:** So I want to go back to you—what you were talking about with the bigger groups of aliens, the give-ups, the 200 to 300 groups that you were referring to earlier.

**W:** Why do you believe that they’re giving themselves up rather than attempting to cross in between POEs?

**A:** Yes. So they are—they’re giving up because they believe they’re going to stay in the United States. If not, they would be, like everyone else in Tucson, dressed head to toe in camouflage, running as fast as they could, staying up in the mountains or in the valleys to avoid detection by our system.

**Q:** And is this a change within the last two and a half years, or between administrations, however—what period of time you want to choose?

**A:** Yes. So it is certainly a change in Tucson Sector.

##### Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector

**Q:** Do your agents interview migrants that they encounter about why they have come to the United States?

**A:** Yes.

**Q:** Do you know—what are the reasons or most prevalent reasons that people are giving to agents in Yuma Sector about why they’ve come to the United States?

**A:** So a wide variety, obviously. Some of the more common ones are better pay, better opportunities for the family, to raise a family. Again, the belief that they are going to be released with no consequence is certainly something that many migrants tell our agents.

#### CBP IS MASS RELEASING INADMISSIBLE ALIENS

##### Chief Patrol Agent Aaron Heitke, San Diego Sector

**Q:** Does headquarters ever give you pressure to move people out of detention because you’re over capacity?

**A:** No.

**Q:** What kind of feedback do they give you about those numbers?

**A:** To do our best to keep them down.

**Q:** And how do you keep those numbers down when it comes to detention?

**A:** Processing. Making our—putting as many resources that we can into processing to get the people moved quickly.

**Q:** And by “moved,” you mean released from detention?

**A:** Yes.

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

**Q:** Were the large number of releases that occurred in recent years, prior to the expiration of Title 42, a more recent phenomenon? Have you ever seen that before?

**A:** In the past few years, I haven’t seen what we’ve been doing with that in the past few years prior when I was on the southwest border. So we’re talking over 5 years ago.

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

**Q:** Understood. And sorry for the lack of clarity. But following through, would you agree with me that there’s always been a certain portion of the migrants that are released and not detained for a significant period of time?

**A:** Released into the community?

**Q:** Yes.

**A:** I don’t recall that always being the case.

##### Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector

**Q:** Are—we’ll start with single adults. Are they detained before their credible fear interview?

**A:** So, currently, the credible fear interviews are taking place in Border Patrol custody.

**Q:** Okay. So those people remain in custody they’re interviewed?

**A:** And there’s also a program within ERO where they’re transferred to ERO and that is also conducted in ERO custody.

**Q:** Okay. So sometimes, they’re staying within Border Patrol custody for their interview and, sometimes, they’re going to ERO for their interview?

**A:** Yes. Both are possible.

**Q:** If they’re found to have positive credible fear, is Border Patrol going to issue an NTA and releasing them?

**A:** Yes.

**Q:** For the family unit, are they—in the FERM program, are they also—do they also remain in custody for their credible fear interview?

**A:** No.

##### Deputy Chief Patrol Agent Dustin Caudle, Yuma Sector

**Q:** Do you know since January—well, if you know, since January 2021, how many people have been released from Border Patrol custody from the Yuma Sector?

**A:** I don’t have an accurate number to be able to give you.

**Q:** Do you know from your time in Yuma?

**A:** Somewhere between 65 to 70 percent.

**Q:** Of encounters?

**A:** Yes, ma’am.

#### MASS PAROLE BEING USED TO QUICKLY RELEASE ILLEGAL ALIENS INTO THE INTERIOR

##### Chief Patrol Agent Jason Owens, Del Rio Sector

**Q:** So, in your sector, what would you say is the ratio of parolees from those you encountered?

**A:** So last year it was a large percentage. A large portion of them were being given parole and then given that alternative to detention. ATD is what we call it. That’s where they’re affixed with a device, like an ankle bracelet, or given a cell phone. And ICE would then turn them over to NGOs for them to travel to wherever they were going to go while they await their hearing.

Last year, for us, I would say the vast majority of the migrants that we encountered were processed under that parole pathway. This year it has changed, and the majority of them are going to be given a notice to appear.

**Q:** When you say vast majority, what does that mean?

**A:** I would say at least half. And I’ll have the general counsel get you the exact numbers if you want them. But it was the majority.

##### Chief Patrol Agent Jason Owens, Del Rio Sector

**Q:** And what—what factors did the sector take into consideration to use Parole+ ATD? [sic]

**A:** So, if we were able to determine that the person did not pose a threat and that they—there was no other pathway that would be better for them to be processed under, processing somebody for parole requires about half the time that processing some—that does processing somebody under NTA. So the flow that we were seeing, the capacities that we had, the capacities of our partners down the chain in the system, and what best fit the migrant at the time, those are some of the factors that we used to make that determination.

##### Chief Patrol Agent Aaron Heitke, San Diego Sector

**Q:** San Diego Sector started using parole plus ATD and Border Patrol border-wide started using notices to report because it was taking too long to process people by issuing them NTAs, right?

**A:** Correct. Correct.

**Q:** Do you anticipate you’re going to run into a situation where it takes too long to process people with NTAs?

**A:** That’s a possibility.

##### Chief Patrol Agent Joel Martinez, Laredo Sector

**Q:** We talked about the Parole Plus ATD program. Do you know how often your agents utilized parole outside of the Parole Plus ATD program to process individuals who’ve illegally crossed?

**A:** I can’t give you an exact number, but it was—it was quite a bit, yes.

**Q:** It was quite a bit? In RGV or in Laredo?

**A:** I’m only speaking for Laredo. RGV, I mean, yeah, when I was there, we used it. I can’t give you an exact number, though.

#### PRIORITY ON RELEASING ILLEGAL ALIENS QUICKLY WITH NOTICES TO APPEAR

##### Chief Patrol Agent Aaron Heitke, San Diego Sector

**Q:** Would you say that the majority of individuals encountered are released with a notice to appear on their recognition from Border Patrol custody in San Diego Sector currently, or is it less than the majority?

**A:** Right now, I would say it was the majority.

##### Chief Patrol Agent Jason Owens, Del Rio Sector

**Q:** Okay. So because you’re not part of that pilot program, you’re also not utilizing expedited removal. Is that what you’re saying?

**A:** Not generally. We do have that. It’s always available. But it tends to not be an expedient pathway compared to even the NTAs. So we would prefer to use the NTA.

**Q:** So the decision of whether to use expedited removal or NTA right now is based on efficiency?

**A:** In part, yes.

**Q:** And so do you think then when Title 42 expires and there’s a potential for increase in migrants, the priority will be processing efficiency rather than expedited removal?

**A:** The priority is always going to be whatever we can do to get back to the border security mission. And so if we are not able to move 2,000 people that we’re catching a day through our system, we have 2,000 more coming the next day.

That can lead to overcrowding. That can lead to collapsing down operations more. It creates a safety concern in those processing centers just for the migrants, for our men and women. And so the efficiency of the process has to be a factor.

##### Chief Patrol Agent John Modlin, Tucson Sector

**Q:** So, in fiscal year 2022, most were being released on their own recognition via NTAs?

**A:** Most were.

**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.

##### Chief Patrol Agent Gloria Chavez, Rio Grande Valley Sector

**Q:** When you started in 1995, what was the demographic at that time?

**A:** It was Mexican nationals.

**Q:** What was the major—what was the predominant disposition for those illegal border crossers?

**A:** That was voluntary returns to Mexico.

**Q:** Today, what is the predominant disposition?

**A:** For RGV?

**Q:** Yeah.

**A:** It would be Venezuelans, followed by Central Americans, and then Mexico.

**Q:** Right. So that demographic, what’s their disposition? What’s the end result?

**A:** It would be, currently, either a removal—ER, expedited removal, or a notice to appear, OR, and/or a voluntary withdrawal.

**Q:** Out of those three, which is the most used?

**A:** For the most part, it’s notice to appear, OR.

###