

THE DEVASTATING  
HUMAN COSTS OF DHS  
SECRETARY ALEJANDRO  
MAYORKAS' OPEN-  
BORDERS POLICIES

PHASE 3 INTERIM REPORT

COMMITTEE ON  
HOMELAND SECURITY  
MAJORITY REPORT

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# INTRODUCTION

## **Introduction: The Human Tragedies on Mayorkas' Hands**

Department of Homeland Security (DHS) Secretary Alejandro Mayorkas' open-borders policies, his rolling back of effective border security policies, and his refusal to enforce the laws passed by Congress matter not just in the realm of legal debate. Rather, his opening of America's sovereign borders to millions of illegal aliens, cartel operatives, known criminals, gang members, potential terrorists, and foreign adversaries has produced profound, tangible, and tragic consequences which are impacting every state, city, and town in this nation.

The fentanyl crisis sparked and made even worse by his policies continues to grow, devastating families and communities across the country. The impact on Border Patrol agents and other law enforcement officers has been unprecedented, as men and women working to secure the border and defend the homeland feel increasingly abandoned by their leadership in Washington, and put at risk by the policies Mayorkas and others have implemented.

Criminal illegal aliens are increasingly being apprehended crossing the border under Mayorkas' policies. Americans are falling victim to the criminal ambitions of illegal aliens, suffering injustices like rape and assault on a regular basis, with numerous Americans even being killed by aliens in the United States unlawfully. And illegal aliens driving recklessly and with no regard for our laws are turning our streets into danger zones.

Even the individuals making the journey to the border and entering illegally have become victims of Mayorkas' coldly calculated, political decision to open the border. As millions of people have put themselves needlessly in the hands of cartels and smugglers to make the journey to the Southwest border, an untold number have suffered violence, degradation, and abuse at the hands of these ruthless organizations, while countless others have perished or simply been left to die in the jungles and deserts along the way.

This report will lay out in unflinching detail the very real human costs of Mayorkas' pursuit of open borders. As the American people learn of the awful consequences of these policies, they must remember that these data points are merely a snapshot of horrors being perpetrated against Americans and migrants alike, every single day under this secretary.



*(Source: Kevin Dietsch/Getty Images)*



# SECTION 1: THE FENTANYL CRISIS DESTROYING AMERICAN COMMUNITIES

## Section 1: The Fentanyl Crisis Destroying American Communities

### *An Unprecedented and Growing Crisis*

The United States is consumed by an opioid crisis, and it is being driven by the fentanyl flowing from Mexico across the Southwest border.<sup>1</sup> Fentanyl poisoning is now the leading cause of death for Americans between the ages of 18-45,<sup>2</sup> and the number of Americans falling victim to this deadly synthetic opioid remains at historic levels, particularly as the Mexican cartels continue to manufacture the low-cost substance and smuggle it into the United States.<sup>3</sup>

Nearly 107,000 Americans died from drug overdoses in 2021, with more than 70,000 of those deaths attributed to synthetic opioids other than methadone—primarily fentanyl.<sup>4</sup> By comparison, roughly 36,000 Americans died from synthetic opioid poisonings in 2019.<sup>5</sup> In 2021, more Americans died from fentanyl poisoning than died in auto- and gun-related incidents combined.<sup>6</sup> In 2021, synthetic opioids were involved in more than 50 percent of drug-related deaths in 36 states, according to analysis of Centers for Disease Control and Prevention (CDC) data.<sup>7</sup>

In 2022, the number of Americans who died from drug-related incidents remained elevated, with provisional data from the CDC showing more than 105,000 reported overdose deaths over the course of the year, and more than 109,000 predicted deaths.<sup>8</sup> The CDC reported almost 83,000 “predicted opioid-involved drug overdose deaths” in 2022, and that both the reported and predicted number of drug overdose deaths “involving synthetic opioids (including fentanyl but

<sup>1</sup> Elissa Salamy, “Cartels ‘pouring’ Drugs into the US, Says Border Expert,” *The National Desk*, August 23, 2022, <https://thenationaldesk.com/news/americas-news-now/cartels-pouring-drugs-into-the-us-says-border-expert-mexico-china-fentanyl-crisis-mark-morgan-cdc-overdose-immigration-migrant>.

<sup>2</sup> U.S. Department of Justice, Drug Enforcement Administration, *DEA Administrator on Record Fentanyl Overdose Deaths*, last accessed September 25, 2023, <https://www.getsmartaboutdrugs.gov/media/dea-administrator-record-fentanyl-overdose-deaths>. See Washington Post analysis of CDC data finding the same result for Americans between the ages of 18-49: Julie Vitkovskaya and Courtney Kan, “Why Is Fentanyl so Dangerous?,” *The Washington Post*, November 3, 2022, <https://www.washingtonpost.com/nation/2022/11/03/fentanyl-opioid-epidemic/>.

<sup>3</sup> U.S. Congress, House of Representatives, Committee on Appropriations, Subcommittee on Justice, Science, and Related Agencies, *Statement of the U.S. Department of Justice, Anne Milgram, Administrator, Drug Enforcement Administration for Fiscal Year 2024 Request for the Drug Enforcement Administration*, 118th Cong., 1st sess., April 27, 2023, <https://docs.house.gov/meetings/AP/AP19/20230427/115832/HHRG-118-AP19-Wstate-MilgramA-20230427.pdf>.

<sup>4</sup> See U.S. Department of Health and Human Services, National Institutes of Health, National Institute on Drug Abuse, *Drug Overdose Death Rates*, February 9, 2023, <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>; and Steven Reinberg, “U.S. Child Deaths From Fentanyl Jumped 30-Fold in Just 8 Years,” *HealthDay in U.S. News & World Report*, May 8, 2023, <https://www.usnews.com/news/health-news/articles/2023-05-08/u-s-child-deaths-from-fentanyl-jumped-30-fold-in-just-8-years>. Specifically, “In 1999, about 5% of the deaths from opioids were from fentanyl; by 2021, that had jumped to 94%, mirroring the pattern of adult fatalities.”

<sup>5</sup> *Ibid.*

<sup>6</sup> U.S. Department of Justice, Drug Enforcement Administration, Media Relations, *DEA Warns of Increase in Mass-Overdose Events Involving Deadly Fentanyl*, April 6, 2022, <https://www.dea.gov/press-releases/2022/04/06/dea-warns-increase-mass-overdose-events-involving-deadly-fentanyl>.

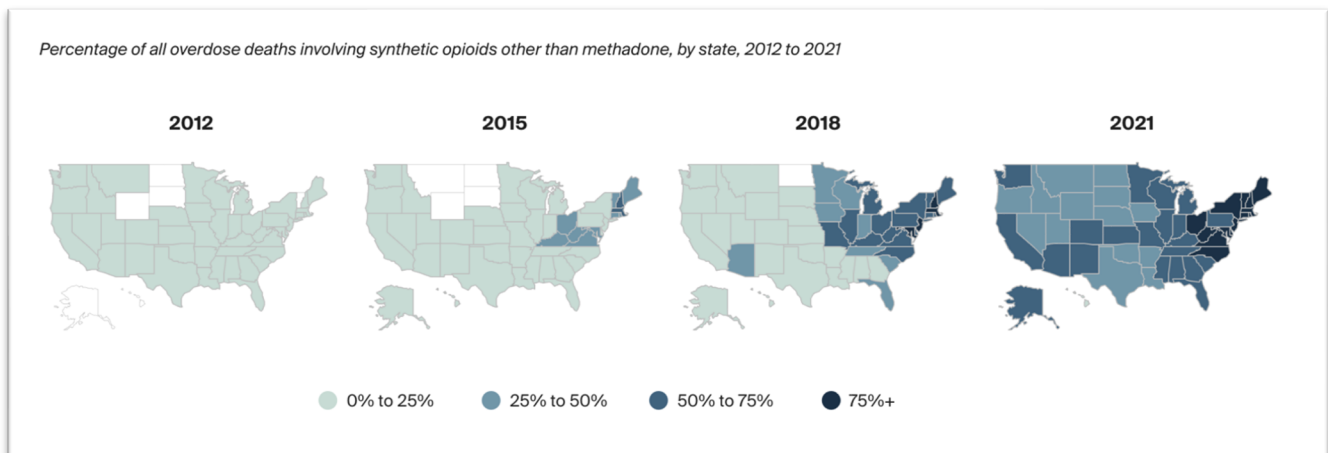
<sup>7</sup> Jesse Baumgartner and David Radley, “Overdose Deaths Declined but Remained Near Record Levels During the First Nine Months of 2022 as States Cope with Synthetic Opioids,” *The Commonwealth Fund*, March 13, 2023, <https://www.commonwealthfund.org/blog/2023/overdose-deaths-declined-remained-near-record-levels-during-first-nine-months-2022-states>.

<sup>8</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, *Provisional Data Shows U.S. Drug Overdose Deaths Top 100,000 in 2022*, May 18, 2023, <https://blogs.cdc.gov/nchs/2023/05/18/7365/>.



# SECTION 1: THE FENTANYL CRISIS DESTROYING AMERICAN COMMUNITIES

excluding methadone)...continued to increase compared to the previous year.”<sup>9</sup> About every five minutes, an American dies from a drug overdose or poisoning.<sup>10</sup>



(Source: Commonwealth Fund representation of CDC data)

According to a recent CDC report,<sup>11</sup> the rate of drug overdose deaths linked to fentanyl has skyrocketed in the last five years, increasing by 279 percent from 5.7 per 100,000 people to 21.6 per 100,000 between 2016 and 2021.<sup>12</sup> Merianne Spencer, co-author of the CDC report, noted, “We are always hoping we won’t see a rise in fentanyl deaths, but this really highlights that this is continuing to be a public health problem.”<sup>13</sup>

CDC data also show that fentanyl is the leading cause of drug-associated deaths across all age groups.<sup>14</sup> The cartels’ regular practice of lacing other forms of narcotics with fentanyl, even including what look to be prescription drugs, is poisoning many Americans who never know they are ingesting the substance.<sup>15</sup>

In Texas alone, fentanyl-related deaths rose 89 percent from 2020 to 2021.<sup>16</sup> Jim Skinner, sheriff of Collin County, Texas, said in August 2022 that fentanyl poisonings had increased in his county

<sup>9</sup> Ibid.

<sup>10</sup> “Protecting the U.S. Homeland: Fighting the Flow of Fentanyl from the Southwest Border,” *Homeland Security Committee Events*, YouTube video, 33:08, July 12, 2023, <https://www.youtube.com/live/LoEurNtLz0M?feature=share&t=1988>.

<sup>11</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, The National Vital Statistics System, *Estimates of Drug Overdose Deaths Involving Fentanyl, Methamphetamine, Cocaine, Heroin, and Oxycodone: United States, 2021*, Report No. 27, by Merianne Spencer, et. al., May 3, 2023, <https://doi.org/10.15620/cdc:125504>.

<sup>12</sup> Nicoletta Lanese, “Fentanyl Overdose Death Rates ‘more than Tripled’ in Recent Years, CDC Report Shows,” *Live Science*, May 3, 2023, <https://www.livescience.com/health/medicine-drugs/fentanyl-overdose-death-rates-more-than-tripled-in-recent-years-cdc-report-shows>.

<sup>13</sup> Mary Kekatos, “America’s Opioid Epidemic: Fatal Fentanyl Overdoses Have Risen 279% since 2016,” *ABC News*, May 3, 2023, <https://abcnews.go.com/Health/fentanyl-overdose-deaths-surged-279-2016-heroin-deaths/story?id=99008519#:~:text=Interest%20Successfully%20Added-.Fentanyl%20overdose%20deaths%20surged%20279%25%20since%202016%20while%20heroin%20deaths.every%20age%20and%20racial%20group.&text=The%20rate%20of%20drug%20overdose,years%2C%20new%20ofederal%20data%20showed>.

<sup>14</sup> Ibid.

<sup>15</sup> See U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Fentanyl Facts*, last updated September 6, 2023, <https://www.cdc.gov/stopoverdose/fentanyl/index.html>; and State of Texas, Department of Health and Human Services, *Fentanyl: One Pill Kills*, last accessed September 25, 2023, <https://www.hhs.texas.gov/services/mental-health-substance-use/mental-health-substance-use-resources/fentanyl-one-pill-kills>.

<sup>16</sup> State of Texas, Department of Public Safety, Media and Communications Office, *Fentanyl: One Pill Kills*, February 3, 2023, <https://www.dps.texas.gov/section/media-and-communications-office/fentanyl-one-pill-kills>.





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by 571 percent.<sup>17</sup> The fentanyl flooding across the Southwest border does not stay in border communities, however, but spreads throughout the country to destroy lives, families, and communities everywhere.

From 2018 to 2022, Oklahoma experienced a 735-percent increase in fentanyl deaths, according to Oklahoma Rep. Joshua Brecheen in July 2023.<sup>18</sup> Virginia Attorney General Jason Miyares said in December 2022, “We lose four Virginians a day to overdoses from fentanyl that is coming over our Southern border. We have a complete lack of control over what is happening...”<sup>19</sup> A record number of Virginians in the Hampton Roads area died from drug overdoses in 2022, with more than 80 percent involving fentanyl.<sup>20</sup> In Cook County, Illinois, home to Chicago, 2,000 people were killed by opioid overdoses in 2022, up from 1,935 in 2021 and 676 in 2015—91 percent of these deaths were attributed to fentanyl.<sup>21</sup>

Fentanyl is even flooding into communities at the top of the world. Sandy Snodgrass with the AK Fentanyl Response Project, which works to educate communities in Alaska and around the country about the dangers of fentanyl, recently testified to the House Committee on Homeland Security, “We recently had interdictions in Kodiak, Alaska, a very small community of maybe 1,000 people, with 3,000 pills. 3,000 pills headed to a community of 1,000 individuals. It happens all the time in Alaska.”<sup>22</sup> She further shared with the Committee that she had recently visited the Alaskan town of Chevak—only accessible by seaplane or snow machine—where the “blue pills have made it into that community of less than 800 Alaskans. You talked about the human toll. One member of that community dies, and it affects that entire community for generations to come.”<sup>23</sup>

Indeed, the crisis is so acute that the U.S. Food and Drug Administration (FDA) has taken the step of approving over-the-counter naloxone nasal spray to give Americans more access to life-saving treatment to counter fentanyl poisoning,<sup>24</sup> as the medication helps reverse the effects of opioid overdose. Per one media report in August 2023, “An increasing number of restaurants and bars across the country are keeping a stock of Naloxone...as overdoses become all too common in public spaces...”<sup>25</sup> One employee at a brewery in Philadelphia that stocks naloxone recently expressed his frustration with the additional pressure being placed on service workers to also

<sup>17</sup> Jon Levine, “Texas Sheriffs Say Open Border Causing a ‘Tsunami of Death,’” *The New York Post*, August 27, 2022, <https://nypost.com/2022/08/27/texas-sheriffs-say-open-border-causing-a-tsunami-of-death/>.

<sup>18</sup> “Protecting the U.S. Homeland: Fighting the Flow of Fentanyl from the Southwest Border,” *Homeland Security Committee Events*, YouTube video, 1:09:33, July 12, 2023, <https://www.youtube.com/live/LoEurNtLzOM?feature=share&t=4173>.

<sup>19</sup> Jackie DeFusco, “Virginia Attorney General Says Ending Title 42 Immigration Restrictions Would Cause Irreparable Harm,” *WRIC ABC 8News*, December 20, 2022, <https://www.wric.com/news/politics/capitol-connection/virginia-attorney-general-says-ending-title-42-immigration-restrictions-would-cause-irreparable-harm/>.

<sup>20</sup> Peter Dujardin, “Hampton Roads sets new regional record for drug overdose deaths, as fentanyl spike continues,” *The Virginian-Pilot*, July 23, 2023, <https://www.pilotonline.com/2023/07/23/hampton-roads-sets-new-regional-record-for-drug-overdose-deaths/>.

<sup>21</sup> “Cook County sees record number of opioid overdose deaths in 2022,” *CBS2 News Chicago*, July 25, 2023, <https://www.cbsnews.com/chicago/news/cook-county-opioid-overdose-deaths-new-record/>.

<sup>22</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 2:15:34, September 13, 2023, <https://www.youtube.com/live/rPhbaOTSzHc?si=BtClMXrKpZo1xAw7&t=8134>.

<sup>23</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 3:25:53, September 13, 2023, [https://www.youtube.com/live/rPhbaOTSzHc?si=b1PXPFLDXJ7Vo\\_Ks&t=12353](https://www.youtube.com/live/rPhbaOTSzHc?si=b1PXPFLDXJ7Vo_Ks&t=12353).

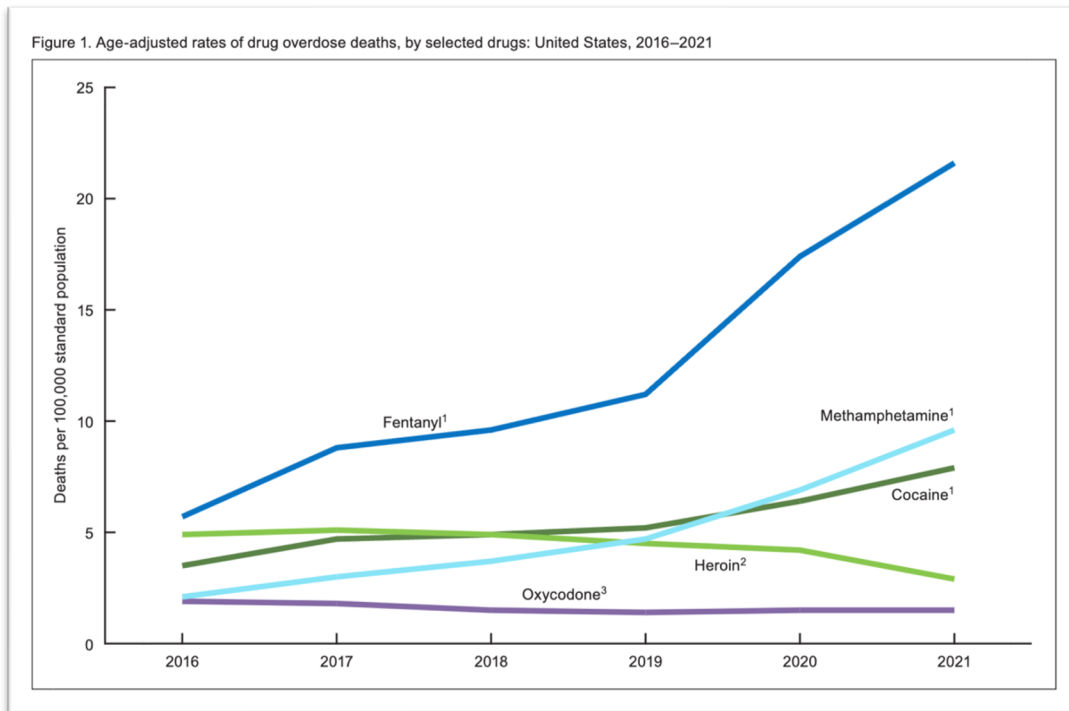
<sup>24</sup> U.S. Department of Health and Human Services, U.S. Food and Drug Administration, Newsroom, *FDA Approves First Over-the-Counter Naloxone Nasal Spray*, March 29, 2023, <https://www.fda.gov/news-events/press-announcements/fda-approves-first-over-counter-naloxone-nasal-spray>.

<sup>25</sup> Jennie Taer, “More Restaurants, Bars Stock Up On Fentanyl, Opioid Overdose Reversal Drug As Deaths Soar,” *The Daily Caller*, August 15, 2023, <https://dailycaller.com/2023/08/15/fentanyl-naloxone-narcans-bars-restaurants/>.



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serve as first responders—“It shouldn’t be on these bartenders making no money. It should be on someone trained for it, who is expected to save lives.”<sup>26</sup> In San Francisco, the city’s Drug Overdose Prevention and Education Project distributed more than 84,000 doses of naloxone between July 2022 and June 2023, with those doses reversing 8,765 opioid overdoses during that time.<sup>27</sup>



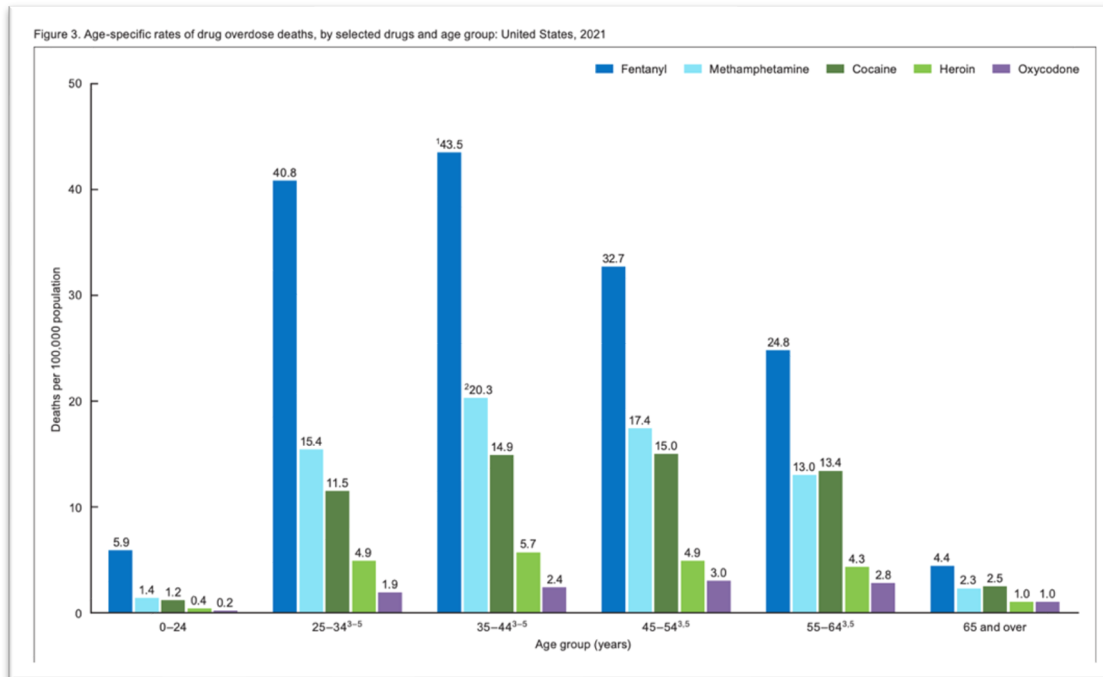
(Source: May 2023 CDC Vital Statistics Surveillance Report)

<sup>26</sup> Priya Krishna and Eleanore Park, “Serve a Drink, Then Save a Life: This Is Restaurant Work During the Opioid Epidemic,” *The New York Times*, August 15, 2023, <https://www.nytimes.com/2023/08/15/dining/narc-analoxone-restaurants-bartenders-opioid-epidemic.html>.

<sup>27</sup> Ibid.



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(Source: May 2023 CDC Vital Statistics Surveillance Report)

Fentanyl is so potent that just two milligrams—which can fit comfortably on the tip of a pencil—can be lethal.<sup>28</sup> It has been known to harm law enforcement officers at crime scenes<sup>29</sup> or other unsuspecting victims who come into physical contact with it, as this report documents.

Data from U.S. Customs and Border Protection (CBP) shows that the cartels are smuggling more fentanyl across the border than ever before. So far this fiscal year (FY), CBP has seized more than 25,300 pounds of fentanyl at the Southwest border alone, far surpassing FY22's total seizure of 14,100 pounds—including a record 3,186 pounds in April 2023.<sup>30</sup>

Even more troubling is that seizures between ports of entry have increased, as cartels seek to take further advantage of the now-porous Southwest border.<sup>31</sup> Through August 2023, Border Patrol agents had seized roughly 2,700 pounds of fentanyl, already surpassing FY22 total seizures, and nearly tripling those from FY21.<sup>32</sup> Then-Border Patrol Chief Raul Ortiz told Florida Rep. Laurel Lee during testimony before the House Committee on Homeland Security in March 2023 that fentanyl seizures between the ports to that point in FY23 were up 101 percent.<sup>33</sup>

<sup>28</sup> U.S. Department of Justice, Drug Enforcement Administration, *One Pill Can Kill*, accessed on August 29, 2023, <https://www.dea.gov/onepill>.

<sup>29</sup> Anika Hope, "GRAPHIC: Police Help Save Officer in Fentanyl Overdose during Traffic Stop," *KKTV 11 News*, December 14, 2022, <https://www.kktv.com/2022/12/15/graphic-police-help-save-officer-fentanyl-overdose-during-traffic-stop/>.

<sup>30</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Drug Seizure Statistics FY2023*, September 22, 2023, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

<sup>31</sup> *Ibid.*

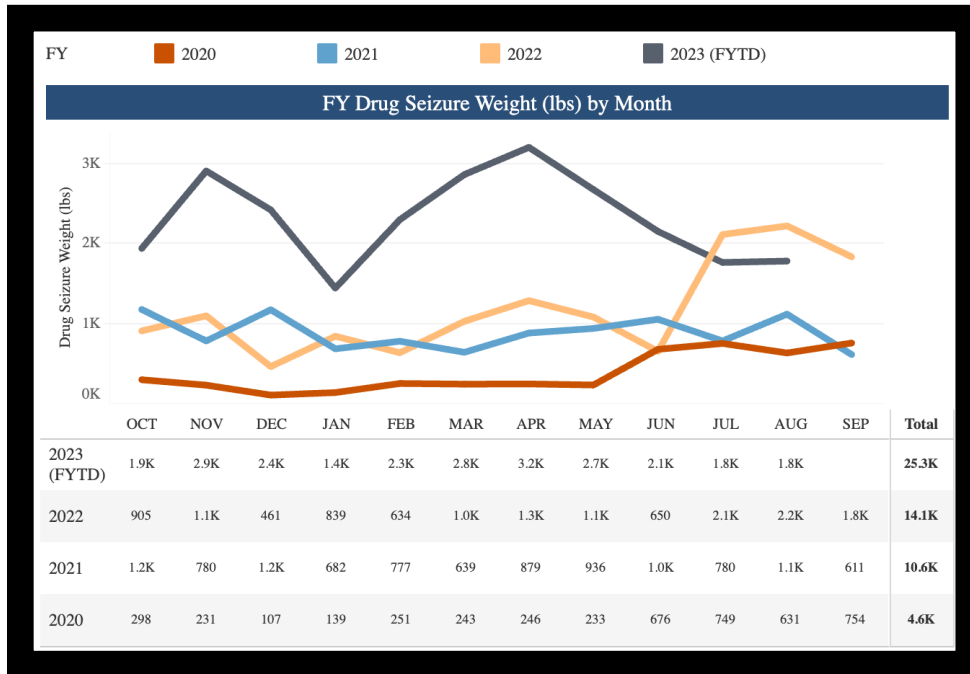
<sup>32</sup> *Ibid.*

<sup>33</sup> "Full Committee Field Hearing: 'Failure By Design: Examining Secretary Mayorkas' Border Crisis,'" *Homeland Security Committee Events*, YouTube video, 1:34:23, March 15, 2023, [https://www.youtube.com/live/7Z1ETzh3AUA?si=z\\_zrDTyW3Knf5Tv&t=5663](https://www.youtube.com/live/7Z1ETzh3AUA?si=z_zrDTyW3Knf5Tv&t=5663).

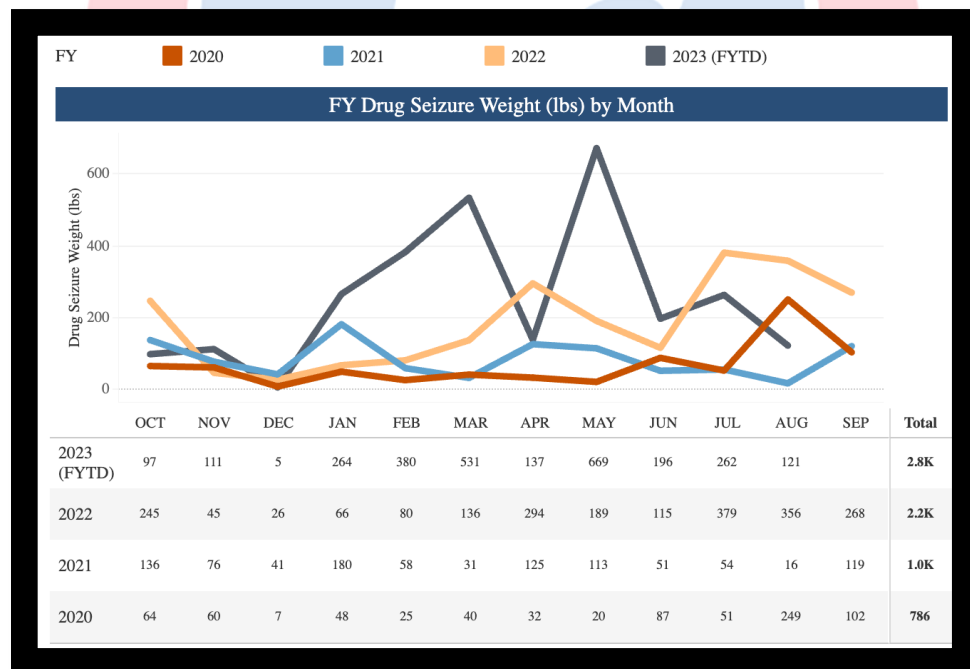




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CBP is intercepting record amounts at the Southwest border, both at and between the ports of entry. (Source: CBP Drug Seizure Statistics)



Seizures of fentanyl between the ports of entry are also significantly increasing as cartels take advantage of the now-porous Southwest border. (Source: CBP Drug Seizure Statistics)



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As Border Patrol agents are pulled off the line to process and release illegal aliens into the interior, the cartels have shifted their tactics to exploit the vulnerabilities those personnel shortfalls have created.<sup>34</sup> Anne Milgram, administrator of the Drug Enforcement Administration (DEA) told CBS News in May 2022, “I can say with 100 percent assurance that the criminal drug cartels in Mexico will stop at nothing to get fentanyl into the United States.”<sup>35</sup> Per a report from Fox News in September 2022, “Mexican drug cartels are rapidly expanding fentanyl production, pushing more of the deadly drug into the United States and profiting markedly from an easily produced, highly addictive substance.”<sup>36</sup>

According to the DEA Principal Deputy Administrator George Papadopoulos, the agency “seized more than 58 million fentanyl-laced pills and 13,000 pounds of fentanyl powder” in 2022 alone, “nearly 400 million deadly doses that didn’t reach American streets and more than enough to kill everyone in the United States.”<sup>37</sup> DEA statistics show that six out of 10 fentanyl-laced pills entering the country in 2022 contained a potentially lethal dose of fentanyl, up from a rate of four out of 10 in 2021.<sup>38</sup>

Given the low cost of production, the cartels have every incentive to continue manufacturing fentanyl at scale. Milgram recently told the U.S. Senate Appropriations Committee, “It costs the cartels as little as 10 cents to produce a fentanyl-laced fake prescription pill that is sold in the United States for as much as \$10 to \$30 per pill. As a result, the cartels make billions of dollars from trafficking fentanyl into the United States.”<sup>39</sup> Snodgrass told the House Committee on Homeland Security in September 2023, “Alaska is being targeted by drug cartels due to the money that they can make in my state, particularly in rural, predominantly Alaska native, communities. One pill in an Alaskan village can cost \$80. That same pill sold in a large American city costs \$10.”<sup>40</sup>

West Virginia Attorney General Patrick Morrisey has also described the massive profit margins fentanyl provides the cartels:

“However, a new and pressing threat comes in the form of pure fentanyl backpacked across the Southwest border in between points of entry. A single backpack can easily contain 10 kilograms or more of pure fentanyl, with a street value of nearly \$20 million and enough potentially lethal doses to kill 5,000,000 Americans. With industrial-scale illegal fentanyl

<sup>34</sup> U.S. Congress, House of Representatives, Committee on Homeland Security, Majority, *DHS Secretary Alejandro Mayorkas Has Emboldened Cartels, Criminals, and America’s Enemies, Phase 2 Interim Report*, 118th Cong., 1st sess., September 7, 2023, 8-9, <https://homeland.house.gov/wp-content/uploads/2023/09/09.07-Phase-2-Final.pdf>.

<sup>35</sup> Norah O’Donnell, “DEA zeroes in on China as fentanyl deaths soar,” *CBS News*, May 10, 2022, <https://www.cbsnews.com/news/fentanyl-china-mexico-drug-enforcement-administration/>.

<sup>36</sup> Rich Edson and James Levinson, “Mexican Cartels Expanding Production of Fentanyl at Rapid Rates, Experts Say,” *Fox News*, September 1, 2022, <https://www.foxnews.com/world/mexican-cartels-expanding-production-fentanyl-rapid-rates-experts-say>.

<sup>37</sup> “Protecting the U.S. Homeland: Fighting the Flow of Fentanyl from the Southwest Border,” *Homeland Security Committee Events*, YouTube video, 49:24, July 12, 2023, <https://www.youtube.com/live/LoEurNtLzOM?feature=share&t=2964>.

<sup>38</sup> U.S. Department of Justice, Drug Enforcement Administration, *One Pill Can Kill*, accessed on July 25, 2023, <https://www.dea.gov/onepill>.

<sup>39</sup> U.S. Congress, Senate, Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Prepared Testimony of the U.S. Department of Justice, Anne Milgram, Administrator, Drug Enforcement Administration for A Review of the President’s Fiscal Year 2024 Funding Requests for the Federal Bureau of Investigation and for the U.S. Drug Enforcement Administration*, 118th Cong., 1st sess., May 10, 2023, 5, [https://www.appropriations.senate.gov/imo/media/doc/Administrator\\_written%20statement\\_Senate%20CJS%20hearing.pdf](https://www.appropriations.senate.gov/imo/media/doc/Administrator_written%20statement_Senate%20CJS%20hearing.pdf).

<sup>40</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 55:01, September 13, 2023, <https://www.youtube.com/live/rPhbaOTSzHc?si=sg1WoEW3s5nNUqqJ&t=3301>.



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production now occurring in Mexico, these backpack loads can cost less [than] \$50,000 for drug cartels to produce.”<sup>41</sup>

## ***Young People as Victims of the Fentanyl Crisis***

In the United States, exposure to fentanyl is increasingly a crisis for the most innocent among us—children and young people. In 2021, 133 children under three years of age died from opioid-related causes, according to federal mortality data, up from 67 in 2020 and 51 in 2019.<sup>42</sup> Synthetic opioids, of which fentanyl is the most prevalent, accounted for most of the fatalities.<sup>43</sup> Pediatric deaths from fentanyl increased more than 30-fold between 2013 and 2021, according to the Yale School of Medicine’s Julie Gaither.<sup>44</sup> Nearly half of the deaths occurred at home and the majority of them were deemed unintentional.<sup>45</sup>

The synthetic opioid was involved in 884 adolescent deaths in 2021—up from 253 just two years earlier, according to a 2022 report published by the Journal of the American Medical Association.<sup>46</sup> Gaither noted, “It’s really hard to get data on exactly what happens with the younger kids, but anecdotal evidence is that it only takes a small amount to be deadly. So small kids can touch the drug and then put their fingers in their mouths.”<sup>47</sup> Nine out of 10 deaths she documented were among teenagers aged 15-19.<sup>48</sup> Overall, more than 1,500 young people under the age of 20 died from fentanyl poisonings in 2021, more than four times as many than in 2018.<sup>49</sup>

The emergence of “rainbow fentanyl”—brightly colored pills, powders, and blocks made to look like candy—has created an even greater risk for kids.<sup>50</sup> The DEA issued an alert in August 2022 about rainbow fentanyl, saying this form of the drug had been seized in 26 states that month.<sup>51</sup> The DEA also warned that this brightly colored fentanyl is being used to target and drive addiction in young Americans.<sup>52</sup>

For example, just before Halloween in 2022, the Los Angeles County Sheriff’s Department apprehended a suspect at Los Angeles International Airport carrying around 12,000 fentanyl pills, which were concealed in SweeTARTS, Skittles, and Whoppers candy boxes.<sup>53</sup> The

<sup>41</sup> See Plaintiff’s Complaint in *State of West Virginia v. U.S. Department of Homeland Security*, No. 5:21-cv-11111, 6, (N.D. W. Va. 2021).

<sup>42</sup> Arian Campo-Flores and Jon Kamp, “The Youngest Victims of the Fentanyl Crisis,” *The Wall Street Journal*, December 30, 2022, <https://www.wsj.com/articles/children-victims-of-the-fentanyl-crisis-11672412771>.

<sup>43</sup> Ibid.

<sup>44</sup> Steven Reinberg, “U.S. Child Deaths From Fentanyl Jumped 30-Fold in Just 8 Years,” *HealthDay in U.S. News & World Report*, May 8, 2023, <https://www.usnews.com/news/health-news/articles/2023-05-08/u-s-child-deaths-from-fentanyl-jumped-30-fold-in-just-8-years>.

<sup>45</sup> Ibid.

<sup>46</sup> Joseph Friedman et al., “Trends in Drug Overdose Deaths Among US Adolescents, January 2010 to June 2021,” *JAMA* 327, no. 14 (April 12, 2022): 1398–1400, <https://doi.org/10.1001/jama.2022.2847>.

<sup>47</sup> Steven Reinberg, “U.S. Child Deaths From Fentanyl Jumped 30-Fold in Just 8 Years,” *HealthDay in U.S. News & World Report*, May 8, 2023, <https://www.usnews.com/news/health-news/articles/2023-05-08/u-s-child-deaths-from-fentanyl-jumped-30-fold-in-just-8-years>.

<sup>48</sup> Ibid.

<sup>49</sup> Aimee Cunningham, “Fentanyl Deaths Have Spiked among U.S. Children and Teens,” *ScienceNews*, April 28, 2023, <https://www.sciencenews.org/article/fentanyl-deaths-children-teens-opioid>.

<sup>50</sup> U.S. Department of Justice, U.S. Drug Enforcement Administration, Media Relations, *DEA Warns of Brightly-Colored Fentanyl Used to Target Young Americans*, August 30, 2022, <https://www.dea.gov/press-releases/2022/08/30/dea-warns-brightly-colored-fentanyl-used-target-young-americans>.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Los Angeles County Sheriff’s Department, Sheriff’s Information Bureau, *Fentanyl Packaged in Candy*, October 19, 2022, <https://lasd.org/fentanyl-packaged-in-candy/>.



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department warned, “With Halloween approaching, parents need to make sure they are checking their kids’ candy and not allowing them to eat anything until it has been inspected by them.”<sup>54</sup>

Innocent young Americans who had no intention of ever ingesting fentanyl are being particularly impacted by its spread, particularly when they experiment with other drugs they are unaware have been laced with fentanyl by the cartels. “There is a general consensus that the overdose deaths involving fentanyl among kids, whether young kids or teens, are primarily unintentional,” said Linda Richter, senior vice president at the Partnership to End Addiction. “Among younger children, access to pills or substances laced with fentanyl that are left within their reach is the main culprit.”<sup>55</sup> She added, “For older adolescents, the culprit is more likely a lack of awareness that the pill they are intentionally taking contains fentanyl.”<sup>56</sup>

## ***Tragic Cases of Fentanyl Poisoning***

In August 2021, the Lavenir family was staying at a Florida Airbnb rental unit while vacationing from France, when 19-month-old Enora Lavenir was found unresponsive by her mother in the bedroom where she was taking a nap.<sup>57</sup> The Palm Beach County Sheriff’s Office and Medical Examiner’s Office later determined that Enora had gone into cardiac arrest due to toxic levels of fentanyl in her blood.

The family’s lawsuit against Airbnb alleges that a previous guest rented the unit and left fentanyl behind.<sup>58</sup> He had brought, or permitted others to bring, “illicit drugs” into the unit, including cocaine, fentanyl and marijuana, which were consumed throughout the premises, including the bedrooms and kitchen, according to the lawsuit.<sup>59</sup>



*19-month-old Enora Lavenir was poisoned by fentanyl in a rental unit while on a family vacation in Florida.*

<sup>54</sup> Ibid.

<sup>55</sup> Steven Reinberg, “U.S. Child Deaths From Fentanyl Jumped 30-Fold in Just 8 Years,” *HealthDay in US News & World Report*, May 8, 2023, <https://www.usnews.com/news/health-news/articles/2023-05-08/u-s-child-deaths-from-fentanyl-jumped-30-fold-in-just-8-years>.

<sup>56</sup> Ibid.

<sup>57</sup> Marlene Lenthang, “Family Sues Airbnb after 19-Month-Old Dies of Fentanyl Toxicity during Florida Vacation,” *NBC News*, April 12, 2023, <https://www.nbcnews.com/news/us-news/family-sues-airbnb-19-month-old-dies-fentanyl-toxicity-florida-vacatio-rcna73536>.

<sup>58</sup> *Lavenir v. Airbnb, et. al.*, No. CA-011956 (Fla. December 14, 2022), 11-12, <https://images.law.com/contrib/content/uploads/documents/392/181836/Second-Amended-Wrongful-Death-Complaint.pdf>.

<sup>59</sup> Ibid.





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In testimony before the House Committee on Homeland Security in February 2023, Rebecca Kiessling, who lost both her sons to fentanyl poisoning in 2020, stressed that the Biden administration's border policies were only putting more young people at risk:

“This should not be politicized. It's not about race. Fentanyl doesn't care about race. You talk about welcoming those crossing our border seeking protection? You're welcoming drug dealers across our border. You're giving them protection. You're not protecting our children.”<sup>60</sup>

Following Kiessling's testimony, Biden laughingly shrugged off the family's tragedy, saying, “That fentanyl they took came during the last administration.”<sup>61</sup>



*Rebecca Kiessling lost her sons Caleb and Kyler to fentanyl poisoning. They never even knew they had ingested fentanyl. (Sources: Drew Angerer/Getty Images and Kiessling family photo)*

In September 2023, tragedy struck another family, this time in New York. On Friday, Sept. 16, 2023, 21-month-old Nicholas Feliz Dominici and several other children were believed to have been exposed to fentanyl during their naptime at a daycare facility in the Bronx.<sup>62</sup> While the other three children were treated and survived, medical professionals were unable to save little Nicholas' life.<sup>63</sup> Law enforcement investigating the incident found “less than a kilo's worth of fentanyl, along with more than one kilo press” inside an apartment within the facility.<sup>64</sup> A kilo press is a device “commonly used by drug dealers when packaging large quantities of drugs,” according to Joseph Kenny, chief of detectives for the New York City Police Department.<sup>65</sup>

<sup>60</sup> Melissa Nann Burke, “‘You're Not Protecting Our Children': Rochester Hills Mom Testifies about 2 Sons' Fentanyl Deaths,” *The Detroit News*, February 28, 2023, <https://www.detroitnews.com/story/news/local/oakland-county/2023/02/28/southern-border-crisis-michigan-mother-rebecca-kiessling-testifies-sons-fentanyl-overdose-deaths/69953671007/>.

<sup>61</sup> The White House, “Remarks by President Biden at the House Democratic Caucus Issues Conference,” March 1, 2023, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/03/01/remarks-by-president-biden-at-the-house-democratic-caucus-issues-conference-2/>.

<sup>62</sup> Maria Cramer, “2 Charged With Murder in Day Care Death of 1-Year-Old,” *The New York Times*, September 17, 2023, <https://www.nytimes.com/2023/09/17/nyregion/opioid-bronx-daycare-fentanyl-murder-charge.html>.

<sup>63</sup> Ibid.

<sup>64</sup> Joe Marino, et. al., “Cops find ‘kilo press’ used by drug dealers at tragic NYC day care,” *The New York Post*, September 16, 2023, <https://nypost.com/2023/09/16/cops-find-kilo-press-used-by-drug-dealers-at-tragic-nyc-daycare/>.

<sup>65</sup> Ibid.

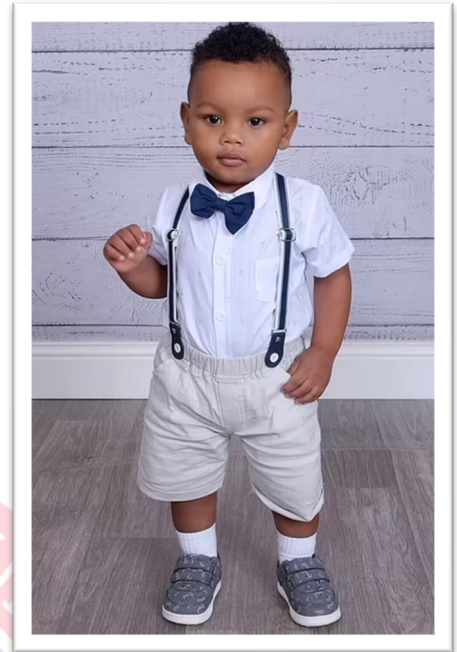


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Per the New York Times, “Ms. Dominici described looking at Nicholas’s crib, new clothes he had not worn and toys she had been waiting to give him. She said she wondered what she would do with them now. ‘He shouldn’t have died like that,’ she said.”<sup>66</sup>

These stories are all too familiar for many other parents who have lost their children from fentanyl poisoning.

- 15-year-old Noah Dunn died from fentanyl poisoning in August 2022 after taking a Percocet pill that contained four times the lethal dose of fentanyl. Noah’s father, Brandon, testified before the House Judiciary Committee in February 2023, asking, “How many pounds of fentanyl are coming across the thousands of miles of sparsely policed or monitored southern border?”<sup>67</sup>
- In May 2022, Peggy Adams lost her son Devin, a young man who fought a courageous battle against addiction as a teenager and into his adult years, to fentanyl poisoning. In a testimonial shared with the House Committee on Homeland Security in August 2023, Adams said her son “was so full of joy and he had a gift to make people laugh and feel much better about themselves just by being around him. ... In my opinion, this is far more of an epidemic than what we dealt with in the pandemic yet our government doesn’t seem to care.”<sup>68</sup>
- On Oct. 26, 2021, Snodgrass lost her son Bruce to fentanyl poisoning. According to her testimony before the House Committee on Homeland Security in September 2023, “He was poisoned by fentanyl on that cold October day in a wooded area within shouting distance of a McDonald’s drive-thru. ... He was a wilderness survival expert. He was safe in the backcountry of Alaska. He was not safe in his own hometown.”<sup>69</sup> She later told the Committee, “I am not ever going to be okay again. Never will I be okay again from the loss of my child.”<sup>70</sup>



*Nicholas Feliz Dominici was exposed to fentanyl at a New York City daycare. He was not even two years old. (Source: Yeissy Dominici/Facebook)*

<sup>66</sup> Maria Cramer, “2 Charged With Murder in Day Care Death of 1-Year-Old,” *The New York Times*, September 17, 2023, <https://www.nytimes.com/2023/09/17/nyregion/opioid-bronx-daycare-fentanyl-murder-charge.html>.

<sup>67</sup> U.S. Congress, House of Representatives, Judiciary Committee, *Prepared Testimony of Brandon Dunn for The Biden Border Crisis: Part 1*, 118th Cong., 1st sess., February 1, 2023, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/mr.-brandon-dunn-testimony.pdf>.

<sup>68</sup> Testimony shared by Peggy Adams with the House Committee on Homeland Security, August 29, 2023.

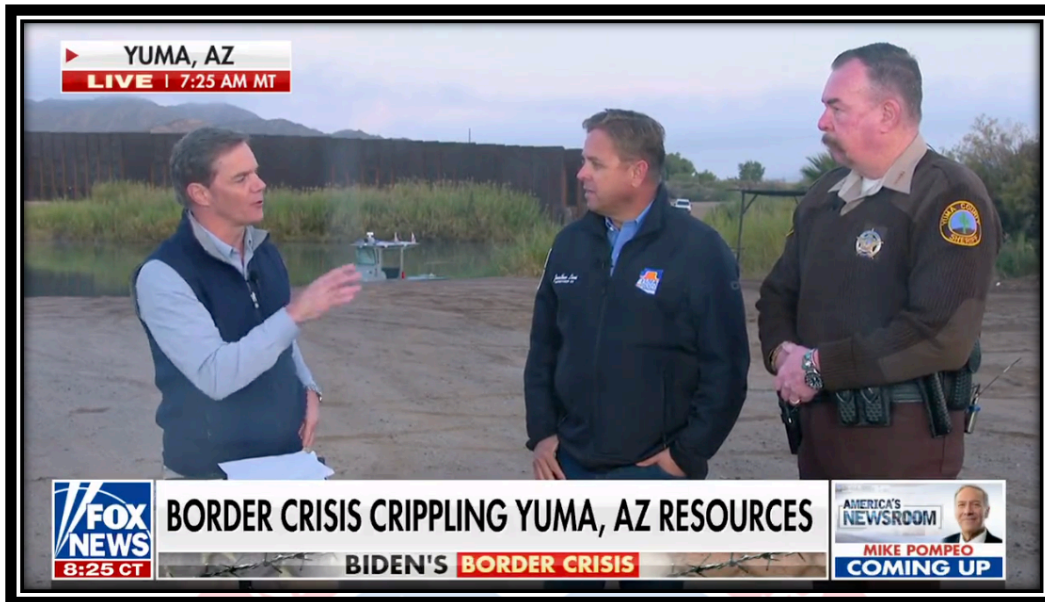
<sup>69</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 53:53, September 13, 2023, <https://www.youtube.com/live/rPhbaOTSzHc?si=bHsB1Ro5Z5tVPdW4&t=3233>.

<sup>70</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 3:27:04, September 13, 2023, <https://www.youtube.com/live/rPhbaOTSzHc?si=mb6Waf8a3brm8xo&t=12424>.





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## [WATCH: Arizona County Official Recounts Heartbreaking Story of Woman Who Lost Her Son to Fentanyl](#)

There are thousands of stories like this each year now in the United States of America. How many other innocent young Americans are being exposed to deadly drugs like fentanyl thanks to Mayorkas' open-borders policies? The sad reality is that no American is safe from the scourge of fentanyl on his watch and under his policies.

## **After a wave of teen fentanyl overdoses, a Texas community grapples with shock and anger at the epidemic's toll**

A rash of overdoses has brought shock and anger to families in Carrollton and become a sobering reminder of how rampantly fentanyl has made its way to young people in recent years.



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## **Fentanyl and the Impact on U.S. Service Members**

The impact of the fentanyl crisis on the men and women of the U.S. military has also been devastating. According to a report in June 2023 from the Washington Post, fentanyl “caused a record number of fatal overdoses among soldiers in 2021.”<sup>71</sup> Numbers obtained by the Post from the Department of Defense (DOD) showed that the U.S. Army alone lost 127 soldiers to fentanyl poisonings between 2015-2022—more than double the number of Army personnel killed in Afghanistan in that time.<sup>72</sup>

Per the DOD’s numbers, fentanyl killed at least 27 soldiers in 2021, the most in any of those years, and the substance was responsible for more than half of drug-related deaths between 2017-2021 in the Army.<sup>73</sup> The average age of those killed by the drug was just below 26 years old.<sup>74</sup>

## **The Open-Borders Connection to the Fentanyl Crisis**

But this fentanyl is not just coming across in a vacuum. Mayorkas’ open-borders policies are directly linked to the rising fentanyl crisis ravaging the country. The record seizures at the border, both between the ports and at the ports, indicate increased efforts by the cartels to traffic their product into the United States. Mark Dannels, sheriff of Cochise County, Arizona, told one media outlet in August 2023 that law enforcement was only scratching the surface on intercepting illicit drugs like fentanyl pouring across the border:

“When it comes to what’s coming through the Tucson sector, which we are a part of, we’re only touching it. I can promise you we are only touching it,” Sheriff Mark Dannels of Cochise County said.

“It means it’s getting through us, there’s no doubt. I mean everybody talks about that wearing a badge. It’s getting through us because we have limited resources,” Dannels added.<sup>75</sup>

Smuggling between the ports of entry is a particularly critical problem, because there simply is no way to know how much fentanyl the cartels are flooding across through these increasingly unguarded areas,<sup>76</sup> and there is less infrastructure in place to stop the cartels from doing so.

While it is true that most of the fentanyl *seized* by CBP is intercepted at official ports of entry, this is because those facilities are equipped for that very purpose. Naturally, seizures will be higher in locations designed to seize drugs. Border Patrol agents, who operate between the ports, do not have the benefit of such infrastructure. Indeed, former immigration judge Andrew Arthur

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<sup>71</sup> Meryl Kornfield, Kyle Rempfer, and Steven Rich, “Fentanyl Has Taken a Record Toll on the Army. Families Demand Answers.,” *The Washington Post*, June 12, 2023, <https://www.washingtonpost.com/national-security/2023/06/12/fentanyl-overdoses-military-fort-bragg/>.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ali Bradley, “Over 50% of fentanyl entering US coming through Arizona: DEA,” *NewsNation*, August 2, 2023, <https://www.newsnationnow.com/us-news/immigration/border-coverage/fentanyl-entering-us-through-arizona/>.

<sup>76</sup> U.S. Congress, House of Representatives, Committee on Homeland Security, Majority, *DHS Secretary Alejandro Mayorkas Has Emboldened Cartels, Criminals, and America’s Enemies, Phase 2 Interim Report*, 118th Cong., 1st sess., September 7, 2023, 8-9, <https://homeland.house.gov/wp-content/uploads/2023/09/09.07-Phase-2-Final.pdf>.



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explained in August 2023 testimony to the House Judiciary Committee just how thinly stretched Border Patrol agents are on their best day:

“At the end of FY 2020 (the last year for which staffing statistics are available), there were fewer than 17,000 Border Patrol agents stationed along the 1,954-mile Southwest border.

“On paper, that equals out to roughly 8.64 agents per mile, but in reality, agents work shifts of approximately 50 hours per week. That means fewer than 30 percent of those agents are on the line at any given time, reducing staffing down to about 2.57 agents per mile.

“Even that figure, however, does not adequately represent the actual number of agents who are “on the line”—that is, actively preventing the illicit entry of drug mules and human traffickers and smugglers—at the border at any given time.”<sup>77</sup>

Additionally, federal officials believe they only apprehend about 10 percent or fewer of all the fentanyl coming across the Southwest border—an important qualifier.<sup>78</sup> As Rodney Scott, former chief of the Border Patrol, testified to the House Committee on Homeland Security in June 2023, “The metric needs to be how much is available in our cities and there’s no shortage.”<sup>79</sup>

Finally, by definition, seized fentanyl is also not what is slipping past undetected and poisoning Americans. Some certainly gets through the ports, but national security experts, law enforcement personnel, and Border Patrol agents themselves have cited smuggling between the ports in the wake of the historic border crisis as a key driver of the rising fentanyl crisis.

One Border Patrol agent told the press in February 2023, “We know fentanyl is coming through because of our intelligence from sources in Mexico, interrogations (interviews) with smugglers and cartel and drawbridge images. Illegal aliens are carrying narcotics in their back packs or duffel bags. The cartel is going to choose the easiest and least secure route depending on the size of the load. Do you think that’s going to be at a port of entry or in-between?”<sup>80</sup> National Border Patrol Council (NBPC) Vice President Art Del Cueto has said “it’s obvious that a lot of these drugs are coming in between the ports.”<sup>81</sup>

Roy Boyd, sheriff of Texas’ Goliad County, has said that if people “believe that fentanyl is only being smuggled in through ports of entry, I have a bridge I’d like to sell them.”<sup>82</sup> A South Texas sheriff told members of the House Committee on Homeland Security in March 2023, “A lot of

<sup>77</sup> U.S. Congress, House of Representatives, Committee on the Judiciary, *Prepared Testimony of Andrew Arthur for Biden’s Border Crisis and Its Effect on American Communities*, 118th Cong., 1st sess., August 8, 2023, 36, <https://cis.org/sites/default/files/2023-08/BordercrisistestimonyHCOAA08082023rev4b.pdf>.

<sup>78</sup> Nick Miroff, “DEA Seized Enough Fentanyl to Kill Every Person in the U.S. in 2022,” *The Washington Post*, December 21, 2022, <https://www.washingtonpost.com/national-security/2022/12/20/fentanyl-seizures-2022-dea/>.

<sup>79</sup> “Open Borders, Closed Case: Secretary Mayorkas’ Dereliction of Duty on the Border Crisis,” *Homeland Security Committee Events*, YouTube video, 2:52:45, June 14, 2023, <https://www.youtube.com/live/ogjm6jzYHqw?feature=share&t=10365>.

<sup>80</sup> Bethany Blankley, “Border officers refute claim that fentanyl isn’t smuggled into U.S. between ports of entry,” *The Center Square*, February 7, 2023, [https://www.thecentersquare.com/texas/article\\_28a8aad6-a721-11ed-8fea-9b0f5af42669.html](https://www.thecentersquare.com/texas/article_28a8aad6-a721-11ed-8fea-9b0f5af42669.html).

<sup>81</sup> Ali Bradley and Robert Sherman, “Border agent describes how cartels are using drones,” *NewsNation*, February 9, 2023, <https://www.newsnationnow.com/us-news/immigration/border-coverage/border-agent-cartels-using-drones/>.

<sup>82</sup> *Ibid.*





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narcotics are coming through between the ports of entry, and I know that because I've done operations for 18 years.”<sup>83</sup>

Early in the days of the crisis, Gloria Chavez, then-El Paso Sector chief patrol agent, told NBC News, “For the first time, we're starting to see these tactics where fentanyl is being smuggled between ports of entry. Cartels are very creative. They find ways to intimidate migrants and find ways to illegally have them transport that narcotic into the United States.”<sup>84</sup> Her counterpart in the Tucson Sector, John Modlin, told the House Committee on Homeland Security in July 2023 that early in 2023, a majority of the fentanyl seizures in his sector were taking place in the field, as opposed to major checkpoints.<sup>85</sup>

With fewer Border Patrol agents performing their primary mission of securing the border, instead performing administrative functions like processing and releasing illegal aliens, the cartels have more gaps to exploit.<sup>86</sup> They frequently use sophisticated tactics like pushing one group of illegal aliens across the border in one sector, knowing Border Patrol agents will respond, and then smuggling drugs like fentanyl across in the unguarded sections of border their initial tactics created.<sup>87</sup>

Former Border Patrol Chief Scott has made this clear. In a letter to Senate leadership on Sept. 11, 2021, he wrote that the cartels are taking advantage of Mayorkas' open-borders policies to smuggle illicit drugs across the border:

“[I]llegal entries are being scripted and controlled by Plaza Bosses that work directly for the transnational criminal organizations (TCO) to create controllable gaps in border security. These gaps are then exploited to easily smuggle contraband, criminals, or even potential terrorists into the U.S. at will. Even when [Border Patrol] detects the illegal entry, agents are spread so thin that they often lack the capability to make a timely interdiction.”<sup>88</sup>

Mayorkas' policies have ceded unprecedented control of the Southwest border to the cartels and smuggling organizations.<sup>89</sup> As they push record numbers of illegal aliens across the border, stretching Border Patrol resources to—and often past—the breaking point, they have increased their ability to push drugs like fentanyl across, as well. They have been emboldened to test CBP

<sup>83</sup> U.S. Congress, House of Representatives, Committee on Homeland Security, Majority, *Texas Ranchers, Law Enforcement, and State Officials Share the Truth on Mayorkas' Border Crisis With Homeland Security Republicans*, 118th Cong., 1st sess., March 16, 2023, <https://homeland.house.gov/texas-ranchers-law-enforcement-and-state-officials-share-the-truth-on-mayorkas-border-crisis-with-homeland-security-republicans/>.

<sup>84</sup> Gabe Gutierrez and Al Henkel, “Fentanyl Seizures at U.S. Southern Border Rise Dramatically,” *NBC News*, June 29, 2021, <https://www.nbcnews.com/politics/immigration/fentanyl-seizures-u-s-southern-border-rise-dramatically-n1272676>.

<sup>85</sup> John Modlin, Transcribed Interview with the House Committee on Homeland Security, 62, July 26, 2023.

<sup>86</sup> “Full Committee Field Hearing: ‘Failure By Design: Examining Secretary Mayorkas' Border Crisis,’” *Homeland Security Committee Events*, YouTube video, 2:46:10, March 15, 2023, <https://www.youtube.com/live/7Z4ETzh3AUA?si=NaBkX-6qxwfnMYdm&t=9970>.

<sup>87</sup> See Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 174, July 12, 2023; Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 51-52, May 5, 2023; and Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 40-41, May 9, 2023.

<sup>88</sup> Rodney Scott, *Letter to Senate Majority Leader, Senate Minority Leader, and Senate Committee on Homeland Security & Governmental Affairs Chairman and Ranking Member*, September 11, 2021, <https://justthenews.com/sites/default/files/2021-09/Honorable%20Rob%20Portman%20%20US%20Senate%20Security%20Concerns%20-%20Rodney%20Scott.pdf>.

<sup>89</sup> U.S. Congress, House of Representatives, Committee on Homeland Security, Majority, *DHS Secretary Alejandro Mayorkas Has Emboldened Cartels, Criminals, and America's Enemies, Phase 2 Interim Report*, 118th Cong., 1st sess., September 7, 2023, <https://homeland.house.gov/wp-content/uploads/2023/09/09.07-Phase-2-Final.pdf>.

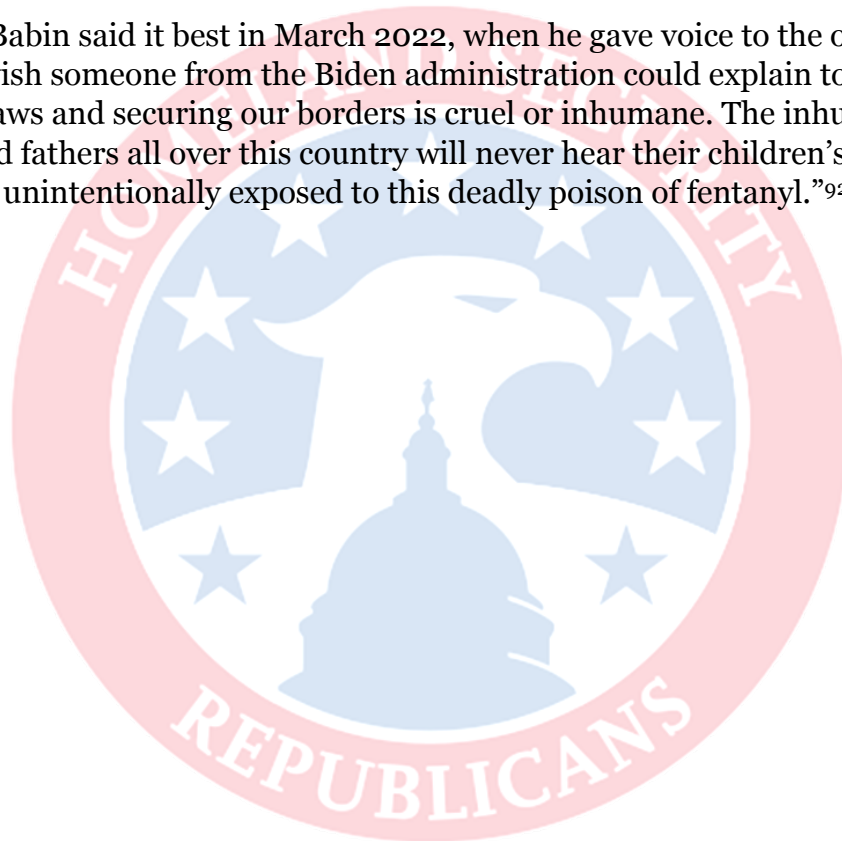


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resources at the ports of entry and Border Patrol's weak spots between them. As a result, record numbers of Americans are dying, families are being destroyed, and communities ripped apart.

"It's quite frankly a tsunami of death that is crashing into the United States over our southern border. It's killing Americans wholesale and it's just an epic slaughter manufactured by the cartels. If you don't secure the border it's going to continue," said Collin County's Skinner.<sup>90</sup> Indeed, Border Patrol Chief Jason Owens tweeted on Sept. 26, 2023, that Border Patrol agents had seized more than 2,700 pounds of fentanyl between the ports of entry so far in FY23, more than enough to kill every single American—and that's just what was intercepted.<sup>91</sup> The amount of fentanyl being smuggled across the Southwest border between the ports of entry is a deadly problem.

Texas Rep. Brian Babin said it best in March 2022, when he gave voice to the opinion of millions of Americans: "I wish someone from the Biden administration could explain to me how enforcing our immigration laws and securing our borders is cruel or inhumane. The inhumanity is that loving mothers and fathers all over this country will never hear their children's voices again because they were unintentionally exposed to this deadly poison of fentanyl."<sup>92</sup>



<sup>90</sup> Jon Levine, "Texas sheriffs take aim at Biden border policies causing 'tsunami of death' from drug smuggling," *The New York Post*, August 27, 2022, <https://nypost.com/2022/08/27/texas-sheriffs-say-open-border-causing-a-tsunami-of-death/>.

<sup>91</sup> Chief Jason Owens [@USBPChief], "By the tons...! With Fiscal Year 23 coming to a close in just a few days (Sept. 30th), so far the USBP has seized 69,000+ lbs. of narcotics between the ports of entry, including: - 40,000+ lbs. of Marijuana - 13,000+ lbs. of Meth - 11,000+ lbs. of Cocaine - 2,700+ lbs. of Fentanyl," Tweet, *Twitter*, September 26, 2023, <https://twitter.com/USBPChief/status/1706660828625609076>.

<sup>92</sup> Maggie Hroncich, "Officials Assail Biden Inaction: 'Mexican Cartels Basically Control Our Border Now,'" *The Daily Signal*, March 15, 2022, <https://www.dailysignal.com/2022/03/15/officials-assail-biden-inaction-mexican-cartels-basically-control-our-border-now/>.



# SECTION 2: THE TOLL ON BORDER PATROL AGENTS AND OTHER LAW ENFORCEMENT

## **Section 2: The Toll on Border Patrol Agents and Other Law Enforcement**

Perhaps no professional group has been hit harder by Mayorkas' border crisis than federal, state, and local law enforcement. Law enforcement officers, who every day put on the uniform to protect their fellow citizens and defend the rule of law, have been forced into impossible situations. Some, like the men and women of CBP and Immigration and Customs Enforcement (ICE), have had their hands tied by Mayorkas' radical, nonsensical, and anti-enforcement policies.

Others, like local sheriffs and police departments, have been forced to deal with a seemingly unstoppable wave of crime and destabilizing behavior in their communities—with no end in sight. The burdens placed on local and state law enforcement have been immense. In April 2021, for example, Democratic Sheriff Joe Frank Martinez of Val Verde County, Texas, wrote, "Prior to the beginning of the year, our deputies were involved in assisting Border Patrol two or three times a month. Now, it happens four or five times a day, around the clock."<sup>93</sup> Sheriff Raymundo Del Bosque of Zapata County, Texas, said in July 2021, "Right now, Zapata (County) has limited resources and we need all the help we can get during this crisis. It is overwhelming to my officers."<sup>94</sup>

### **Suicides Among CBP and Border Patrol Personnel**

Border Patrol agents and CBP personnel have borne the brunt of the trauma caused by this historic border crisis. Then-Border Patrol Chief Ortiz<sup>95</sup> and National Border Patrol Council Vice President Chris Cabrera<sup>96</sup> told the House Committee on Homeland Security in March 2023 that 17 CBP personnel committed suicide in 2022—the highest total in 13 years.<sup>97</sup> CBP reported another eight suicides in 2020 and 11 in 2021.<sup>98</sup> Tragically, three Border Patrol agents took their lives within three weeks of each other in November 2022.<sup>99</sup>

CBP started recording suicide statistics in 2007. Between then and the publication of this report, the agency has lost at least 152 men and women to suicide.<sup>100</sup> Around 40 of them have been lost in the last two years.

<sup>93</sup> Joe Frank Martinez, "Border Crisis: I'm a Texas Sheriff with 4 Deputies Patrolling 110 Miles. We Need Help.," *USA TODAY*, April 7, 2021, <https://www.usatoday.com/story/opinion/voices/2021/04/07/border-crisis-texas-sheriff-4-deputies-patrol-110-miles-column/4837860001/>.

<sup>94</sup> Sandra Sanchez, "South Texas Sheriff: Immigration Influx 'Is Overwhelming to My Officers,'" *Border Report*, July 13, 2021, <https://www.borderreport.com/immigration/border-crime/south-texas-sheriff-immigration-influx-is-overwhelming-to-my-officers/>.

<sup>95</sup> "Full Committee Field Hearing: 'Failure By Design: Examining Secretary Mayorkas' Border Crisis,'" *Homeland Security Committee Events*, YouTube video, 35:46, March 15, 2023, <https://www.youtube.com/live/7Z1ETzh3AUA?si=ovJNFigNVFNebxL-&t=2146>.

<sup>96</sup> Bethany Blankley, "Border Patrol Union: 'Failing' Biden Policies, Hardships Result in 17 Suicides in '22," *The Center Square*, March 16, 2023, [https://www.thecentersquare.com/national/article\\_7c41f1ba-c428-11ed-b7dd-434d37b140a1.html](https://www.thecentersquare.com/national/article_7c41f1ba-c428-11ed-b7dd-434d37b140a1.html).

<sup>97</sup> Mireya Villarreal and Luke Barr, "US Border Officer Suicides at 13-Year High: How Agency Is Focusing on 'Culture Change,'" *ABC News*, December 22, 2022, <https://abcnews.go.com/US/us-border-officer-suicides-13-year-high-agency/story?id=95671395>.

<sup>98</sup> Benjamin Siegel and Lauren Peller, "After Suicides, Lawmakers Push for Mental Health Resources for Border Agents," *ABC News*, December 7, 2022, <https://abcnews.go.com/Politics/after-suicides-lawmakers-push-mental-health-resources-border/story?id=94702806>.

<sup>99</sup> MaryAnn Martinez, "Three Border Patrol Agents Die by Suicide in Three Weeks," *The New York Post*, November 30, 2022, <https://nypost.com/2022/11/30/three-border-patrol-agents-die-by-suicide-in-three-weeks/>.

<sup>100</sup> *Ibid*. The Post reported 149 suicides at the time of the article, including 14 to that point in 2022. Ortiz and Cabrera's subsequent testimony of 17 suicides in 2022 would bring the total to at least 152.





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Texas Rep. Tony Gonzales, who represents a district that is home to thousands of CBP personnel, has made clear how the current crisis is impacting them, saying in December 2022, “Work has gotten very difficult on them. I’ve seen it in their faces. I’ve heard it in their voices for months now. It’s almost, ‘How much can a person take?’ And often, they’ve taken a lot before they break.”<sup>101</sup> A week later, Gonzales said at a press conference, “What they have been exposed to 100 percent has an impact on you.”<sup>102</sup>

ABC News spoke with a CBP employee named Sal the same month, following more headlines about Border Patrol suicides. In a far-reaching discussion about his own battle with depression, he echoed Gonzales, saying, “Whatever crisis the nation is facing, we face it first. Whether it’s this big surge of migrants, whether it’s dealing with the first contact with people with COVID or other disease or whatever is going on. We’re the ones that come see it first, and those things are all contributing factors.”<sup>103</sup>

Cabrera also told the Committee, “We see a lot of stuff out there that the average person doesn’t see. What hits folks the hardest is what happens with the children. ... It’s a difficult job. It’s increasingly getting harder by the fact that *we’re not put in a position to do the job that we were trained to do.*”<sup>104</sup>

Shortly after the deaths of the three Border Patrol agents last November, the former immigration judge Arthur penned a passionate response to the tragedy.<sup>105</sup> In it, he explained that one of the reasons so many agents believe themselves alone and without hope is because of the immense stress the Biden administration’s policies have caused, and the complete lack of support they believe they have from their leadership. In short, the mission they believe in “has now become a veritable punchline for many in this administration:”<sup>106</sup>

“Respectfully, even assuming the system was ‘broken’ when Mayorkas arrived, the secretary has done nothing to ‘fix’ it. Instead, he has smashed it into a million little pieces that he then trampled and buried into a 12-foot-deep ditch he and the president’s other advisors have dug and covered over.

“Mayorkas doesn’t have to deal with the administration’s border failures, except at congressional hearings that have been too few and far between under Democratic leadership. The agents do, and as 14 lost lives in a year suggest, they are suffering.”<sup>107</sup>

The words of former Border Patrol Chief Scott carry even more profound perspective when he says that the crisis at the Southwest border has driven this problem across the force. In a

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<sup>101</sup> Ibid.

<sup>102</sup> Benjamin Siegel and Lauren Peller, “After Suicides, Lawmakers Push for Mental Health Resources for Border Agents,” *ABC News*, December 7, 2022, <https://abcnews.go.com/Politics/after-suicides-lawmakers-push-mental-health-resources-border/story?id=94702806>.

<sup>103</sup> Mireya Villarreal and Luke Barr, “US Border Officer Suicides at 13-Year High: How Agency Is Focusing on ‘Culture Change,’” *ABC News*, December 22, 2022, <https://abcnews.go.com/US/us-border-officer-suicides-13-year-high-agency/story?id=95671395>.

<sup>104</sup> Bethany Blankley, “Border Patrol Union: ‘Failing’ Biden Policies, Hardships Result in 17 Suicides in ‘22,” *The Center Square*, March 16, 2023, [https://www.thecentersquare.com/national/article\\_7c41f1ba-c428-11ed-b7dd-434d37b140a1.html](https://www.thecentersquare.com/national/article_7c41f1ba-c428-11ed-b7dd-434d37b140a1.html), (emphasis added).

<sup>105</sup> Andrew Arthur, “Congress Must Investigate Border Patrol Suicide Spike,” *The Center for Immigration Studies*, November 23, 2022, <https://cis.org/Arthur/Congress-Must-Investigate-Border-Patrol-Suicide-Spike>.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.



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December 2022 interview, Scott explained, “All you’re doing day after day after day is going in and processing and releasing people that you know by law that you signed up to keep out of the country. They know they’re leaving hundreds of miles of border open now and stuff is coming through.”<sup>108</sup>

“On top of family pressures and tight schedules, agents see things most people hope to never see. Immigrants who are trafficked and abused. Drownings, vehicle accidents, injuries. ‘Think of it like sandpaper—so it’s constantly rubbing against you, and if you don’t ... rebuild that with something ... you can get out of balance,’ said Scott.

“As illegal activity at the border has increased, Scott says agents get less time to decompress at work. It’s nonstop. ‘You literally go straight from this work environment to home, and you’re trying to manage that transition.’”<sup>109</sup>

In May 2023, the DHS Office of the Inspector General (OIG) released a report documenting how the record surge of illegal aliens across the border has negatively impacted the psychological health and morale of CBP and ICE officials.<sup>110</sup>

The OIG’s report found that the immense workload the crisis has forced on CBP and ICE personnel has caused them to miss out on time with their families, with one respondent commenting, “Parents are missing 30% of the year, and [are] unable to participate in many family functions. This causes much stress on the parents and children,” while another told the OIG, “We need more staff and better shifts that allow for more time off with families. Divorce rates and suicides are rampant in the agency.”<sup>111</sup> One ICE officer, talking about the stress of being deployed on details away from home, even said, “[The agency forces] a ridiculous ‘anti-suicide’ app onto our phones which cannot be deleted yet make us leave our homes and live in a hotel where we can’t even eat healthily. This nightmare is forced upon us without a care of our mental or physical health.”<sup>112</sup>

Mayra Cantu, the wife of a Border Patrol agent stationed in the Rio Grande Valley Sector, explained to members of the House Committee on Homeland Security in a September 2023 hearing how things have changed for the Border Patrol community under Mayorkas, and how spouses and agents must regularly check on one another now:

“I can tell you that our community within the Border Patrol has been so affected that now we actually get phone calls of agents on that last straw, trying to speak to my husband that they’re on the verge, that they’re on the verge of taking their life. That was unheard of. This is recent.

<sup>108</sup> Addie Offereins, “Border Patrol Suicides on the Rise,” *WORLD*, December 21, 2022, <https://wng.org/roundups/border-patrol-suicides-on-the-rise-1671641723>.

<sup>109</sup> *Ibid.*

<sup>110</sup> U.S. Department of Homeland Security, Office of the Inspector General, *Intensifying Conditions at the Southwest Border Are Negatively Impacting CBP and ICE Employees’ Health and Morale*, OIG-23-24, May 3, 2023, <https://www.oig.dhs.gov/sites/default/files/assets/2023-05/OIG-23-24-May23.pdf>.

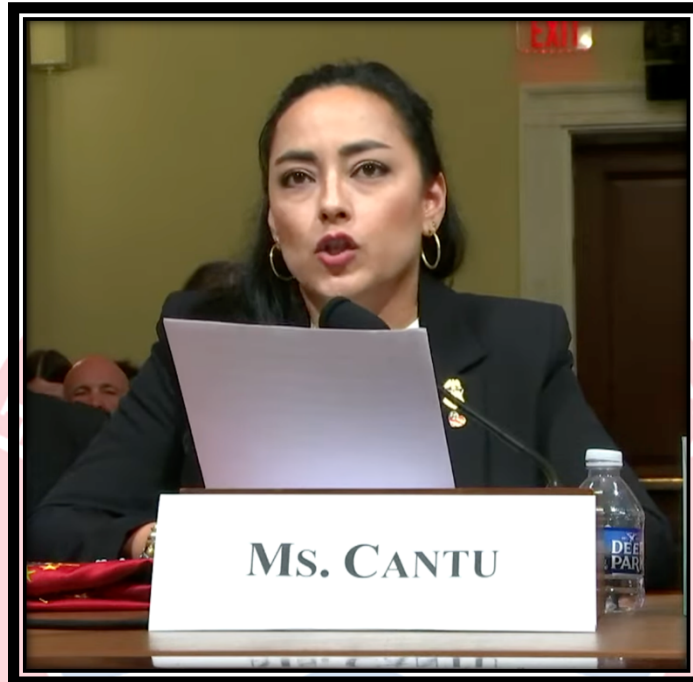
<sup>111</sup> *Ibid.*, 23, 26.

<sup>112</sup> *Ibid.*, 27.



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“We have to check up on everybody now. We call agents that we haven’t spoken to in a while just to make sure how they’re doing. This is real. The frustration every single day at your job is real. They are not used to the amount of stories that they hear, the amount of frustration, the amount of adding on everything else in life. ... We do what we can do just for ourselves and that feels lonely, that you don’t have somebody that’s going to support you like our own government.”<sup>113</sup>



### **“As Things Got Worse at the Border, So Did My Husband:” Border Patrol Spouse Testifies to the Impact of Mayorkas’ Policies on Her Family**

Suicide is a tragic, heartbreaking reality that has impacted millions of Americans across the country, and it should never be politicized. Biden and Mayorkas are not directly responsible for these tragic events over the past two years. But Americans must understand the consequences of this administration’s policies that have opened the border if we are to help the men and women tasked with securing the border and enforcing the law. They deserve nothing less.

### **Putting Border Patrol and Law Enforcement Officers at Risk**

One of the stressors caused by the increasingly open border is the need for an ever-increasing number of search-and-rescue operations. CBP personnel routinely take heroic action to save individuals from dehydration, drowning in the Rio Grande River, and being callously tossed over the border wall by smugglers. Often, these efforts place the agents themselves in peril.

<sup>113</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 3:41:16, September 13, 2023, <https://www.youtube.com/live/rPhbaOTSzHc?si=ojPOoiCMx7mzZHcf&t=13276>.

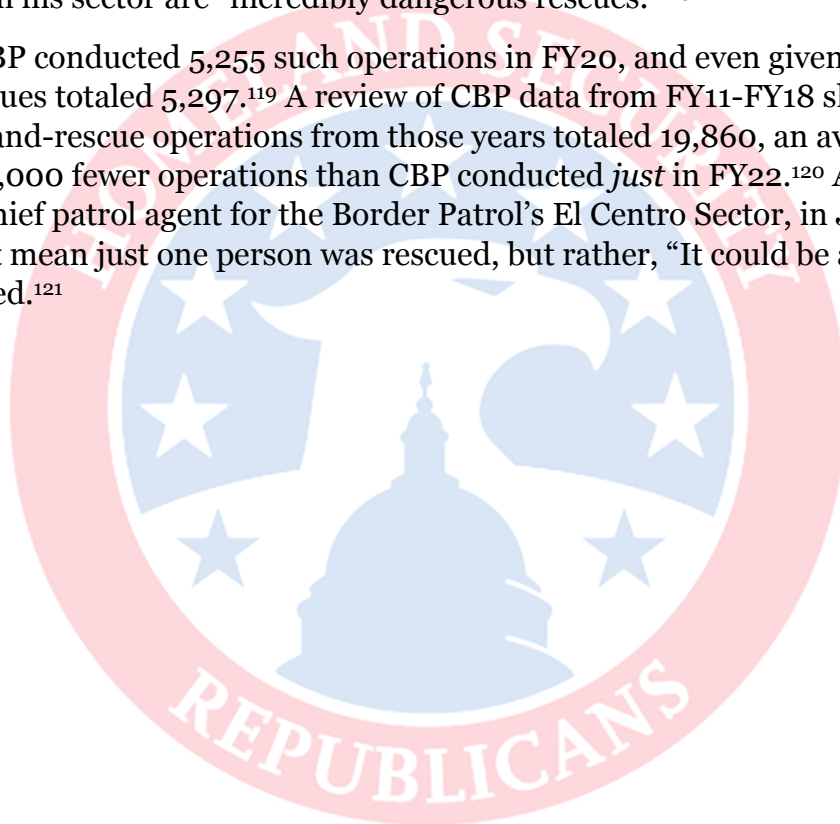


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The demand placed on the men and women of the Border Patrol and CBP's Air and Marine Operations (AMO) is a direct result of the historic number of people putting themselves in danger to cross the border and enter the country illegally.

As of Sept. 15, 2023, CBP personnel had conducted an astounding 32,754 rescues in FY23.<sup>114</sup> In FY22, CBP conducted 22,522 rescue operations nationwide, and 13,256 in FY21—the vast majority by Border Patrol agents.<sup>115</sup> The Border Patrol's Modlin tweeted on May 25, 2023, that in just 72 hours, his agents had performed 60 rescues.<sup>116</sup> He told the House Committee on Homeland Security in July 2023 “rescues have increased significantly,” and that his Arizona sector is seeing “a tremendous amount of calls for them.”<sup>117</sup> He noted some rescues involve Border Patrol agents responding to situations where illegal aliens are not in imminent danger, but many of the ones in his sector are “incredibly dangerous rescues.”<sup>118</sup>

By comparison, CBP conducted 5,255 such operations in FY20, and even given the temporary crisis in FY19, rescues totaled 5,297.<sup>119</sup> A review of CBP data from FY11-FY18 shows that *combined* search-and-rescue operations from those years totaled 19,860, an average of 2,482 a year, and almost 3,000 fewer operations than CBP conducted *just* in FY22.<sup>120</sup> And as noted by Gregory Bovino, chief patrol agent for the Border Patrol's El Centro Sector, in July 2023, a single operation does not mean just one person was rescued, but rather, “It could be a group of 30 individuals” rescued.<sup>121</sup>



<sup>114</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *CBP Enforcement Statistics Fiscal Year 2023*, September 15, 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

<sup>115</sup> *Ibid.*

<sup>116</sup> John R. Modlin [@USBPChiefTCA], “Past 72 Hours... - 1 Agent Assaulted - 1,710 Apprehensions - 18 Criminal Migrants Arrested - 15 Pounds of Methamphetamine - 7 Human Smuggling Events - 1 Firearm We Also Performed 60 Rescues! #HonorFirst,” Tweet, *Twitter*, May 24, 2023, <https://twitter.com/USBPChiefTCA/status/1661468450508685312>.

<sup>117</sup> John Modlin, Transcribed Interview with the House Committee on Homeland Security, 20, July 26, 2023.

<sup>118</sup> *Ibid.*, 19-21.

<sup>119</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *CBP Enforcement Statistics Fiscal Year 2020*, May 8, 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2020>.

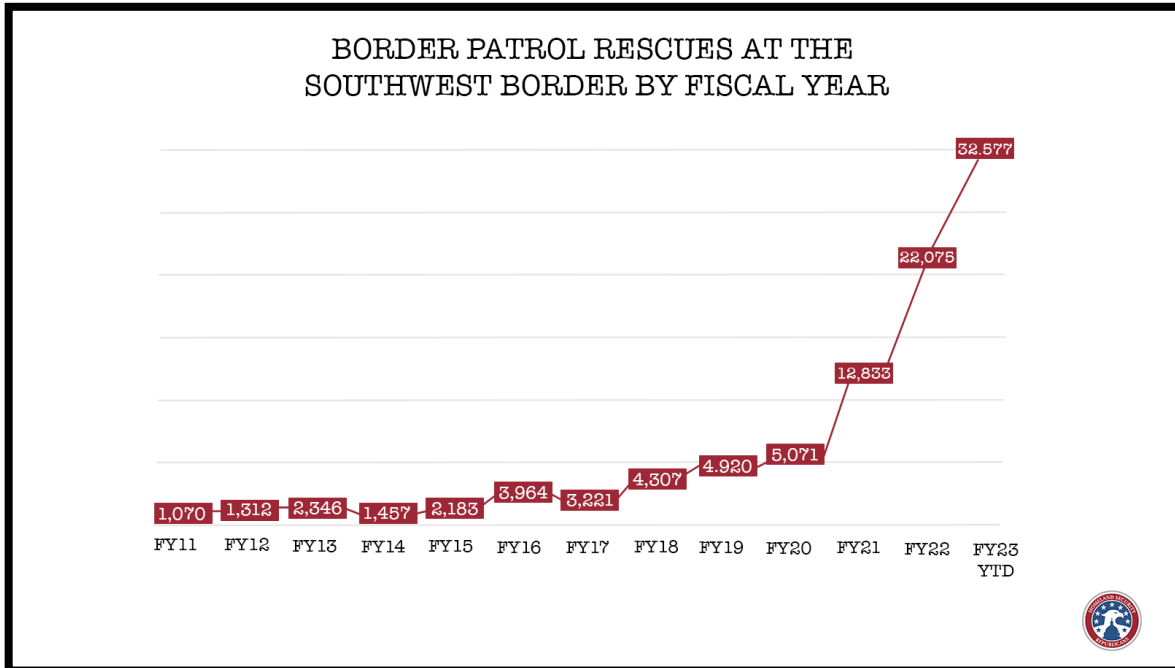
<sup>120</sup> See “U.S. Border Patrol Fiscal Year Sector Profiles” available at U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Stats and Summaries*, accessed on September 14, 2023, <https://www.cbp.gov/newsroom/media-resources/stats>.

<sup>121</sup> Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 94, July 12, 2023.





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American efforts to save lives sometimes end in tragedy. In 2022, Texas National Guardsman Bishop Evans tragically lost his life trying to save two individuals who were drowning in the Rio Grande near Eagle Pass, Texas. He saved their lives, but a few days after the incident, Texas Rangers determined that both individuals “were involved in illicit transnational narcotics trafficking.”<sup>122</sup>

Simply doing their jobs to enforce the law also puts these brave men and women of state and federal law enforcement at risk, as well. In November 2022, Marine Interdiction Agent Michael Maceda was killed off the coast of Puerto Rico after being shot while boarding a vessel suspected of carrying drugs.<sup>123</sup> In December 2022, Border Patrol agent Raul Gonzalez was killed while attempting to apprehend a group of illegal aliens near Mission, Texas.<sup>124</sup>

Many other Border Patrol agents routinely face the threat of assault by illegal aliens. Aaron Heitke, then-chief patrol agent for the San Diego Sector, told the House Committee on Homeland Security in May 2023 that the risks to his agents increased along with the higher flow of illegal aliens across the border, that assaults on his agents had increased in recent years, and that “physically combative” illegal aliens have even attacked agents “with boards or other things.”<sup>125</sup>

According to El Paso Sector Chief Patrol Agent Anthony “Scott” Good, “We’ve seen a lot of...people throwing rocks at agents and their vehicles. They’ve also been very, or more likely, in

<sup>122</sup> Timothy Nerozzi, “Bishop Evans, Texas Soldier Who Died Saving Migrants, to Be Laid to Rest,” *Fox News*, April 30, 2022, <https://www.foxnews.com/us/bishop-evans-texas-soldier-funeral-died-saving-migrants>.

<sup>123</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *CBP Marine Interdiction agent dies in the line of duty near Puerto Rico*, November 21, 2022, <https://www.cbp.gov/newsroom/speeches-and-statements/cbp-marine-interdiction-agent-dies-line-duty-near-puerto-rico>.

<sup>124</sup> MaryAnn Martinez, “Border Patrol Agent Killed Chasing Illegal Migrants in Texas,” *The New York Post*, December 7, 2022, <https://nypost.com/2022/12/07/border-patrol-agent-killed-chasing-illegal-migrants-in-texas/>.

<sup>125</sup> Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 120-121 & 123, May 9, 2023.



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recent years to fight agents in order to evade arrest, like physically fight them. And more and more load drivers are armed now.”<sup>126</sup> Good further informed the House Committee on Homeland Security that the increase in such violent incidents began within the last two or three years.<sup>127</sup>

In an interview with the Committee in April 2023, Big Bend Sector Chief Patrol Agent Sean McGoffin said that those who attempt to evade apprehension represent an additional potential threat to agents: “We don’t know if it’s a criminal record or it’s just simply their desire to continue their travel. I mean, we never know. We always treat it as you have to be careful with the individual who is running from you because you don’t know what they’re going to do and you don’t know their background.”<sup>128</sup> Jason Owens, then-chief patrol agent for the Del Rio Sector, told the Committee in May 2023 that the nature of the job presents inherent risks to agents:

“When [Border Patrol agents] go out on patrol, a lot of the time, their backup may not know exactly where they are, and if they do, they may be several minutes away. Whenever they go out on an encounter, a lot of times, they are vastly outnumbered. And people that they encounter are a mix of good people simply coming and looking for a better way of life or bad actors that would do them or the communities harm. And they have to exercise judgment and treat everybody accordingly in a split-second notice.”<sup>129</sup>

Border Patrol agents also literally put themselves in the line of fire when rescuing aliens. A CBP press release from May 19, 2023, recounted two separate incidents of gunfire that month in the vicinity of agents responding to crossings and rendering aid in the San Diego Sector.<sup>130</sup> After agents in the San Diego Sector were fired upon while attempting to apprehend a group of illegal aliens in August 2023, Patricia McGurk-Daniel, chief patrol agent for the sector, said, “Smuggling organizations are becoming desperate and escalating their level of violence because of the work being performed by U.S. Border Patrol agents.”<sup>131</sup> On Aug. 18, 2023, Border Patrol Chief Owens tweeted, “USBP agents in El Paso Sector came under fire while arresting 3 subjects as 2 others fled back into Mexico. Fortunately, nobody was injured, but these are the very real dangers our agents face every day on the frontline.”<sup>132</sup>

The heroism of the men and women who sign on the dotted line to serve and protect their fellow countrymen is unparalleled. Tragically, the policies of Secretary Mayorkas spurn that heroism.

<sup>126</sup> Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 26, June 29, 2023,

<sup>127</sup> Ibid.

<sup>128</sup> Sean McGoffin, Transcribed Interview with the House Committee on Homeland Security, 139, April 25, 2023.

<sup>129</sup> Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 106, May 5, 2023.

<sup>130</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, San Diego Sector, *San Diego Border Patrol agents report gunfire in two recent incidents*, May 19, 2023, <https://www.cbp.gov/newsroom/local-media-release/san-diego-border-patrol-agents-report-gunfire-two-recent-incidents>.

<sup>131</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Smugglers fire at Border Patrol agent disrupting smuggling attempt*, August 25, 2023, <https://www.cbp.gov/newsroom/local-media-release/smugglers-fire-border-patrol-agent-disrupting-smuggling-attempt>.

<sup>132</sup> Chief Jason Owens [@USBPChief], “USBP agents in El Paso Sector came under fire while arresting 3 subjects as 2 others fled back into Mexico. Fortunately, nobody was injured, but these are the very real dangers our agents face every day on the frontline.” Tweet, *Twitter*, August 18, 2023, <https://twitter.com/USBPChief/status/1692628512757137899>.





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### ***Exposure to COVID-19***

CBP personnel are at the frontlines of the nation's security every single day, and therefore, they have been forced to contend with the COVID-19 pandemic in a way very few others in the country have been. Border Patrol agents have apprehended millions of illegal aliens on Mayorkas' watch, including during the period when the virus' aggressive Delta variant was raging across the country. Whether those aliens were expelled immediately under the CDC's Title 42 public health order, or processed and later released into the country, Border Patrol agents and other CBP personnel were forced to interact with them on a daily basis in crowded and potentially unsafe conditions.

Many of these illegal aliens also traveled to the border in large groups, through countries with little public health infrastructure, and in settings where the virus—let alone other communicable diseases—could easily spread.<sup>133</sup>

Border Patrol agents and CBP officers have been forced to bear the brunt of this public health emergency. Public safety officers who die from COVID-19 are now considered “line of duty” deaths, per a law passed by Congress in 2021.<sup>134</sup> CBP's own numbers show 51 total “line of duty” deaths in 2020 and 2021, most of them presumably from COVID-19.<sup>135</sup> Meanwhile, numerous other agents were sidelined from their jobs due to quarantine requirements, even as the crisis was raging, further compounding the growing catastrophe by reducing the number agents available to secure the border.<sup>136</sup>

A later section of this report will detail the broader public health consequences of Mayorkas' open-borders policies in the context of COVID-19, but in the context of law enforcement, perhaps former CBP Acting Commissioner Morgan said it best:

“Since the pandemic began, thousands of CBP personnel have been quarantined, degrading CBP's ability to operate, while many others have been placed in intensive care at local hospitals, fighting for their lives. But the Biden administration hasn't let data, public health, or countless COVID-related deaths slow down its America-last agenda.”<sup>137</sup>

<sup>133</sup> Mark Morgan, “Biden's Nonsensical Border COVID Policy Costs Lives,” *National Review*, August 11, 2021, <https://www.nationalreview.com/2021/08/bidens-nonsensical-border-covid-policy-costs-lives/>.

<sup>134</sup> Danyelle Khmara, “COVID Is No. 1 on-the-Job Killer of CBP Officers, despite Imminent Vaccine Mandate,” *Arizona Daily Star*, November 21, 2021, [https://tucson.com/news/local/covid-is-no-1-on-the-job-killer-of-cbp-officers-despite-imminent-vaccine-mandate/article\\_2b794f52-4676-11ec-9638-675fc468f523.html](https://tucson.com/news/local/covid-is-no-1-on-the-job-killer-of-cbp-officers-despite-imminent-vaccine-mandate/article_2b794f52-4676-11ec-9638-675fc468f523.html). The legislation was called the “Safeguarding America's First Responders Act of 2020.”

<sup>135</sup> *Ibid.*

<sup>136</sup> Adam Shaw, “Border Patrol Union Official Warns COVID-Positive Migrants Being Released into US ‘Day in, Day Out,’” *Fox News*, July 31, 2021, <https://www.foxnews.com/politics/border-patrol-official-covid-migrants-released-day-in-day-out>.

<sup>137</sup> Mark Morgan, “Biden's Nonsensical Border COVID Policy Costs Lives,” *National Review*, August 11, 2021, <https://www.nationalreview.com/2021/08/bidens-nonsensical-border-covid-policy-costs-lives/>.



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### ***Plummeting Morale and Staffing Issues at CBP and ICE***

The specific findings of the aforementioned May 2023 OIG report show a number of additional cracks forming in a DHS workforce suffering greatly from the stresses being placed on it by Mayorkas' policies. The report's topline was sobering:

“Based on interviews and survey responses from 9,311 law enforcement personnel, the details and overtime have negatively impacted the health and morale of law enforcement personnel, who feel overworked and unable to perform their primary law enforcement duties.”<sup>138</sup>

Driving the plummeting morale and declining mental health of DHS law enforcement personnel is the strain Mayorkas' border crisis is placing on the entire workforce. CBP and ICE personnel regularly reported that their agencies were not appropriately staffed to deal with the crisis, and that they were not being allowed to do the law enforcement jobs they signed up to do:

“Our interviews and survey comments showed staff frustration and lower morale related to changing policies, especially when the respondents felt the changes were inconsistent with their law enforcement duties. In the view of some law enforcement personnel these policies have made it difficult for them to enforce the laws and carry out their mission; one said they felt as if they were doing their job ‘with one hand tied behind [their] back.’”<sup>139</sup>

In the report, one agent vented frustration at being prevented “from doing the other part of the duties/responsibilities we were hired for, which is deterring or apprehending individuals that have made an illegal entry into the United States.”<sup>140</sup> When asked during a transcribed interview with the House Committee on Homeland Security if he had heard similar complaints voiced by his agents in the El Paso Sector, Chief Patrol Agent Good confirmed that he had,<sup>141</sup> as did Joel Martinez, chief patrol agent for the Laredo Sector.<sup>142</sup> Jason Owens, now chief of the Border Patrol, told Committee staff in May 2023 he had also heard agents use the “one hand tied behind their back” expression.<sup>143</sup>

The resulting stress on the men and women of CBP and ICE has spiraled out of control, with the OIG report concluding that approximately a quarter of the agents surveyed could be expected to leave the force unless changes were made. The reason? “[S]truggles with carrying out their law enforcement duties as well as morale as issues influencing their decision to either leave or retire.”<sup>144</sup>

<sup>138</sup> U.S. Department of Homeland Security, Office of the Inspector General, *Intensifying Conditions at the Southwest Border Are Negatively Impacting CBP and ICE Employees' Health and Morale*, OIG-23-24, May 3, 2023, 4, <https://www.oig.dhs.gov/sites/default/files/assets/2023-05/OIG-23-24-May23.pdf>.

<sup>139</sup> *Ibid.*, 27.

<sup>140</sup> *Ibid.*, 16.

<sup>141</sup> Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 136, June 29, 2023.

<sup>142</sup> Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 117-118, June 1, 2023.

<sup>143</sup> Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 109, May 5, 2023.

<sup>144</sup> U.S. Department of Homeland Security, Office of the Inspector General, *Intensifying Conditions at the Southwest Border Are Negatively Impacting CBP and ICE Employees' Health and Morale*, OIG-23-24, May 3, 2023, 18, <https://www.oig.dhs.gov/sites/default/files/assets/2023-05/OIG-23-24-May23.pdf>.



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Large majorities of both Border Patrol and ICE personnel surveyed also told the OIG that their duty locations were simply not equipped to handle the historic surge of illegal aliens:

“Even more respondents, 88 percent (5,362) of CBP respondents and 88 percent (2,810) of ICE respondents, indicated that in their opinion, their current duty locations are not adequately staffed during migrant surges. According to CBP personnel, Border Patrol stations and ports of entry are severely understaffed and running with a ‘skeleton crew’ to ensure migrants are processed and port lanes remain open.”<sup>145</sup>

According to then-San Diego Sector chief Heitke, the massive groups of illegal aliens turning themselves in to Border Patrol agents to be processed and released represents a major drain on agents’ morale, because it prevents them from doing the job for which they signed up:

“[T]he reason I came in, and the reason all of our agents came in, is for national security and to protect the country. ...[T]he ultimate goal is that we’re able to identify and take care of everything that illegally crosses into the country. When we have enormous amounts of people that we’re dealing with, it limits the ability to perform that function. So, we are dealing with large groups of people and losing more people that get away.

“That has a negative impact on the agents, because, yes, it’s important to take care of the people that are coming in, but they also know that it limits their ability to perform their ultimate national security mission of those that are really trying to get away. And that has a negative impact on morale.”<sup>146</sup>

Further, he explained, agents being pulled off the line to process illegal aliens, and then seeing them released, impacts morale.<sup>147</sup> Bovino confirmed to the Committee that agents under his command had expressed that they have not felt able to “effectuate a consequence” to illegal entry in recent years.<sup>148</sup> Modlin told the Committee that agents seeing the historic numbers of illegal aliens in their sector was “demoralizing.”<sup>149</sup>

Cantu testified to the House Committee on Homeland Security in September 2023 that the unprecedented crisis at the Southwest border had completely changed the job for many Border Patrol agents, saying, “A lot of duties have been taken away from our Border Patrol agents, the duties that they learned at their academy to do. Now they’ve been just diluted because of the simple concept of the border is open. Now it’s too hard for our agents.”<sup>150</sup>

One source reported to the New York Post in August 2023, that staffing issues for the Border Patrol are not surprising—“No one wants to do this. They [the migrants] commit a federal crime, we charge them, they don’t get convicted. They don’t get sent back. They get a credible fear

<sup>145</sup> Ibid, 9.

<sup>146</sup> Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 89-90, May 9, 2023.

<sup>147</sup> Ibid, 159-160.

<sup>148</sup> Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 131-132, July 12, 2023.

<sup>149</sup> John Modlin, Transcribed Interview with the House Committee on Homeland Security, 109, July 26, 2023.

<sup>150</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 2:11:32, September 13, 2023, <https://www.youtube.com/live/rPhbaOTSzHc?si=gHF8ohDzIzVdBlPy&t=7892>.





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“The mental and physical fatigue I experienced **will stay with me for my entire life.**”

—ICE survey respondent

interview, they get an [asylum] court date years from now. We never hear anything more than that. The administration is not going to help us.”<sup>151</sup>

Other agents reported to the OIG that DHS placed even more burdens on them to give policymakers false impressions of the situation at the border, with one agent saying, “every time a visit took place, they would transport migrants away ‘and make this place look fit and proper to code.’ Once the visit was over, the agent wrote, ‘[W]e go right back to over filled pods and lack of staff and equipment to handle the situation.’”<sup>152</sup>

Yet, despite these striking findings about the state of the CBP and ICE workforces, the May 2023 OIG report also showed DHS failed to address a key recommendation regarding the affected agencies, leaving it open and unresolved, with the department also actively pushing back against the OIG’s methodology in conducting the report.<sup>153</sup> Mayorkas simply refuses to accept responsibility for the damage he has done and continues to do to the men and women of his own department.

In another OIG report, this one also published in May 2023, the watchdog further found that regular deployment of Border Patrol agents stationed at the northern border’s Swanton Sector to the Southwest border was also undermining morale:<sup>154</sup>

“Border Patrol officials in the Swanton sector said mandatory details to the Southwest border, which started early in FY 2021, have affected recruitment, retention, and morale. Swanton sector officials said they had difficulty filling positions because agents were aware their duties would include frequent details to the Southwest border. They also reported that some agents working in the sector have retired at the minimum age or left for other work in other agencies because of the details. Officials said the heavy burden on spouses and children when agents are detailed has affected morale among families.”<sup>155</sup>

<sup>151</sup> MaryAnn Martinez and Jorge Fitz-Gibbon, “Open floodgates at Arizona border allow thousands of migrants to walk into the country,” *The New York Post*, August 21, 2023, <https://nypost.com/2023/08/21/arizona-borders-open-floodgates-allow-thousands-into-us/>.

<sup>152</sup> U.S. Department of Homeland Security, Office of the Inspector General, *Intensifying Conditions at the Southwest Border Are Negatively Impacting CBP and ICE Employees’ Health and Morale*, OIG-23-24, May 3, 2023, 14, <https://www.oig.dhs.gov/sites/default/files/assets/2023-05/OIG-23-24-May23.pdf>.

<sup>153</sup> *Ibid.*, 31.

<sup>154</sup> U.S. Department of Homeland Security, Office of the Inspector General, *CBP Facilities in Vermont and New York Generally Met TEDS Standards, but Details to the Southwest Border Affected Morale, Recruitment, and Operations*, OIG-23-27, May 23, 2023, <https://www.oig.dhs.gov/sites/default/files/assets/2023-05/OIG-23-27-May23.pdf>.

<sup>155</sup> *Ibid.*, 11.





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In her testimony, Cantu further explained to members of the Committee how agents are affected every day by the tragic stories they are told by those crossing the border:

“Imagine this—A child who has just been through a horrible, traumatizing journey—may have possibly been raped or tortured by bad people—has now gained the trust of a Border Patrol agent. The child decides to vent to this agent and pours out every emotion he or she has been holding back. Now this child looks up at this agent for comfort, for answers. What could this agent possibly tell this child? Our agents are fathers, mothers, brothers, sisters. They are real humans with human emotions, emotions like anger, frustration, sadness, sympathy, and every emotion you or I would feel if we heard those stories.

“Today I ask Mr. Mayorkas...You knew our agents were going to be the first in line to handle these traumatized individuals. What was the plan for them? ... What are you doing now, two-and-a-half years later?”<sup>156</sup>

According to Cantu, “The burden of not being able to help or fix the problems at work becomes so overwhelming it consumes an agent’s mind to the point where he lashes out in anger.”<sup>157</sup>

In addition to his actions and policies, Mayorkas’ words have contributed to declining morale. Many in CBP observed his treatment of the mounted Border Patrol agents in Del Rio and concluded that Mayorkas was actively against those who tried to do their jobs and enforce the law. According to former Border Patrol Chief Scott, “When he disciplined those agents, that sent a resounding message throughout the entire workforce, that not only did he not have your back, he was out for you.”<sup>158</sup> Multiple chief patrol agents told the House Committee on Homeland Security that Mayorkas’ slander had long-lasting ramifications for the force, as well.<sup>159</sup>

The NBPC publicly called for Mayorkas to resign in October 2022, following revelations that despite being informed the agents in Del Rio had not “whipped” illegal aliens attempting to cross the border,<sup>160</sup> he went to the White House podium hours later and continued to push the dishonest narrative that they had.<sup>161</sup>

<sup>156</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 49:38, September 13, 2023, <https://www.youtube.com/live/rPhbaOTSzHc?si=efwqINlqwcpYURDx&t=2978>.

<sup>157</sup> “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis,” *Homeland Security Committee Events*, YouTube video, 51:52, September 13, 2023, <https://www.youtube.com/live/rPhbaOTSzHc?si=25mgPitWJjmLRP-3&t=3112>.

<sup>158</sup> “Open Borders, Closed Case: Secretary Mayorkas’ Dereliction of Duty on the Border Crisis,” *Homeland Security Committee Events*, YouTube video, 2:30:19, June 14, 2023, <https://www.youtube.com/watch?v=ogim6jzYHq&t=9019s>.

<sup>159</sup> See Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 142, June 1, 2023; and Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 146, July 12, 2023.

<sup>160</sup> Bill Melugin and Adam Shaw, “Mayorkas Alerted That No Haitian Migrants Were ‘Whipped’ Hours Before WH Press Conference,” *Fox News*, October 12, 2022, <https://www.foxnews.com/politics/mayorkas-alerted-haitian-migrants-whipped-hours-wh-press-conference>.

<sup>161</sup> Border Patrol Union - NBPC [@BPUnion], “Resign Now @SecMayorkas! You Are Not Fit to Lead Border Patrol Agents. You Are Not Fit to Lead Anyone. You Lack Integrity, Courage and Honesty. The Biden Admin Sold out BP Agents the Day They Took Office to Push Their Open Border Agenda. It’s Disgraceful.” Tweet, *Twitter*, October 12, 2022, <https://twitter.com/BPUnion/status/1580223016126283779>.



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**Border Patrol Union - NBPC** ✓  
@BPUnion

Resign now [@SecMayorkas](#)! You are not fit to lead Border Patrol agents. You are not fit to lead anyone. You lack integrity, courage and honesty.

The Biden Admin sold out BP agents the day they took office to push their open border agenda. It's disgraceful.

The findings in the OIG investigations echo recent reports and accounts of Border Patrol agents' interactions with senior DHS leadership, including Mayorkas himself. NewsNation correspondent Ali Bradley obtained video of a January 2022 visit by Mayorkas to Laredo, Texas, during which former chief Ortiz was also present. Agents were visibly frustrated and angry, challenging Ortiz on their increasing role as processors, and their inability to do the law enforcement jobs for which they signed up.<sup>162</sup> One agent directly confronted Ortiz, saying, "For evil to triumph is for good men to do nothing. That's exactly what's happening here. Good men are doing nothing."<sup>163</sup> Ortiz openly acknowledged that morale was at an all-time low, but accused agents of "getting bogged down in the policies and the politics."



### **[WATCH: Border Patrol Agents Confront Then-Chief Raul Ortiz About Open-Borders Policies](#)**

Border Patrol agents have spoken frankly about their frustrations to the press, as well, with one telling the Washington Examiner in June 2022, "Under Biden, things are the worst they have ever been by far. Agents are calling in all the time. You always hear, 'It doesn't matter,' or, 'What's the point?' in reference to doing our job. Agents are afraid of ending up on the news for doing their

<sup>162</sup> "NEW: Tense exchange between US Border Patrol agents and USBP Chief Ortiz today in Laredo.," *Ali Bradley*, Facebook video, January 28, 2022, [https://www.facebook.com/AliBradleyTV/videos/512111106860585/?extid=NS-UNK-UNK-UNK-IOS\\_GKoT-GK1C](https://www.facebook.com/AliBradleyTV/videos/512111106860585/?extid=NS-UNK-UNK-UNK-IOS_GKoT-GK1C).

<sup>163</sup> *Ibid*, 3:04.



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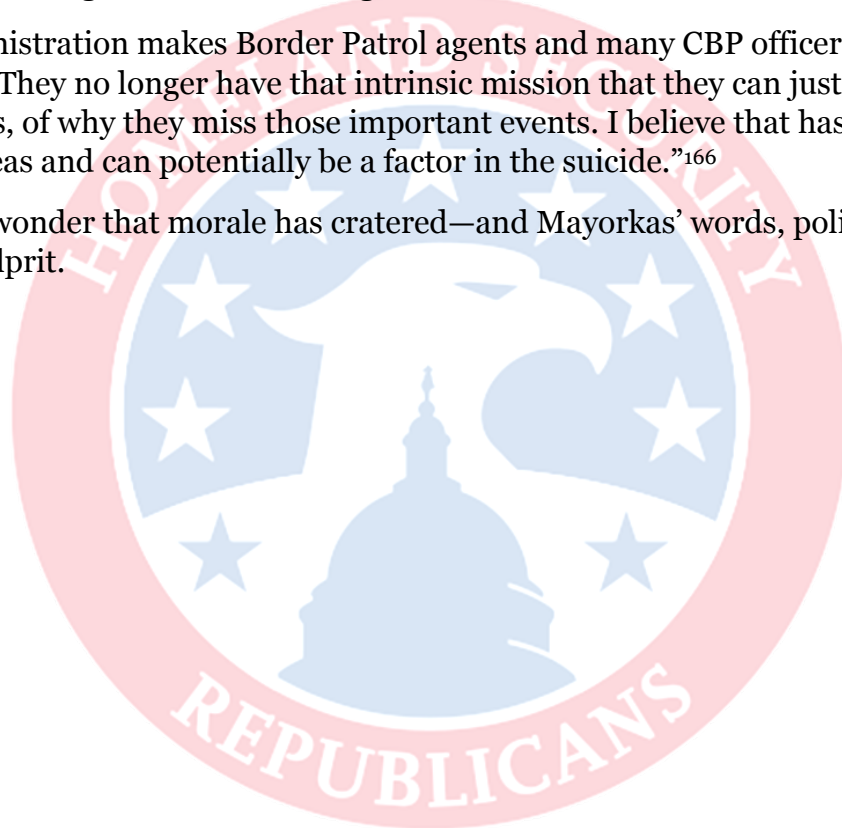
job or getting in trouble for doing their job. There is no morale.”<sup>164</sup> Another agent bluntly declared, “[I]t feels like we’re committing a crime by allowing all these people into our country” rather than promptly removing or detaining those entering illegally.<sup>165</sup>

Scott has also testified to Congress that many CBP personnel have been made to feel like smugglers by Mayorkas’ “catch-and-release” policies:

“I’m hesitant to, to blame the border crisis on any specific death or suicide, but I want people to think about this. Every law enforcement [agent] has to make decisions. He misses birthdays, he misses soccer games, just because of the schedules they work. There’s a lot of family tension. But historically, that agent, that officer’s been able to go home and say ‘I’m protecting America. I’m doing this so that our kids can have a better life.’

“This administration makes Border Patrol agents and many CBP officers feel like smugglers. They no longer have that intrinsic mission that they can justify to their spouse, to their kids, of why they miss those important events. I believe that has cascading effects in many areas and can potentially be a factor in the suicide.”<sup>166</sup>

It should be little wonder that morale has cratered—and Mayorkas’ words, policies, and actions are the obvious culprit.



<sup>164</sup> Anna Giaritelli, “Border Patrol cannot see path forward under Biden: ‘There is no morale,’” *The Washington Examiner*, June 13, 2022, <https://www.washingtonexaminer.com/policy/defense-national-security/border-patrol-cannot-see-path-forward-under-biden>.

<sup>165</sup> *Ibid.*

<sup>166</sup> “Open Borders, Closed Case: Secretary Mayorkas’ Dereliction of Duty on the Border Crisis,” *Homeland Security Committee Events*, YouTube video, 2:28:46, June 14, 2023, <https://www.youtube.com/watch?v=Ogim6jzYHqw&t=8925s>.



# SECTION 3: ILLEGAL ALIEN IMPACTS ON CRIME AND PUBLIC SAFETY

## **Section 3: Illegal Alien Impacts on Crime and Public Safety**

The impacts of Mayorkas' open-borders policies on crime and public safety in American communities cannot be understated. The number of criminal illegal aliens apprehended by the Border Patrol has skyrocketed since Mayorkas took office, including those guilty of violent offenses like homicide, sexual assault, and domestic violence.<sup>167</sup> Law enforcement is “completely overrun on the Southwest border,” according to Jaeson Jones, a former captain with the Texas Department of Public Safety (DPS), who testified before the House Committee on Homeland Security in July 2023 about the increasing control wielded by the criminal cartels at the Southwest border.<sup>168</sup> And Americans are becoming victims of illegal alien crime on a regular basis, as DHS continues to release unvetted aliens, including gang members and convicted criminals, into the interior.

### **Understanding Illegal Alien Crimes in Context**

Before examining the occurrences and impacts of illegal alien crime, it is important to dispel a myth relied upon by many to downplay this issue—that illegal alien crime rates supposedly lag behind those of Americans.

It is a misleading claim for several reasons. First, studies claiming it as fact are inescapably flawed, because most cities and states do not keep or publish data on criminals' immigration status, rendering suspect any conclusions drawn from what data is available. Second, many such studies may not include the crimes of obtaining and using false identification or unlawfully accessing benefits available to Americans. Third, the claim is morally misguided. Even if it were true, it would not diminish the impact of the crimes illegal aliens do commit—indeed, it would be morally bankrupt to argue that illegal alien crime would be more unacceptable only if rates were higher.

On the merits of the claim itself, some studies have shown that illegal alien crime rates could be even higher than those of American citizens. One such study in 2019—well before Mayorkas threw open the borders to all manner of illegal aliens—found that in a review of border states and states with the highest illegal alien populations, based on publicly available data from the federal State Criminal Alien Assistance Program (SCAAP), “illegal aliens are incarcerated at a much higher rate than citizens and lawfully-present aliens,” and “illegal aliens are typically at least three times as likely to be incarcerated than citizens and lawfully-present aliens.”<sup>169</sup> One organization has reported that Texas DPS data shows aliens have higher conviction rates than citizens for serious crimes such as homicide and sexual assault.<sup>170</sup>

<sup>167</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Criminal Noncitizen Statistics Fiscal Year 2023*, July 18, 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics>.

<sup>168</sup> “Biden and Mayorkas' Open Border: Advancing Cartel Crime in America,” *Homeland Security Committee Events*, YouTube video, 2:25:50, July 19, 2023, <https://www.youtube.com/live/kvaoHOb1TUg?feature=share&t=8750>.

<sup>169</sup> Matt O'Brien, Spencer Raley and Casey Ryan, “SCAAP Data Suggest Illegal Aliens Commit Crime at a Much Higher Rate Than Citizens and Lawful Immigrants,” *Federation for American Immigration Reform*, February 3, 2019, <https://www.fairus.org/issue/illegal-immigration/scaap-data-suggest-illegal-aliens-commit-crime-much-higher-rate-citizens>.

<sup>170</sup> Steven Camarota, “What the Media Tell You About Illegal-Immigrant Crime Is Plain Wrong,” *The New York Post*, October 19, 2022, <https://nypost.com/2022/10/19/what-the-media-tell-you-about-illegal-immigrant-crime-is-plain-wrong/>.





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But most importantly, crimes committed by illegal aliens should not have happened to begin with. As Texas DPS veteran and senior national security fellow with the Center for Immigration Studies (CIS) Todd Bensman testified to members of the House Committee on Homeland Security in July 2023:

“[T]here is a comparative analysis that goes on, comparative research, where organizations try to compare illegal immigrant crime with crime rates committed by American citizens. That is completely faulty analysis. You cannot compare those two, mainly because 100 percent of all crimes committed by illegal immigrants are avoidable and unnecessary because they should have been deported...whereas, we are kind of stuck with American citizens one way or another, aren't we? There's no escape hatch for pushing American citizens into another country before they commit a crime. So, 100 percent of all illegal immigrant crime is avoidable and unnecessary, in my opinion.”<sup>171</sup>

When the federal government fulfills its constitutional obligation to secure the border and enforce the law, those unlawfully present are removed from the country. When they are not, the consequences that were once preventable become reality far too often. Under Mayorkas' policies of non-enforcement, America is welcoming in more illegal aliens with criminal records, as well as illegal aliens who will go on to commit crimes later—setting the stage for even more shattered lives, families, and communities.

### **More Criminal Aliens Crossing the Border Under Mayorkas' Policies**

The Biden administration has reversed many of the Trump-era policies that stemmed the tide of illegal immigration into the United States.<sup>172</sup> Not surprisingly, CBP encounters of illegal aliens have skyrocketed since Biden and Mayorkas took office.<sup>173</sup> That includes illegal aliens previously convicted of crimes, apprehensions of whom have spiked since Mayorkas has been in office.<sup>174</sup> These criminal aliens have the most egregious crimes on their records, including homicide, assault, rape, burglary, theft, and weapons trafficking.

From the start of FY21 through Sept. 15, 2023, the Border Patrol recorded 35,450 arrests of illegal aliens with criminal backgrounds, approximately 14,000 more total such arrests than the previous four fiscal years combined.<sup>175</sup>

According to CBP, combined prior convictions for assault, battery, or domestic violence among illegal aliens apprehended by the Border Patrol decreased each year under the Trump

<sup>171</sup> “The Real Cost of an Open Border: How Americans are Paying the Price,” *Homeland Security Committee Events*, YouTube video, 1:50:34, July 26, 2023, <https://www.youtube.com/live/q2n1h6llbMg?feature=share&t=6634>.

<sup>172</sup> U.S. Congress, House of Representatives, Committee on Homeland Security, Majority, *DHS Secretary Alejandro Mayorkas' Dereliction of Duty, Phase 1 Interim Report*, 118th Cong., 1st sess., July 19, 2023, 34-43, <https://homeland.house.gov/wp-content/uploads/2023/07/Phase-One-Report.pdf>.

<sup>173</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Nationwide Encounters*, June 14, 2023, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

<sup>174</sup> “Major Spike in Convicted-Criminal-Alien Encounters by U.S. Border Patrol,” *The Heritage Foundation*, last updated August 24, 2023, <https://datavisualizations.heritage.org/immigration/major-spike-in-convicted-criminal-alien-encounters-by-us-border-patrol>.

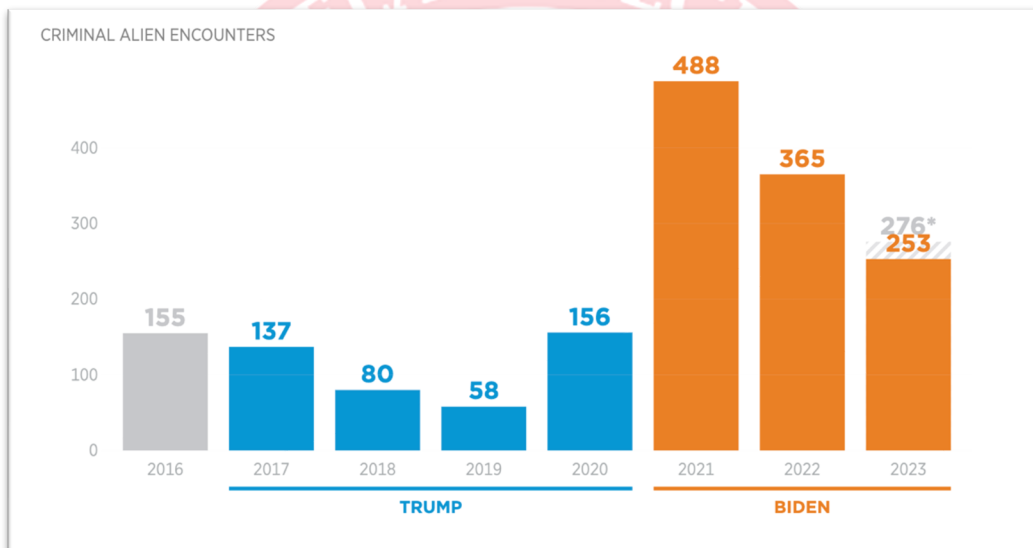
<sup>175</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Criminal Noncitizen Statistics Fiscal Year 2023*, July 18, 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics>.



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administration, to a low of 208 in FY20.<sup>176</sup> That number skyrocketed to 1,178 total convictions during Mayorkas' first year in office, hovering at 1,142 in FY22, and 1,049 in FY23 to date.<sup>177</sup>

Combined convictions for burglary and theft also decreased during the Trump administration to a low of 143 in FY20.<sup>178</sup> In FY21, this number rose to 825 and then to 896 in FY22, and totaling 739 through Sept. 15, 2023.<sup>179</sup> Total convictions for driving under the influence (DUI) among those apprehended by the Border Patrol also decreased every year under the Trump administration, to a low of 364 in FY20, but drastically increased to 1,629 in FY21, 1,614 in FY22, and more than 2,000 to date in FY23.<sup>180</sup> From FY17-20, the majority of former President Donald Trump's entire term, illegal aliens apprehended by the Border Patrol totaled only 11 convictions for homicide and manslaughter among them.<sup>181</sup> Since FY21, that number has jumped to 146 in total.<sup>182</sup> The numbers for sexual offenses show a similar trend, with FY20's 156 total convictions rising to 488 in FY21, 365 in FY22, and 253 through to date in FY23.<sup>183</sup>



*Border Patrol apprehensions of criminal illegal aliens have spiked under Mayorkas' policies. The data above represent the number of combined convictions for sexual offenses among illegal aliens apprehended by the Border Patrol. (Source: Heritage Foundation representation of CBP data)*

Under the Trump administration, combined convictions for illegal entry or re-entry among those apprehended by the Border Patrol also steadily decreased from 4,502 in FY17 to 1,261 in FY20.<sup>184</sup> In FY21, that number increased to 6,160, 6,797 in FY22, and 7,272 as of Sept. 15, 2023.<sup>185</sup> Border Patrol agents are arresting far more criminals at the Southwest border, because the number of

<sup>176</sup> Ibid.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.



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criminals who now perceive the border as open and are attempting to cross has jumped in conjunction with Mayorkas' open-borders policies, including mass “catch and release.”

For example, Bradley Schoenleben, senior deputy district attorney in the Orange County, California District Attorney's Office, told the House Judiciary Committee in July 2023:

“We know transnational criminals, including Colombian nationals, are intentionally being arrested at the California border to gain entry into the United States, knowing they will be released quickly. Upon release, they commit residential burglaries and other thefts, including employing military equipment including ghillie suits to blend into the brush for hours to surveil Americans from greenbelts behind their homes—and trackers to track business owners to and from work to maximize their window of opportunity.”<sup>186</sup>

Bear in mind, these are just the criminals being apprehended. Law enforcement officials also know that in addition to the more-than 1.6 million known gotaways that have entered the country since FY21,<sup>187</sup> “Hardened criminals often hide in smuggled migrant groups,”<sup>188</sup> seeking to take advantage of overwhelmed Border Patrol officials who may not be able to verify their identities or backgrounds. Indeed, Chief Patrol Agent Good told the House Committee on Homeland Security in June 2023 that it is possible that illegal aliens who are not flagged by DHS vetting systems could have criminal histories of which Border Patrol agents would not be aware.<sup>189</sup>

It is important to note that these are just CBP statistics. They do not include data from states like Texas, which, through Operation Lone Star, has apprehended hundreds of thousands of illegal aliens and recorded more than 27,000 criminal arrests itself between March 2021-April 2023.<sup>190</sup>

Whether it is gotaways or those being apprehended and released, illegal aliens represent a new, serious public safety concern. Some sheriff's departments have recorded unprecedented levels of crime in their communities attributable to this influx. For example, Dannels testified to the House Judiciary Committee in February 2023 that “border-related crime” was “at an all-time high” in Cochise County, including murder investigations, aggravated acts against Arizonans, failures to yield to law enforcement, and assault of law enforcement officials.<sup>191</sup>

Available data also shows that illegal aliens can often go on to commit further crimes after being released from state facilities. For example, according to figures from Tarrant County, Texas, in

<sup>186</sup> U.S. Congress, House of Representatives, Committee on the Judiciary, *Prepared Testimony of Bradley Schoenleben for The Consequences of Criminal Aliens on U.S. Communities*, 118th Cong., 1st sess., July 13, 2023, 4, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/schoenleben-testimony.pdf>.

<sup>187</sup> See “Border crossings surge since the end of title 42,” *The National Desk*, August 22, 2023, <https://cbsaustin.com/news/nation-world/border-crossings-surge-since-the-end-of-title-42-migrants-illegal-immigration-us-customs-and-border-protection-us-mexico-border-southern-border>; and U.S. Congress, House of Representatives, Committee on the Judiciary, *Prepared Testimony of Rodney Scott for Terrorist Entry Through the Southwest Border*, 118th Cong., 1st sess., September 14, 2023, 6, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/scott-testimony.pdf>.

<sup>188</sup> Chief Jason Owens [@USBPChief], “Within the past 48 hours, agents arrested 1 felon, 1 gang member, and 4 sex offenders. Hardened criminals often hide in smuggled migrant groups. Each week, on average, 10+ criminals are confirmed.,” Tweet, *Twitter*, July 19, 2023, <https://twitter.com/USBPChief/status/1681756299602587653>.

<sup>189</sup> Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 135, June 29, 2023.

<sup>190</sup> State of Texas, Office of the Texas Governor, *Operation Lone Star Combats Increasing Smuggling Attempts By Cartels*, April 21, 2023, <https://gov.texas.gov/news/post/operation-lone-star-combats-increasing-smuggling-attempts-by-cartels>.

<sup>191</sup> U.S. Congress, House of Representatives, Committee on the Judiciary, *Prepared Testimony of Sheriff Mark Dannels for The Biden Border Crisis: Part I*, 118th Cong., 1st sess., February 1, 2023, 2, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/the-honorable-mark-dannels-testimony.pdf>.





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January 2022, the recidivism rate for inmates in county prisons and jails with immigration detainees placed on them was roughly 90 percent.<sup>192</sup>

Worse, some criminal illegal aliens are even being released into the country because Border Patrol agents are unable to thoroughly vet them. On May 30, 2023, ICE announced the arrest in Massachusetts of a Brazilian gang member and convicted murderer.<sup>193</sup> According to ICE, the alien “has an extensive, violent criminal history,” but after being apprehended crossing illegally in Arizona in March 2023, he was released, “placed into removal proceedings,” and given a court date for his immigration case after concealing information on his criminal background from Border Patrol agents.<sup>194</sup>

Just two days later, ICE revealed that alleged murderer Edickson Paulino Castano had been removed from the country and returned to the Dominican Republic, his home country.<sup>195</sup> On its face this was a positive development, but a deeper look into his history with DHS law enforcement reveals a troubling picture. The ICE announcement noted that not only had Paulino entered the country illegally multiple times, but in August 2021, he was apprehended near Eagle Pass, Texas, and released into the interior a few days later on an order of supervision.<sup>196</sup> The order was revoked in July 2022, meaning this illegal alien, suspected of murder in his home country, was at large in the United States for nearly a year.

In August 2023, ICE’s Enforcement and Removal Operations (ERO) announced another arrest, this one of a Venezuelan national by the agency’s Fugitive Operations Team in Chicago.<sup>197</sup> This illegal alien was apprehended by the Border Patrol in Arizona in April 2021, issued a “Notice to Appear (NTA)” before an immigration judge, and released on parole.<sup>198</sup> Four months after his release into the United States, a Venezuelan criminal court issued an arrest warrant for him on multiple charges, including financing of terrorism.<sup>199</sup> As ICE’s press release makes plain, he was not arrested for another two years.

Finally, under Mayorkas’ policy of non-enforcement, ICE is simply not arresting as many criminal illegal aliens as they were under prior administrations—and the data makes that clear. In FY19, out of more than 143,000 administrative arrests by ERO, 123,128 arrests were of criminal aliens, or 86 percent of all administrative arrests that year.<sup>200</sup> In FY20, even in the midst of the COVID-19 pandemic, ERO conducted 103,603 administrative arrests, 93,061 of which were of criminal

<sup>192</sup> See Memorandum Opinion and Order, *State of Texas v. United States*, No. 6:21-cv-00016, 22, (S.D. Tex. 2022).

<sup>193</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Newsroom, *ERO Boston arrests fugitive gang member convicted of murder in Brazil*, May 30, 2023, <https://www.ice.gov/news/releases/ero-boston-arrests-fugitive-gang-member-convicted-murder-brazil>.

<sup>194</sup> Ibid.

<sup>195</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Newsroom, *ERO Philadelphia removes noncitizen wanted for murder to Dominican Republic*, June 1, 2023, <https://www.ice.gov/news/releases/ero-philadelphia-removes-noncitizen-wanted-murder-dominican-republic>.

<sup>196</sup> Ibid.

<sup>197</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, Newsroom, *ERO Chicago arrests unlawfully present Venezuelan fugitive wanted in home country for funding terrorism*, August 9, 2023, <https://www.ice.gov/news/releases/ero-chicago-arrests-unlawfully-present-venezuelan-fugitive-wanted-home-country>.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

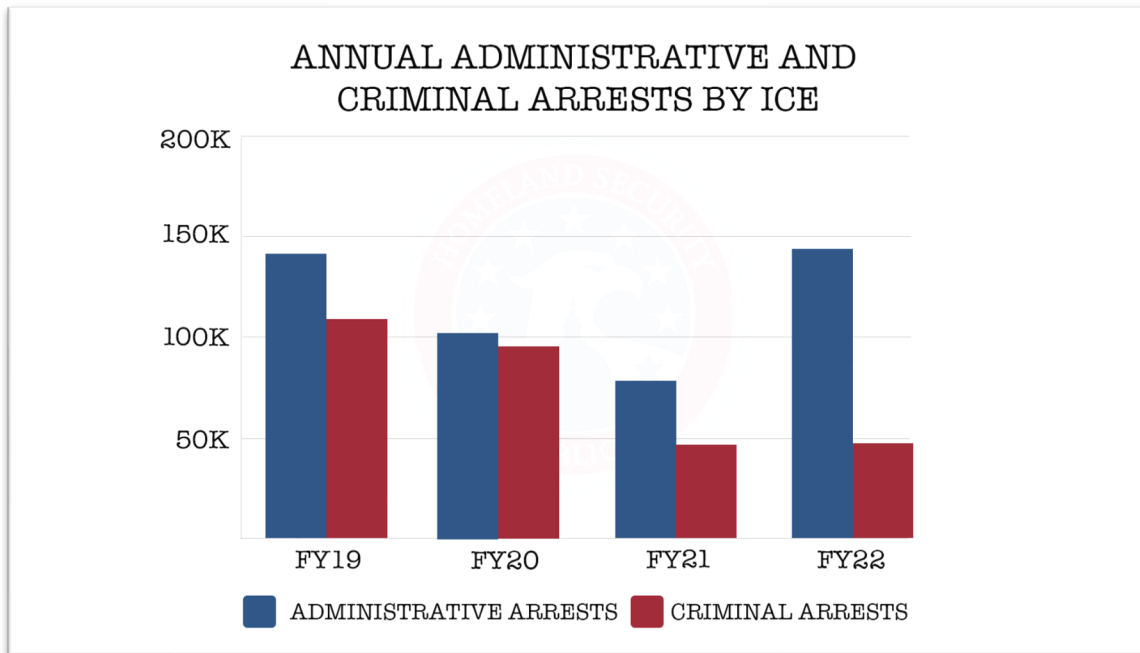
<sup>200</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *U.S. Immigration and Customs Enforcement Fiscal Year 2019 Enforcement and Removal Operations Report*, 12, <https://www.ice.gov/sites/default/files/documents/Document/2019/eroReportFY2019.pdf>.





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aliens, or 90 percent of all ERO arrests.<sup>201</sup> In FY21, these numbers dropped precipitously, as Mayorkas' restrictions on arrests and removals led to just 74,082 total administrative arrests, of which only 45,432 were criminal aliens (61 percent).<sup>202</sup> It is also worth noting that of those 74,082 arrests, only 45,755 occurred after Feb. 18, 2021.<sup>203</sup> In FY22, the ratio was even more unbalanced, with 142,750 total administrative arrests, but only 46,396 of those having criminal histories (32 percent).<sup>204</sup>



*Under Mayorkas' leadership, criminal arrests as a percentage of total arrests have plummeted. Source: ICE data*

In his September 2021 guidance to ICE, which severely restricted ICE officials' ability to detain and remove most of the illegal alien population present in the United States, Mayorkas stated, "We will prioritize for apprehension and removal noncitizens who are a threat to our national security, public safety, and border security."<sup>205</sup> The reality, as his own department's data demonstrate, is just the opposite. Under his leadership, fewer criminal aliens are being arrested, both in terms of raw numbers and as a percentage of total arrests.

Criminals around the world know the border is open, and they are taking advantage, because they know they can either enter the country as gotaways or hide their criminal history from Border

<sup>201</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *U.S. Immigration and Customs Enforcement Fiscal Year 2020 Enforcement and Removal Operations Report*, 13, <https://www.ice.gov/doclib/news/library/reports/annual-report/eroReportFY2020.pdf>.

<sup>202</sup> See U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *ICE Annual Report Fiscal Year 2021*, March 11, 2022, 8, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2021.pdf>; and U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *ICE Annual Report Fiscal Year 2022*, December 30, 2022, 11, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.

<sup>203</sup> *Ibid*, 8-9.

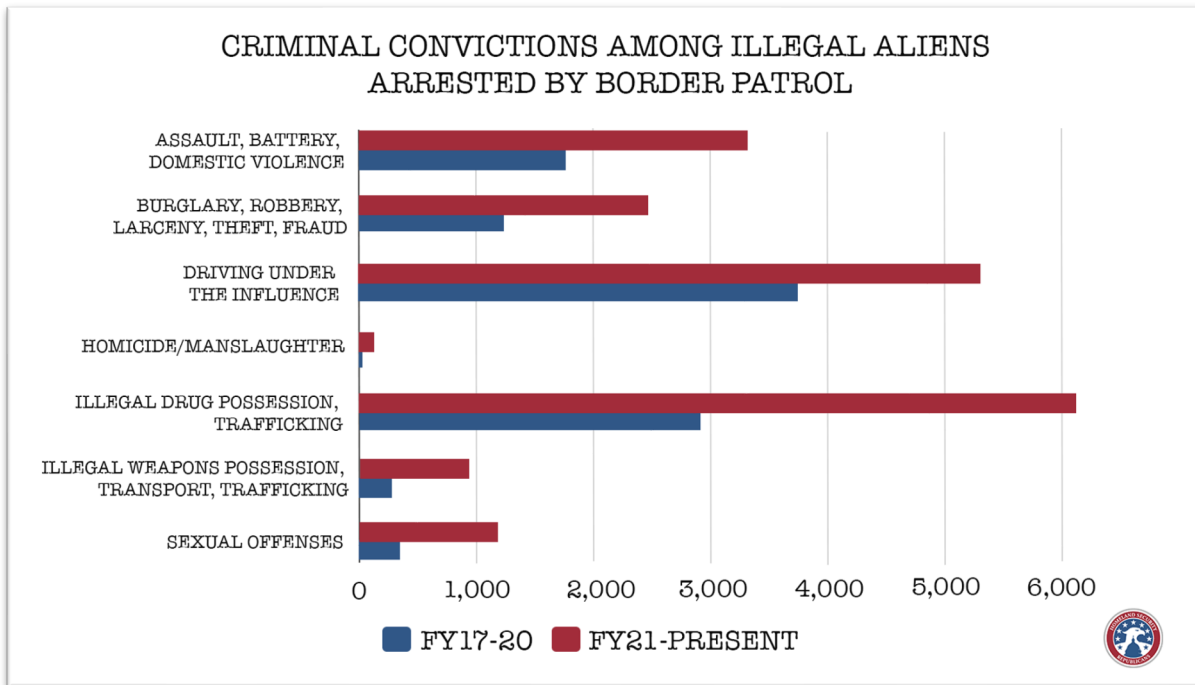
<sup>204</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *ICE Annual Report Fiscal Year 2022*, December 30, 2022, 6, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.

<sup>205</sup> U.S. Department of Homeland Security, *Memorandum: Guidelines for the Enforcement of Civil Immigration Law*, September 30, 2021, 3, <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>.



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Patrol agents in hopes of being released into the interior, and once they are here, ICE under Mayorkas' leadership will likely not pursue them.



### **Crimes Committed by Illegal Aliens Inside the United States**

As stated earlier in this report, no national database exists to track crimes committed by illegal aliens. Many state and local jurisdictions do not record this information either, whether for reasons of resources or political correctness. However, it is instructive to note accounts of crimes committed by illegal aliens to understand the impact on American citizens' lives, and to see how these individual crimes fit into the broader context of Mayorkas' open-borders policies and the chaos that the cartels and criminal aliens have created in the wake of those policies.

Over the past two years, startling and horrific stories about violent crimes committed by illegal aliens inside the United States have made headlines across the country.<sup>206</sup> These individuals continue to threaten the safety of Americans in communities across this country. Some of these crimes include suspects who have been caught and released by border authorities.

Even those that have been welcomed by liberal "sanctuary cities" have repaid those jurisdictions by engaging in criminal activity on the streets of those cities. Per a July 2023 report from the New York Post, "A group of 'disorderly' migrants hurled objects at passersby in Manhattan before beating up two men who tried to intervene—pushing one of them through a glass door of an

<sup>206</sup> "Examples of Serious Crimes By Illegal Aliens," *Federation for American Immigration Reform*, accessed on July 25, 2023, <https://www.fairus.org/issue/border-security/examples-serious-crimes-illegal-aliens>.

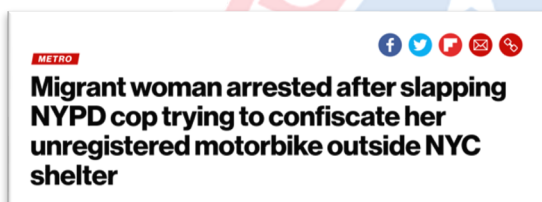


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apartment building entrance...”<sup>207</sup> The incident took place in Harlem, near a former jail that had been converted into a shelter for illegal aliens arriving in the city by the thousands. According to a maintenance worker who responded to the damage caused by the incident, “Everything was good until that asylum building came.”<sup>208</sup> Meanwhile, more than 40 illegal aliens have been arrested at the Roosevelt Hotel since May 2023, after the hotel was turned into a shelter for illegal aliens arriving in the city—most of them for acts of domestic violence.<sup>209</sup>

Another Post report from September 2023 documented the case of Venezuelan Daniel Hernandez Martinez, who arrived in New York June 27, 2023, and has since committed at least 14 crimes leading to six arrests, including the day after he arrived in the city.<sup>210</sup> In one case, he “grabbed a stranger by the hair, dragged her across the floor and kicked her,” and smashed her phone, per court documents.<sup>211</sup>

The situation is dire. According to one New York City police officer, “This is not an isolated incident. These migrants are getting arrested quite often here, and we really don’t know who they are. They really don’t have ID. They’re not being vetted properly, but some of them are committing some of the most violent crimes here.”<sup>212</sup>



In Chicago, residents have protested the city’s open embrace of thousands of illegal aliens, many of whom have threatened public safety. According to Alderman Brendan Reilly, who represents the district currently housing the city’s largest shelter for illegal aliens:

“The only department that’s really responsive is Streets and Sanitation cleaning up the bottles, the marijuana butts, the garbage, the human feces from these blocks. That’s it. There are a lot of guns on the two blocks around this site, suddenly. ... We are having people call 911 to report this. We’re having them call 911 for the consumption of narcotics. Not just smoking marijuana, but heroin and crack. ... I’m also hearing about teenagers allegedly being sex-trafficked in the curb cut. It’s unconscionable.”<sup>213</sup>

<sup>207</sup> Haley Brown, Joe Marino, and Jesse O’Neill, “Two men beaten by group of ‘disorderly’ migrants outside NYC shelter — one victim pushed through glass door: cops,” *The New York Post*, July 23, 2023, <https://nypost.com/2023/07/23/two-men-beaten-by-group-of-disorderly-migrants-outside-nyc-shelter-one-victim-pushed-through-glass-door-cops/>.

<sup>208</sup> Ibid.

<sup>209</sup> Larry Celona, et. al., “41 people have been arrested at NYC’s migrant Roosevelt Hotel since May — most for domestic violence: sources,” *The New York Post*, September 3, 2023, <https://nypost.com/2023/09/03/41-people-have-been-arrested-at-nycs-migrant-roosevelt-hotel-since-may-sources/>.

<sup>210</sup> Tina Moore, “Migrant arrested 6 times for 14 crimes in first two months in NYC,” *The New York Post*, September 2, 2023, <https://nypost.com/2023/09/02/newly-arrived-immigrant-arrested-7-times-court-records-show/>.

<sup>211</sup> Ibid.

<sup>212</sup> Ibid.

<sup>213</sup> Fran Spielman, “‘No rule of law’: City Council members decry criminal activity outside migrant shelters,” *Chicago Sun-Times*, July 26, 2023, <https://chicago.suntimes.com/city-hall/2023/7/26/23808849/migrant-crisis-shelters-crime-drug-use-guns-trafficking-chicago-city-council-committee-hearing>.



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Alderman Jeanette Taylor, criticizing the mayoral response to the crisis, said those attempting to undermine the seriousness of the situation should be told “the issue about the people who are outside threatening [residents]. Tell them about the sex trafficking that’s happening. The drug dealing that’s happening.”<sup>214</sup> Alderman Raymond Lopez, in a July 2023 letter to Chicago Mayor Brandon Johnson, wrote, “Over the past several months, there has been a significant uptick in illicit and illegal activities at all locations...Reports of migrant asylum-seekers participating in drug sales and usage, male and female prostitution and associated human trafficking, as well as gang recruitment, have been witnessed by law enforcement and community alike.”<sup>215</sup>

These are the people Mayoras is welcoming and releasing into the country via his radical policies.

Border towns have also had to deal with the threat of increased crime in their communities. As thousands of illegal aliens streamed into Eagle Pass, Texas, in mid-late September 2023, Maverick County Sheriff Tom Schmerber said, “I feel worried because the people in the community here, some are afraid because they see strangers walking through their neighborhood. They don’t know who they are or what their intentions are,” adding further that his town was seeing break-ins, burglaries, and drug seizures concurrent with the latest surge.<sup>216</sup> Eagle Pass Police Chief told one media outlet that he “has his own fears for public safety given that so many people in desperate situations and with unknown intentions are being dropped off into the community.”<sup>217</sup>

CITY HALL NEWS POLITICS

### ‘No rule of law’: City Council members decry criminal activity outside migrant shelters

During a three-hour hearing on the migrant crisis, Ald. Jeanette Taylor accused top mayoral aides of portraying a ridiculously rosy picture that doesn’t match the ugly conditions on the ground.

Below is a non-exhaustive list of crimes committed in recent days by illegal aliens present in the United States—all crimes that should have been prevented:

- On Aug. 2, 2023, 26-year-old Venezuelan Jesus Guzman-Bermudez raped a woman in an upstate New York hotel room. Both Guzman-Bermudez and the victim were illegal aliens who had just been bussed to Erie County from New York City.<sup>218</sup> He was arrested and charged a few days later with not only rape, but endangering the welfare of a child, as he committed this heinous crime with a three-year-old child in the room.<sup>219</sup> Within days, another illegal alien

<sup>214</sup> Ibid.

<sup>215</sup> Raymond Lopez, *Letter to the Hon. Brandon Johnson Re: Ongoing Migrant Shelter/Center Issues*, July 26, 2023,

<https://www.politico.com/f/?id=00000189-946e-df68-afbb-bcef2c030000>.

<sup>216</sup> Anna Giaritelli, “Immigration border upheaval stokes fear among Eagle Pass residents: ‘Send extra help,’” *The Washington Examiner*, September 22, 2023, <https://www.washingtonexaminer.com/policy/immigration/immigration-border-upheaval-stokes-fear-eagle-pass-residents>.

<sup>217</sup> Ibid.

<sup>218</sup> “Migrant charged with rape in Cheektowaga,” *WBEN*, August 8, 2023, <https://www.audacy.com/wben/news/local/migrant-charged-with-rape-in-cheektowaga>.

<sup>219</sup> Ibid.





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who had just arrived in the county was arrested and charged with sexually assaulting another woman.<sup>220</sup>

- On June 10, 2023, Julio Velazquez—an illegal alien who been detained at the Southwest border two years prior—kidnapped and raped a woman in the area of Fort Myers, Florida. He posed as a cab driver outside a nightclub, pretended to offer the woman a ride home, and then drove her to a secluded area and assaulted her, leaving her with “bone-chilling” injuries in the “sadistic” attack.<sup>221</sup>
- In May 2023, Grevi Geovani Rivera-Zavala from Honduras was charged with raping a teenage girl in a restaurant bathroom in Prattville, Alabama, in a completely random attack.<sup>222</sup> He had a prior criminal record in Honduras when he was apprehended crossing the Texas border illegally in November 2021, but was released into the interior.<sup>223</sup> The local district attorney said Rivera-Zavala gave DHS law enforcement a different name.<sup>224</sup>



*Honduran national Grevi Geovani Rivera-Zavala was released into the country on Mayorkas’ watch in 2021, and later charged with raping an Alabama teen.*

- In just three weeks between April-May 2023, another Venezuelan, Anduesa Cormena, was arrested three different times, once for misdemeanor battery and twice for retail theft, including an attempt to steal \$1,300 worth of merchandise from a Chicago Macy’s with another individual.<sup>225</sup> In the subsequent legal proceedings, it was discovered that Anduesa had used two other aliases in his prior run-ins with law enforcement.<sup>226</sup>

<sup>220</sup> Emily Miller, “Asylum seeker arrested in sexual assault case; no more asylum seekers to come to Erie County,” *WTVB4*, August 12, 2023, <https://www.wtvb.com/news/local-news/erie-county/cheektowaga/asylum-seeker-arrested-sexual-assault-case-no-more-asylum-seekers-to-come-to-erie-county/>.

<sup>221</sup> Sara Filips, “Sadistic Pile of Garbage: Man in Country Illegally Accused of Kidnapping, Raping Woman in Florida, Deputies Say,” *WFLA 8 News*, June 12, 2023, <https://www.wfla.com/news/florida/sadistic-pile-of-garbage-man-in-country-illegally-accused-of-kidnapping-raping-woman-in-florida-deputies-say/>.

<sup>222</sup> Marty Roney, “No Bond in Prattville Rape Case against Honduran Man Who Illegally Entered U.S.,” *The Montgomery Advertiser*, May 15, 2023, <https://www.montgomeryadvertiser.com/story/news/crime/progress/2023/05/15/no-bond-in-prattville-rape-case-where-defendant-is-in-the-country-illegally/7021953007/>.

<sup>223</sup> “Suspect in U.S. illegally held without bond after Prattville rape,” *WSFA-12*, May 16, 2023, <https://www.wsfa.com/2023/05/16/illegal-immigrant-be-held-without-bond-after-prattville-rape/>.

<sup>224</sup> Ibid.

<sup>225</sup> “Venezuelan Migrant Arrested 3 Times since Arriving in Chicago 3 Weeks Ago: Prosecutors,” *CWB Chicago*, May 9, 2023, <https://cwbchicago.com/2023/05/chicago-venezuelan-migrant-crisis-man-arrested-three-times.html>.

<sup>226</sup> Ibid.



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- In April 2023, Francisco Oropesa killed five of his neighbors in Cleveland, Texas. According to an ICE source, Oropesa had been previously deported five times and was in the country illegally at the time.<sup>227</sup> All five victims were under the age of 32, including an 8-year-old boy and his young mother. When Mayorkas was asked to comment about Oropesa’s immigration status, he declined to do so.<sup>228</sup>
- Kayla Hamilton, a 20-year-old Maryland woman, was raped and murdered by a teenage illegal alien in July 2022.<sup>229</sup> The man accused of killing her was also a member of the violent transnational gang MS-13, who was caught and released into the interior because he was an unaccompanied minor who arrived at the border without his parents.<sup>230</sup> Kayla’s mother, Tammy Nobles, told the House Judiciary Committee in May 2023, “When he was arrested for Kayla’s murder, he laughed and smirked. For me this not a political issue, this a safety issue for everyone living in the United States. This could have been anyone’s daughter.”<sup>231</sup>
- In November 2021, an illegal alien, Yery Medina-Ulloa, was arrested for stabbing a man in his home in Arlington, Florida.<sup>232</sup> The Jacksonville Sheriff’s Office said he originally provided documents showing him to be 17 years old when he was arrested, documents later proven to be fake.<sup>233</sup> Jail records show he was in Jacksonville for just two months before the incident.<sup>234</sup> Governor Ron DeSantis’ office commented on the case saying, “This horrific crime is the latest example of how unfettered illegal migration costs Floridians’ lives.”<sup>235</sup>

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These are just a few examples of the violent crimes that illegal aliens commit after being released into American communities. Researchers can only do their best to estimate the true extent of the carnage, such as Peter Kirsanow’s 2018 review of government data theorizing that illegal aliens incarcerated in just five different states at the time—long before Mayorkas’ self-inflicted border crisis—were responsible for 5,400 murders.<sup>236</sup>

No matter the total numbers, however, these tragedies leave a lasting impact on communities and force families to confront the harsh consequences of open borders. Every one of these crimes previously mentioned might have been prevented if Mayorkas was fulfilling his responsibilities to secure the border and hold accountable those who break the law. On his watch, millions of illegal aliens have been released into the country. The evidence has shown that even violent criminals

<sup>227</sup> Brie Stimson and Bill Melugin, “Texas Fugitive Accused of Killing 5 Was Illegally in US; Deported 5 Times,” *Fox News*, April 30, 2023, <https://www.foxnews.com/us/texas-fugitive-accused-killing-5-deported-5-times>.

<sup>228</sup> Ibid.

<sup>229</sup> “Teen MS-13 Gang Member Arrested for Murder of Maryland Autistic Woman, 20,” *FOX 5 NY for FOX6 News Milwaukee*, January 22, 2023, <https://www.fox6now.com/news/kayla-hamilton-maryland-ms-13-murder-autistic-woman>.

<sup>230</sup> Stephen Dinan, “Suspect in Killing of 20-Year-Old Autistic Woman Was Newly Released Illegal Immigrant Teen,” *The Washington Times*, January 23, 2023, <https://www.washingtontimes.com/news/2023/jan/23/suspect-killing-20-year-old-autistic-woman-was-new/>

<sup>231</sup> U.S. Congress, House of Representatives, Judiciary Committee, *Prepared Testimony of Tammy Nobles for The Biden Border Crisis: Part III*, 118th Cong., 1st sess., 2, May 23, 2023, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/nobles-testimony.pdf>.

<sup>232</sup> Corley Peel, “Gov. DeSantis Draws Attention to Jacksonville Murder Case Involving Migrant,” *News 4 JAX*, November 4, 2021, <https://www.news4jax.com/news/local/2021/11/04/gov-desantis-draws-attention-to-jacksonville-murder-case-involving-migrant/>.

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

<sup>235</sup> Louis Casiano, “Honduran Illegal Immigrant Who Lied to Border Authorities Sentenced in Florida Man’s 2021 Murder,” *Fox News*, March 3, 2023, <https://www.foxnews.com/us/honduran-illegal-immigrant-lied-border-authorities-sentenced-florida-mans-2021-murder>.

<sup>236</sup> Peter Kirsanow, “Illegal Immigration and Crime,” *National Review*, January 20, 2018, <https://www.nationalreview.com/corner/crime-illegal-immigration/>.



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are among those released, and the number of criminal illegal aliens at large in the country remains in the hundreds of thousands.<sup>237</sup> Those are the facts.

### ***Illegal Aliens Tying Up First-Responder and Law Enforcement Resources***

It is also important to remember that illegal aliens frequently tie up first responder and law enforcement resources that would otherwise go to helping American citizens and other lawful residents.

For example, Leon Wilmot, sheriff of Arizona's Yuma County, told a House committee earlier this year that the county has filed 759 phone calls to 911 from illegal aliens lost in the desert requesting assistance,<sup>238</sup> potentially tying up first responder resources. Sheriff Benny Martinez of Brooks County, Texas, has reported similar experiences, saying, "You've just got to juggle it. The staff has learned to do that. We're always playing catch-up on calls, because that's just the way it is."<sup>239</sup> Martinez has also said that efforts to recover bodies of individuals who have perished in the wilderness can take three to four hours, leaving the county without sufficient law enforcement presence during that time.<sup>240</sup>

Local CBS affiliate KOSA-7 in Midland, Texas, reported in June 2022 that per the Terrell County sheriff, "the increase in illegal activity also takes away from county emergency medical services as they often have to transport those with heat-related injuries to the closest hospital which is in Fort Stockton," which is about two hours away from the heart of the county.<sup>241</sup> Sheriff Emmett Shelton of Texas' McMullen County told the House Committee on Homeland Security in August 2023 that from FY21-22, "85% of the [McMullen County Sheriff's Office's] work was dealing with smuggling related offenses, taking time away from our constituents and our obligations to them."<sup>242</sup> According to Nieves Riedel, the Democratic mayor of San Luis, Arizona, the increasing flow of illegal aliens puts a strain on the very limited emergency services in her town and surrounding communities—"We only have three ambulances, and we depend on help from Somerton and the Cocopah Tribe, they have two."<sup>243</sup> Arizona Sen. Kyrsten Sinema pointed out in December 2022, "The fire chief recently told us that three of his five ambulances are used solely for transporting migrants in need, leaving only two ambulances for the entire local community on any given night."<sup>244</sup>

<sup>237</sup> U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, *Budget Overview: Fiscal Year 2024 Congressional Justification*, March 1, 2023, 65, [https://www.dhs.gov/sites/default/files/2023-03/U.S.%20IMMIGRATION%20AND%20CUSTOMS%20ENFORCEMENT\\_Remediated.pdf](https://www.dhs.gov/sites/default/files/2023-03/U.S.%20IMMIGRATION%20AND%20CUSTOMS%20ENFORCEMENT_Remediated.pdf).

<sup>238</sup> U.S. Congress, House of Representatives, Judiciary Committee, *Prepared Testimony of Leon N. Wilmot for The Biden Border Crisis: Part II*, 118th Cong., 1st sess., February 23, 2023, 3, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/WilmotTestimonyv.pdf>.

<sup>239</sup> "Brooks County Law Enforcement Resources Stretched Thin with Migrant Calls," *KRIS 6 News Corpus Christi*, June 30, 2022, <https://www.kristv.com/news/local-news/brooks-county-law-enforcement-resources-stretched-thin-with-migrant-calls>.

<sup>240</sup> Charlotte Cuthbertson, "For Every Dead Body Found, 5 to 10 More Out There: Texas Sheriff on Illegal Alien Deaths," *The Epoch Times*, October 19, 2022, <https://www.theepochtimes.com/us/for-every-dead-body-found-5-to-10-more-out-there-texas-sheriff-on-illegal-alien-deaths-4806821>.

<sup>241</sup> Tyler Poglitsch, "Former Border Patrol Agent and current Terrell County Sheriff talks about border concerns," *KOSA-7*, June 28, 2022, <https://www.cbs7.com/2022/06/28/former-border-patrol-agent-current-terrell-county-sheriff-talks-about-border-concerns/>.

<sup>242</sup> Information provided by the McMullen County Sheriff's Office to the House Committee on Homeland Security, August 14, 2023.

<sup>243</sup> "San Luis Mayor says undocumented immigrants put strain on local emergency services," *KAWC*, December 21, 2022,

<https://www.kawc.org/news/2022-12-21/san-luis-mayor-says-undocumented-immigrants-put-strain-on-local-emergency-services>.

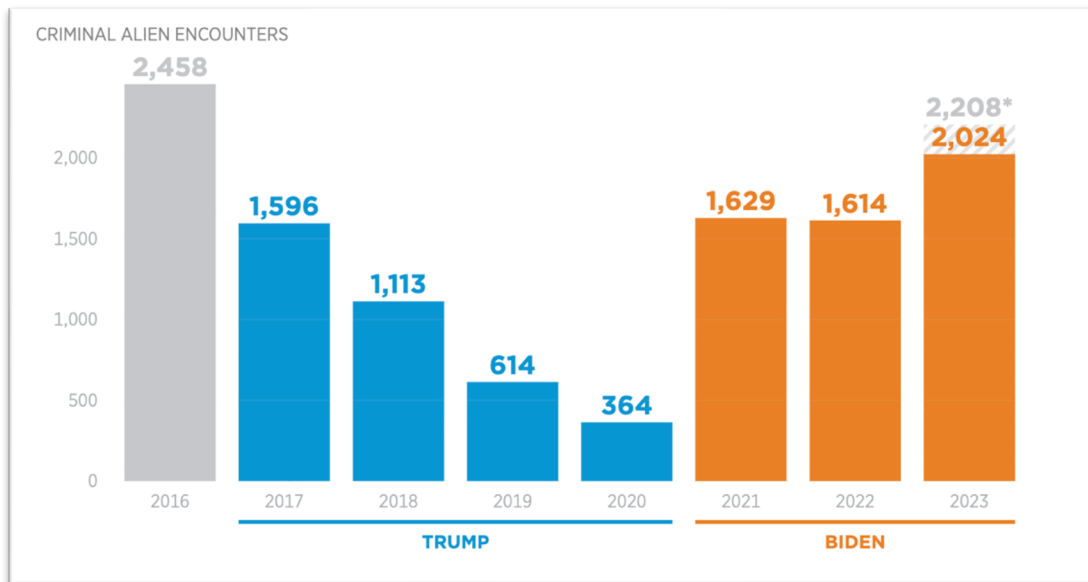
<sup>244</sup> *Ibid*.



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### ***Illegal Aliens Making Our Streets Less Safe***

Illegal aliens often bring harm and death to innocent Americans while fleeing law enforcement, engaging in human and drug smuggling, or simply disregarding the law through behavior such as driving recklessly or under the influence. In August and September 2022, ICE announced it had detained 175 illegal aliens with *multiple* DUI convictions on their record.<sup>245</sup> “Law enforcement pursuits and crashes involving migrants in El Paso have left some residents on high alert,” reported KFOX-14 in El Paso on April 8, 2023.<sup>246</sup> Such concerns, however, are not limited just to border towns.



*The number of illegal aliens crossing the Southwest border who are also guilty of DUI has surged on Mayorkas' watch. (Source: Heritage Foundation representation of CBP data)*

- On Aug. 22, 2023, 35-year-old Haitian Hermanio Joseph crashed into a school bus in Clark County, Ohio, killing 11-year-old Aiden Clark on his first day of school, and injuring 26 other children.<sup>247</sup> ICE later confirmed that Joseph arrived in the country via the Southwest border in August 2022, was issued an NTA, and made his way to Ohio.<sup>248</sup> He was also apprehended carrying a Mexican driver's license,<sup>249</sup> meaning he had settled for some period of time in Mexico before deciding to make his way illegally into the United States. At a subsequent city council meeting in Springfield, Ohio, one grandmother personally affected by the tragedy

<sup>245</sup> Adam Shaw, “ICE Arrests over 170 Illegal Immigrants with Multiple DUI Convictions as Part of National Op,” *Fox News*, October 20, 2022, <https://www.foxnews.com/politics/ice-arrests-170-illegal-immigrants-multiple-dui-convictions-part-national-op>.

<sup>246</sup> Lianna Golden, “Pursuits, Incidents Involving Migrants Concern Some El Pasoans,” *KFOX 14*, April 8, 2023, <https://kfoxtv.com/news/local/pursuits-incidents-involving-migrants-concern-some-el-pasoans-texas-department-of-public-safety-troopers-border-patrol-april-7-2023>.

<sup>247</sup> “Driver accused in deadly Clark Co. school bus crash appears in court for bond hearing,” *WHIO TV 7*, August 28, 2023, <https://www.whio.com/news/crime-and-law/driver-accused-deadly-clark-co-school-bus-crash-make-next-court-appearance-today/FDGS5FROWJBLDHG5JZKYHC5IFA/>.

<sup>248</sup> John Binder, “Illegal Alien, Freed into U.S. from Southern Border, Charged with Killing 11-Year-Old Aiden Clark,” *Breitbart*, August 28, 2023, <https://www.breitbart.com/politics/2023/08/28/illegal-alien-freed-southern-border-charged-killing-11-year-old-aiden-clark/>.

<sup>249</sup> Bethany Bruner, “Criminal charge filed against driver involved in fatal Springfield school bus crash,” *The Columbus Dispatch*, August 23, 2023, <https://www.dispatch.com/story/news/crime/2023/08/23/criminal-charge-filed-fatal-springfield-school-bus-crash-hermanio-joseph-northwestern-lawrenceville/70661137007/>.

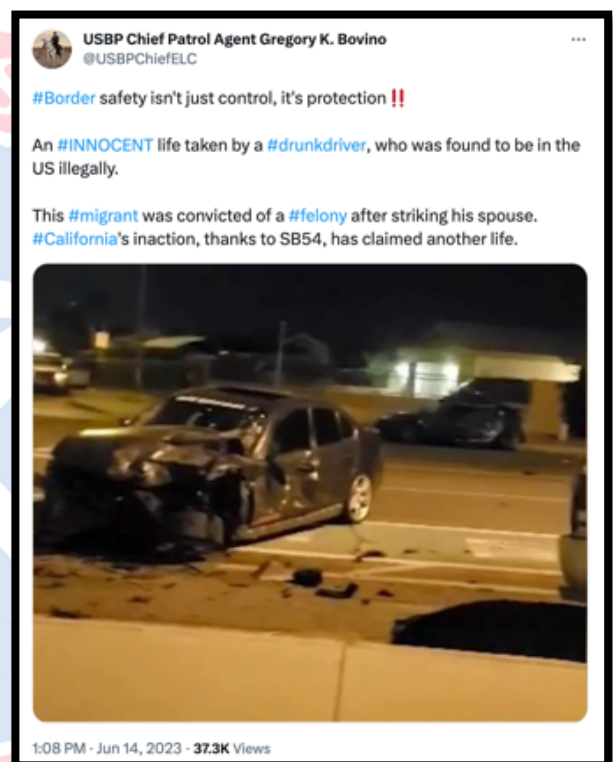




## SECTION 3: ILLEGAL ALIEN IMPACTS ON CRIME AND PUBLIC SAFETY

expressed her anger at the increasing presence of illegal aliens in the community—“I’m not only here for [my grandchildren], I’m here for every child that was on that school bus ... how many more children are going to have ... to die or be hurt? My grandchildren will probably go through counseling for quite some time.”<sup>250</sup>

- On Aug. 19, 2023, a police officer in Chesapeake, Virginia, was struck by 30-year-old Yacarely Diaz-Castro during a traffic stop. Per police reports, the officer had his emergency lights on at the time, and Diaz-Castro struck his vehicle, sending him flying over a guardrail.<sup>251</sup> He suffered a skull fracture and a fractured vertebrae.<sup>252</sup> A Nicaraguan national who had only been in the country for seven months,<sup>253</sup> Diaz-Castro was arrested with multiple empty beer cans in her car.<sup>254</sup>
- On June 14, 2023, Chief Patrol Agent Bovino tweeted a photo of a fatal car crash caused by a drunk driver who was in the United States illegally.<sup>255</sup> The individual had also been convicted of domestic violence. Bovino later told House Committee on Homeland Security staff that he was ordered to delete the tweet, “because it was too political, and there were some folks at the higher levels that had a...problem with that.”<sup>256</sup>
- On April 8, 2023, in Watford City, North Dakota, 19-year-old Julian Montoya ran over a 6-year-old boy playing on his bicycle in an apartment complex parking lot. Per reports, Montoya made no attempt to stop or swerve in an effort to avoid hitting the boy, whose name was Ian Matteo Garcia.<sup>257</sup>
- In March 2023, Diane Lockett, a mother of three and grandmother of five, was killed by Anastacio Bemol Mendoza in Wichita Falls, Texas. Mendoza was reportedly intoxicated when he caused the crash, and had prior criminal



<sup>250</sup> John Binder, “Illegal Immigration in the Rust Belt: Ohio Residents Say ‘Enough Is Enough’ After Death of 11-Year-Old Aiden Clark,” *Breitbart*, September 4, 2023, <https://www.breitbart.com/politics/2023/09/04/illegal-immigration-rust-belt-ohio-residents-say-enough-is-enough-death-11-year-old-aiden-clark/>.

<sup>251</sup> Kevin Cheek and Brian Reese, “Police: Chesapeake officer’s skull fractured after being struck by drunken driver,” *WAVY 10*, August 19, 2023, <https://www.wavy.com/news/local-news/chesapeake/chesapeake-officer-hit-by-vehicle-during-traffic-stop/>.

<sup>252</sup> *Ibid.*

<sup>253</sup> Jon Feere [@JonFeere], “SCOOP: This Nicaraguan illegal alien was welcomed in by the Biden admin 7 months ago and released w/“Notice to Report” via parole. Now a Virginia police officer is suffering a fractured skull, vertebrae, and “permanent & significant impairment” as a result of her drunk driving.” Tweet, *Twitter*, August 23, 2022, <https://twitter.com/JonFeere/status/1694458950232547398>.

<sup>254</sup> Kevin Cheek and Brian Reese, “Police: Chesapeake officer’s skull fractured after being struck by drunken driver,” *WAVY 10*, August 19, 2023, <https://www.wavy.com/news/local-news/chesapeake/chesapeake-officer-hit-by-vehicle-during-traffic-stop/>.

<sup>255</sup> The tweet has since been deleted. The original URL was <https://twitter.com/USBPChiefELC/status/1669028964860563457>.

<sup>256</sup> Gregory Bovino, Transcribed Interview with the House Committee on Homeland Security, 169, July 12, 2023.

<sup>257</sup> “Driver Pleads Not Guilty in Death of 6-Year-Old Watford City Boy,” *The Bismarck Tribune*, May 11, 2023, [https://bismarcktribune.com/news/local/accident-and-incident/driver-pleads-not-guilty-in-death-of-6-year-old-watford-city-boy/article\\_846d0566-f031-11ed-9c16-df7b9557efed.html](https://bismarcktribune.com/news/local/accident-and-incident/driver-pleads-not-guilty-in-death-of-6-year-old-watford-city-boy/article_846d0566-f031-11ed-9c16-df7b9557efed.html).



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convictions on his record.<sup>258</sup> He reportedly even engaged in “inappropriate flirting” with a female officer responding to the scene.<sup>259</sup>

- In fall 2022, Brandon Michael was on his lunch break and going to cash a check when an illegal alien driving without a license hit his car. The illegal alien had already been deported twice and was even stopped by police months before the accident.<sup>260</sup> Brandon’s mother Kiyan would later say the death of her son “is what happens when we have open borders.”<sup>261</sup>
- In September 2022, an illegal alien struck and killed Mike Hartwick, a sheriff’s deputy in Pinellas County, Florida, before fleeing the scene.<sup>262</sup> According to the sheriff’s office, Juan Ariel Molina-Salles entered the country illegally in October 2021 in Eagle Pass, Texas, but was sent back to Mexico, at some point re-entering the country as a getaway.<sup>263</sup>



*Pinellas County Sheriff's Deputy Mike Hartwick was struck and killed by an illegal alien in September 2022.  
(Source: Pinellas County Sheriff's Office)*

<sup>258</sup> Trish Choate, “Wichita Falls Man Indicted on Manslaughter for Diane Luckett’s Death,” *Wichita Falls Times Record News*, June 15, 2023, <https://www.timesrecordnews.com/story/news/crime/2023/06/15/wichita-falls-man-indicted-on-manslaughter-for-diane-lucketts-death/70319732007/>.

<sup>259</sup> Ibid.

<sup>260</sup> Kristen Altus, “Mom Rips Biden’s Border After Son Killed by Migrant: This Is ‘Because of Who Is Sitting in That White House,’” *Fox Business*, September 21, 2022, <https://www.foxbusiness.com/politics/mom-rips-bidens-border-son-killed-migrant-who-sitting-white-house>.

<sup>261</sup> Julia Johnson, “WATCH: New DeSantis ad features mother of 21-year-old killed by illegal immigrant,” *The Washington Examiner*, September 19, 2022, <https://www.washingtonexaminer.com/news/watch-desantis-ad-mother-killed-illegal-immigrant>.

<sup>262</sup> Patrick Reilly, “Illegal Migrant Driving Front-End Loader Kills Florida Deputy,” *The New York Post*, September 23, 2022, <https://nypost.com/2022/09/23/illegal-migrant-driving-front-end-loader-kills-florida-deputy/>.

<sup>263</sup> Ibid.





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- In September 2022, an illegal alien hit and killed Alexis Hein-Nutz, a sheriff's deputy in Bismarck, North Dakota. Deputies say Hein-Nutz was riding her motorcycle to work when she was struck by a van driven by Octavio Gonzalez-Garcia, who reportedly did not stop to render aid and instead ran away through a cornfield and appeared to be intoxicated.<sup>264</sup>
- In October 2021, a Guatemalan illegal alien killed a 5-year-old Florida girl in a crash and fled the scene on foot. Police found him in his home, where he told police he had drunk six 32-ounce beers and left to buy more.<sup>265</sup> He admitted to the crash and leaving the scene.<sup>266</sup>

How many more Americans have been victimized by illegal aliens driving recklessly or with no regard for the law is unknown, but every tragedy that does occur is one too many.

### **Smuggling and Trafficking Converting Community Streets into Highways of Destruction**

The spillover effects of increased cartel operations at and near the Southwest border are destabilizing communities, creating dangerous encounters with law enforcement and civilians on a regular basis, and turning border states, cities, and towns into chaotic operating environments where law enforcement is being tested like never before, and Americans are caught in the middle.

Between Jan. 1, 2021, and Dec. 31, 2022, Texas Highway Patrol recorded 8,721 traffic stops involving a vehicle suspected of transporting illegal aliens. In the execution of these stops, troopers discovered 39,100 illegal aliens being transported to cities like Houston and San Antonio.<sup>267</sup> Many of these encounters with law enforcement turn deadly when those working for the cartels and smuggling organizations flee from officers. Report after report from border cities and towns document the daily challenge of responding to human smuggling being conducted on the roads in these locales, and the carnage that often results.<sup>268</sup>

<sup>264</sup> Erika Craven, "Colorado Deputies Say Illegal Immigrant Hit and Killed Bismarck Woman," *KFYR TV*, September 20, 2022, <https://www.kfyrtv.com/2022/09/20/colorado-deputies-say-illegal-immigrant-hit-killed-bismarck-woman/>.

<sup>265</sup> Christina Coulter, "Guatemalan Illegal Immigrant 'killed Florida Girl, 5, in DUI' Said He 'Drank Six, Left to Buy More,'" *The Daily Mail*, November 4, 2021, <https://www.dailymail.co.uk/news/article-10133509/Guatemalan-illegal-immigrant-killed-Florida-girl-5-DUI-said-drank-six-left-buy-more.html>.

<sup>266</sup> Ibid.

<sup>267</sup> Anna Giaritelli, "Texas state troopers deployed by Abbott stopped 8,721 human smugglers," *The Washington Examiner*, April 26, 2023, <https://www.washingtonexaminer.com/policy/immigration/texas-state-troopers-abbott-human-smugglers-border-patrol>.

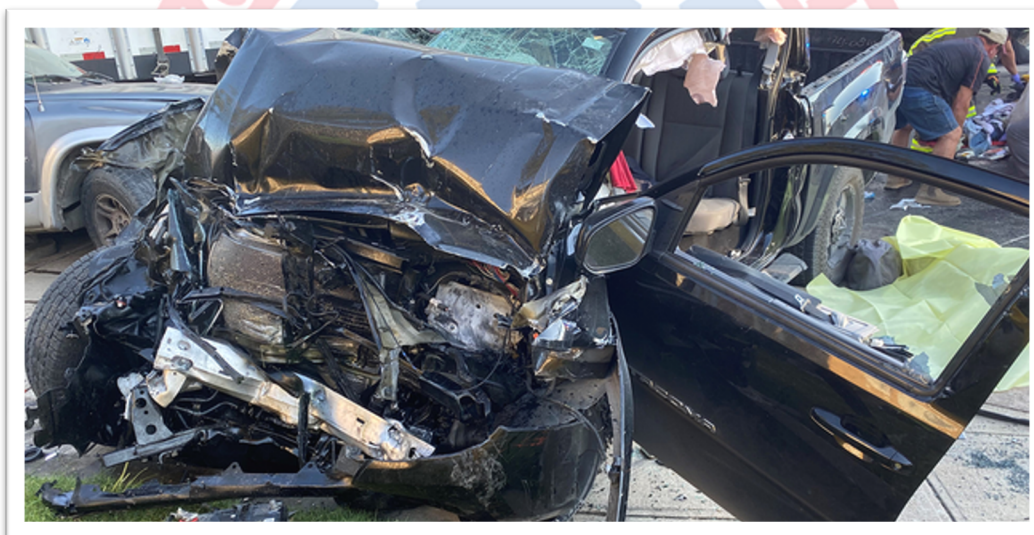
<sup>268</sup> See Anna Giaritelli [@Anna\_Giaritelli], "The Cartel Lured in a 17-YEAR-OLD GIRL from Austin to Drive Nine Mexican Citizens from the Border This Week. She Died in a Horrific Crash. She Hadn't Even Finished High School, and She Was Recruited for Thousands of Dollars to Smuggle Migrants. #Uvalde," Tweet, *Twitter*, September 30, 2022, [https://twitter.com/Anna\\_Giaritelli/status/1575985705700200448](https://twitter.com/Anna_Giaritelli/status/1575985705700200448); and Paul Best, "Texas human trafficking crash leaves two migrants dead, a dozen others injured," *Fox News*, October 16, 2022, <https://www.foxnews.com/us/texas-human-trafficking-crash-leaves-two-migrants-dead-dozen-others-injured>; and Anna Giaritelli, "Uvalde rocked by horrific fatal crash involving immigrant smuggler," *The Washington Examiner*, September 29, 2022, <https://www.washingtonexaminer.com/news/ualde-fatal-crash-migrant-smuggler>.



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*Two illegal aliens were killed after the car they were being smuggled in rolled over during a high-speed chase with law enforcement. (Source: Texas DPS)*



*A 17-year-old woman and one other person were killed when the teenager ran a red light and crashed into a tractor-trailer and another vehicle in Uvalde, Texas, in September 2022. She was transporting illegal aliens at the time. (Source: Texas DPS)*

Brad Coe, sheriff of Kinney County, Texas, recently testified to the House Committee on Homeland Security that Kinney County deputies arrested 741 human smugglers in 2022, up from 169 in 2021, and that the department was on pace to apprehend more than 900 in 2023. “The number of pursuits has increased with the increase in human smuggling arrests. With these increases, the risk of traffic accident[s] and deaths associated to these accidents also increase,” he





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said.<sup>269</sup> Brooks County’s Martinez said in August 2022 that his county deals with three or four chases every day, often involving groups of more than 20 people.<sup>270</sup>

Sheriff Shelton of McMullen County provided data to the Committee in August 2023 showing that pursuits in his county jumped from a combined 57 between 2017-2020 to 166 from 2021-2022.<sup>271</sup> The number of stolen vehicles recovered by McMullen’s department also jumped from 50 between 2017-2020 to 152 in 2021 and 2022 combined, of which McMullen told the Committee, 90 percent were “high-end, 3/4 ton or 1-ton pickups, Ford King Ranch, Dodge Long Horn, GMC Denali, for an estimated cost of \$10,900,000.00 paid out by insurance companies in a two-year period.”<sup>272</sup> He further noted that from 2017-2020, his department recorded zero license plate reader (LPR) hits—a hit occurs when the reader identifies a license plate of a vehicle reported stolen or associated with a stolen vehicle or other vehicle of interest.<sup>273</sup> In 2022 alone, the department recorded 1,303 LPR hits.<sup>274</sup>

2017 through 2020 vs 2021 through 2022															
Year	MILEAGE	IAS		PURS	VEHICLES RECOVERED	WARRANT ARREST	MCSO ARREST	GANG MEMBERS	MISD CASES	MISD ARREST	FELONY CASES	FELONY ARREST	LPR HITS	BAILOUTS	RESCUES
		DET	ESC												
2017	206,170	67	31	12	8	34	48	0	61	61	40	40	0	6	0
2018	172,965	36	81	21	24	17	47	0	41	41	14	14	0	19	0
2019	173,751	31	53	13	12	61	144	0	65	65	15	15	0	9	0
2020	238,188	35	22	11	6	24	49	0	3	16	13	14	0	2	0
2021	276,448	422	247	55	52	55	71	5	66	61	56	56	0	42	0
2022	329,996	306	758	111	100	47	35	2	60	45	144	81	1303	81	31
2017-2020	791,074	169	187	57	50	136	288	0	170	183	82	83	0	36	0
2021-2022	606,444	728	1005	166	152	102	106	7	126	106	200	137	1303	123	31
TOTAL	1,397,518	897	1192	223	202	238	394	7	296	289	282	220	1303	159	31

Data provided by the McMullen County Sheriff’s Office demonstrates the massive impact the border crisis is having on local law enforcement.

The recent tragedy in Ozona, Texas, in which 71-year-old Maria Tambunga and her 7-year-old granddaughter Emilia Tambunga were killed in March 2023 by a Louisiana man who hit them with his truck while smuggling 11 illegal aliens, drives home the devastation caused by increased

<sup>269</sup> U.S. Congress, House of Representatives, Committee on Homeland Security, *Prepared Testimony of Sheriff Brad Coe for Failure By Design: Examining Secretary Mayorkas’ Border Crisis*, 118th Cong., 1st sess., March 15, 2023, 12-13, <https://homeland.house.gov/wp-content/uploads/2023/07/2023-03-15-FHRG-Testimony-Combined.pdf>.

<sup>270</sup> Sandra Sanchez, “‘Got-aways,’ migrant smugglers frequently damage property far from border, Texas ranchers lament,” *WFXR TV*, August 4, 2022, <https://www.wfxrtv.com/news/got-aways-migrant-smugglers-frequently-damage-property-far-from-border-texas-ranchers-lament/>.

<sup>271</sup> Information provided by the McMullen County Sheriff’s Office to the House Committee on Homeland Security, August 14, 2023.

<sup>272</sup> *Ibid.*

<sup>273</sup> *Ibid.*

<sup>274</sup> *Ibid.*



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human smuggling and trafficking on American streets.<sup>275</sup> In powerful testimony before two House Committee on Homeland Security subcommittees on July 26, 2023, Elisa Tambunga—Maria’s daughter and Emilia’s mother—described the agony inflicted on her and her family by the cartels’ smuggling operations on the streets of her community:

“I come to you as a young woman who no longer has a mother. I come to you as a mother who no longer has a child. I’m a United States citizen who has been horrifically failed by my own government.

“On March 13th, my mother, Maria Tambunga, and my 7-year-old daughter, Emilia Brooke, were murdered by a 7,000-pound vehicle-turned-weapon, by a man whose name is not even worth mentioning. This man was fleeing from police, going over 105 miles per hour. He was livestreaming himself on Facebook. He had 11 illegal immigrants in that truck, 2 of which were killed. Four lives taken in a matter of seconds ultimately due to unsecured borders.”<sup>276</sup>



*Maria and Emilia Tambunga were killed when their vehicle was struck by a Louisiana man smuggling illegal aliens. (Photo from Elisa Tambunga)*

<sup>275</sup> Priscilla Borrego, “Woman who lost mother & daughter in Ozona wreck addresses how immigration played a part in their deaths,” *KSLA News 12*, March 29, 2023, <https://www.ksla.com/2023/03/29/woman-who-lost-mother-daughter-ozona-wreck-addresses-how-immigration-played-part-their-deaths/>.

<sup>276</sup> “The Real Cost of an Open Border: How Americans are Paying the Price,” *Homeland Security Committee Events*, YouTube video, 1:15:26, July 26, 2023, <https://www.youtube.com/live/q2n1h6llbMg?feature=share&t=4526>.



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In testimony before two subcommittees of the House Committee on Homeland Security the same day, Texas DPS veteran Bensman pointed out:

“There are so many high-speed chases in the borderlands for so long that there are certain communities that, for example, have built protective retaining walls around their schools. One town in Brackettville actually has developed a siren system, kind of like if a tornado was coming, except it’s like here comes a car chase. They hit that and all the kids go under the desk. It is just absolutely rampant everywhere you go. It’s like nothing anybody has ever seen.”<sup>277</sup>

Tambunga told members that on the day her family buried her mother and daughter, “[W]e got informed that there was another high-speed chase only 30 miles away from us again that had 12 illegal immigrants and ended in a car crash near Sonora. It’s nonstop.”<sup>278</sup>

The cartels are also growing bolder in recruiting Americans to conduct these smuggling runs, including teenagers.<sup>279</sup> Per one report, “smugglers are recruiting U.S. residents willing to drive migrants who make it over the border wall to stash houses,” with teenagers often being approached to do the job.<sup>280</sup> The Border Patrol’s Good has said, “They are told not to stop for law enforcement, to drive fast, to drive erratically, drive on the wrong side of the road. When all these things happen, accidents happen.”<sup>281</sup>

The consequences of this recruitment campaign were further made evident by Lt. Chris Olivarez of Texas DPS on July 26, 2023, when he tweeted video of a high-speed chase in Webb County that ended with multiple illegal aliens bailing out of the vehicle. The driver was just 14 years old.<sup>282</sup> The chaos that has erupted on America’s streets lies at the feet of cartels and smuggling groups, but also at the feet of a DHS secretary whose policies have given them increased freedom to operate at and inside America’s sovereign border, as demonstrated in the Phase 2 report of the Committee’s oversight investigation.<sup>283</sup>

<sup>277</sup> “The Real Cost of an Open Border: How Americans are Paying the Price,” *Homeland Security Committee Events*, YouTube video, 1:39:55, July 26, 2023, <https://www.youtube.com/live/q2n1h6l1bMg?feature=share&t=5995>.

<sup>278</sup> “The Real Cost of an Open Border: How Americans are Paying the Price,” *Homeland Security Committee Events*, YouTube video, 2:02:45, July 26, 2023, <https://www.youtube.com/live/q2n1h6l1bMg?feature=share&t=7362>.

<sup>279</sup> See Adriana Loya, “Cartels using social media to recruit teens for drug smuggling and human trafficking,” *12 News/KPNX-TV*, June 19, 2023, <https://www.12news.com/article/news/local/cartels-are-recruiting-teens-for-human-and-drug-smuggling/75-39b0cab6-a1a4-44cd-9e6a-d9fdff7890b7>; and Sana Ameer, “Video: Smuggling attempt turned car chase ends with TX teen arrested,” *Laredo Morning Times Online*, March 13, 2023, <https://www.lmtonline.com/news/article/texas-teen-smuggling-attempt-car-chase-laredo-17836349.php>.

<sup>280</sup> Julian Resendiz, “Border Patrol concerned about American youths driving migrants for cartels,” *KETK-TV*, May 12, 2023, <https://www.ketk.com/news/special-reports/border-report/border-patrol-concerned-about-american-youths-driving-migrants-for-cartels/>.

<sup>281</sup> *Ibid.*

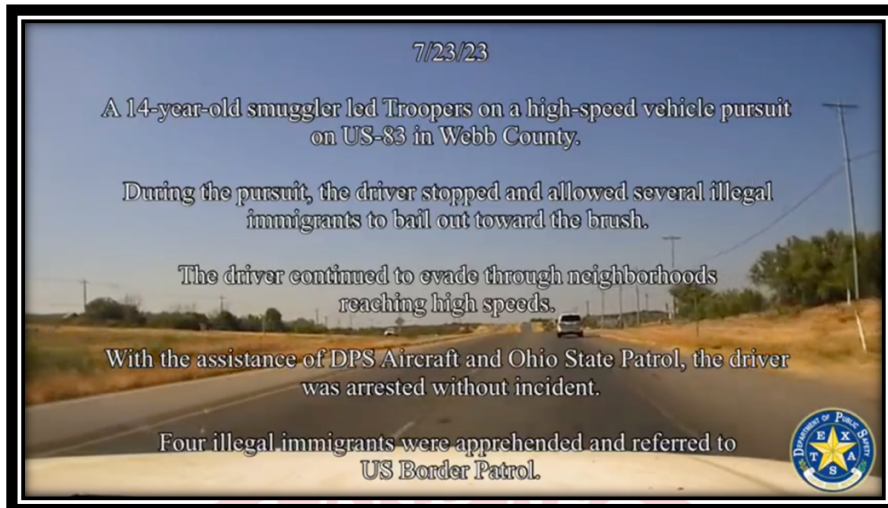
<sup>282</sup> Chris Olivarez [@LtChrisOlivarez], “A 14-year-old led @TxDPS Troopers on a high-speed pursuit on US 83 in Webb County. The driver allowed multiple illegal immigrants to bail out from the vehicle. W/ assistance from DPS Aircraft & #Ohio State Police, the driver was arrested for human smuggling & 4 illegal immigrants were apprehended. #OperationLoneStar,” Tweet, *Twitter*, July 26, 2023, <https://twitter.com/LtChrisOlivarez/status/1684279043774873600>.

<sup>283</sup> U.S. Congress, House of Representatives, Committee on Homeland Security, Majority, *DHS Secretary Alejandro Mayorkas Has Emboldened Cartels, Criminals, and America’s Enemies, Phase 2 Interim Report*, 118th Cong., 1st sess., September 7, 2023, <https://homeland.house.gov/wp-content/uploads/2023/09/09.07-Phase-2-Final.pdf>.





## SECTION 3: ILLEGAL ALIEN IMPACTS ON CRIME AND PUBLIC SAFETY



### [WATCH: 14-Year-Old Smuggler Flees From Texas DPS With Illegal Aliens In His Vehicle](#)

In her testimony before Congress, Tambunga made clear that unless action was taken to secure America's borders, tragedies like the one that changed her family forever would strike again:

“Incidents as tragic as ours that are caused due to the lack of secured borders are not a matter of if this will happen again. It is a matter of when this will happen again. ... Our lives will never be the same. My life will never be the same. I will never be able just to pick up the phone and call my mom when I need some advice. I will never be able to hold my daughter and sing her her goodnight song. But I will be able to honor them until I take my last breath.”<sup>284</sup>



### [WATCH: “I Do Believe That”—Texas Mother Says Her Daughter, Mother Would Be Alive Today If Southwest Border Was Secure](#)

<sup>284</sup> “The Real Cost of an Open Border: How Americans are Paying the Price,” *Homeland Security Committee Events*, YouTube video, 1:17:43, July 26, 2023, <https://www.youtube.com/live/q2n1h6llbMg?feature=share&t=4663>.





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### ***The Border Crisis Connection to the School Shooting in Uvalde, Texas***

On May 24, 2022, a lone gunman crashed his vehicle outside Robb Elementary School in Uvalde, entered the school, and fatally shot 21 people, including 19 children, and wounding at least 16 others.<sup>285</sup> In the aftermath of this horrific tragedy, the Texas legislature commissioned an in-depth investigation into the event, particularly to gain insights into procedures and policies that may have contributed to what happened.

The investigative committee's report was published July 17, 2022. One of its findings was that the rising occurrence of “bailouts”—the term used in border communities to describe when human traffickers or smugglers flee from law enforcement, ultimately crash their vehicle, and then bailout in all directions, along with the illegal aliens being smuggled—led to “a diminished sense of vigilance about responding to security alerts.”<sup>286</sup>

According to the report, “high-speed chases have been a daily event in the Uvalde area, causing Uvalde [Consolidated Independent School District] schools to be secured or locked down frequently, with 47 ‘secure’ or ‘lockdown’ events happening since late February 2022, and approximately 90% of those being attributed to bailouts.”<sup>287</sup> Indeed, even school staff were found to have disregarded the alert they received on May 24 because “many assumed that it was another bailout.”<sup>288</sup>

The events in Uvalde were made all the more tragic given that just over a month prior, Uvalde Mayor Don McLaughlin told *National Review* that the illegal alien presence in the town had steadily grown, as had the number of law-enforcement encounters.

“We were averaging probably three to five chases a week. ... Now we’re starting to see two to three a day,” McLaughlin said, further explaining, “Our law-enforcement budget is probably up 30 percent, 40 percent above what it normally is because of all the pursuits and the bailouts that we had to deal with in 2021.”<sup>289</sup> A local business owner in Uvalde told the magazine, “[T]here used to be maybe one chase a week. ... Now it’s like four or five...chases a day.’ When I asked if she feels less safe, she said, ‘Oh yeah.’”<sup>290</sup> This phenomenon is not limited to Uvalde, either. In McMullen County, the sheriff’s department recorded a total of 36 bailouts from 2017-2020, which skyrocketed to 123 in 2021 and 2022.<sup>291</sup>

<sup>285</sup> Elizabeth Evans, “Uvalde marks one year since deadly Robb Elementary mass shooting,” *Fox 7 Austin*, May 23, 2023, <https://www.fox7austin.com/news/uvalde-texas-deadly-robb-elementary-mass-shooting-anniversary>.

<sup>286</sup> State of Texas, House of Representatives, Investigative Committee on the Robb Elementary Shooting, *Interim Report 2022*, 88th Texas Leg., July 17, 2022, 10, <https://www.borderreport.com/wp-content/uploads/sites/28/2022/07/Robb-Elementary-Investigative-Committee-Report.pdf>.

<sup>287</sup> *Ibid.*, 26-27.

<sup>288</sup> *Ibid.*, 27.

<sup>289</sup> Carine Hajjar, “Human-Smuggler ‘Bailouts’ Are Endangering Border Communities,” *National Review*, April 12, 2022, <https://www.nationalreview.com/corner/human-smuggler-bailouts-are-endangering-border-communities/>.

<sup>290</sup> *Ibid.*

<sup>291</sup> Information provided by the McMullen County Sheriff’s Office to the House Committee on Homeland Security, August 14, 2023.



## SECTION 4: INCREASED MIGRANT SUFFERING AND DEATH

### **Section 4: Increased Migrant Suffering and Death**

The consequences of Mayorkas' open-borders agenda have not been borne just by Americans, however. Those making the trek to the border are also experiencing untold suffering along the way. They face abuse, neglect, and death no matter where they begin the journey.

Mayorkas' open-borders policies are a magnet for mass illegal immigration. His policies are actively encouraging millions of people around the world to put themselves in the hands of the most vicious organizations in the Western Hemisphere, subjecting themselves to horrific treatment on what even the U.N. has called the "deadliest land crossing in the world,"<sup>292</sup> all in the hopes of making it to the United States and taking advantage of Mayorkas' offer of release into the interior.



(Photo by Fernando Llano/AP)

### **Record Numbers of Migrant Deaths on Mayorkas' Watch**

Smuggling organizations and cartels only care about the bottom line, so the wellbeing of those they are paid to smuggle or traffic is of no consequence to them. They often abandon those who have paid to get to the border in remote and dangerous areas, where severe heat, exposure, and miles of unforgiving desert pose deadly threats. Once they arrive at the border, many of these people are simply dropped over the border wall<sup>293</sup> or abandoned to the elements, with Border Patrol agents or other law enforcement their only hope of rescue.<sup>294</sup>

For example, in March 2023, a Border Patrol agent in El Paso sped to the rescue of a 1-year-old boy who was dropped off by a smuggler by a section of border wall along the Colorado River, a near-disastrous event that would have cost the child his life if not for the heroic actions of the agent.<sup>295</sup> That same month, Fox News' Griff Jenkins tweeted a photo of a Texas DPS trooper comforting a 2-year-old boy left by smugglers at the border, with a note around his neck telling law enforcement where to send him.<sup>296</sup>

<sup>292</sup> See United Nations, International Organization for Migration, *Latest Migrant Tragedy in Texas Highlights Crisis Along Deadliest Migration Land Route*, September 30, 2022, <https://www.iom.int/news/latest-migrant-tragedy-texas-highlights-crisis-along-deadliest-migration-land-route>; and United Nations, International Organization for Migration, *U.S.-Mexico Border World's Deadliest Migration Land Route*, September 12, 2023, <https://www.iom.int/news/us-mexico-border-worlds-deadliest-migration-land-route>.

<sup>293</sup> Amber Stegall, "VIDEO: Smugglers Drop 2 Toddlers over Border Barrier, Rescued by U.S. Border Patrol," *KCBD 11 News*, March 31, 2021, <https://www.kcbd.com/2021/03/31/video-smugglers-drop-toddlers-over-border-barrier-rescued-by-us-border-patrol/>.

<sup>294</sup> Kelli Dugan, "Border Patrol Rescues Infant, Toddler Abandoned by Smugglers in Arizona Desert," *KIRO 7 News Seattle*, August 27, 2022, <https://www.kiro7.com/news/trending/border-patrol-rescues-infant-toddler-abandoned-by-smugglers-arizona-desert/ZOM4S7GPLFC5TCAMNKAMG5G66U/>.

<sup>295</sup> Fernie Ortiz, "VIDEO: Smuggler Abandons 1-Year-Old Guatemalan Boy on Riverbank at Border," *Border Report*, March 24, 2023, <https://www.borderreport.com/immigration/video-smuggler-abandons-1-year-old-guatemalan-boy-on-riverbank-on-border/>.

<sup>296</sup> Griff Jenkins [@GriffJenkins], "This Is One of the Most Powerful Images I've Shot Covering the Border for More than a Decade... @TxDPS Sgt Lupe Casarez Consoling a Terrified 2-Yo Toddler Dumped Alone across the Border by a Ruthless Smuggler with a Note around His Neck w a Contact in Louisiana @FoxNews," Tweet, *Twitter*, March 23, 2023, <https://twitter.com/GriffJenkins/status/1638829677153247232>.



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On May 22, 2023, the Border Patrol's Ortiz tweeted a video of smugglers literally dropping a 4-year-old child over the border wall near San Diego.<sup>297</sup> In August 2022, Border Patrol agents in the Tucson Sector rescued an 18-month-old and a 4-month-old abandoned in the Sonoran Desert, with the agents forced to perform lifesaving medical care on the baby.<sup>298</sup> The Border Patrol's Modlin said that smugglers "left two young children—an infant and a toddler—in the Sonoran Desert to die. ... This is cruelty. And it is gut-wrenching."<sup>299</sup>

The images are a chilling representation of the human devastation taking place along the border every single day.

The Rio Grande alone poses a dangerous barrier to those seeking to enter illegally. In the span of just 24 hours in August 2022, the river claimed the lives of a 3-year-old boy and a 5-year-old girl, while a 2-month-old boy was taken to the hospital in critical condition following attempted crossings in the area around Eagle Pass, Texas.<sup>300</sup> Per reports, the little girl's mother "had been carrying her in her arms when the force of the water snatched her daughter away."<sup>301</sup>

One report from Marc Duvoisin and Jerry Lara of the San Antonio Express-News was just as harrowing. On May 11, 2023, hours before the CDC's Title 42 public health order expired, and as thousands of individuals were attempting to cross the Rio Grande and enter the United States, the journalists watched as a mother crossed the vegetation-choked river without her baby, then stood and watched from the U.S. side of the river as others tried to bring the child across: "As they swam across, the men took turns holding the precious bundle, passing the infant forward to the next set of waiting hands. At one point, the baby was being held face-down, close to or even in the water."<sup>302</sup>



**[WATCH: Human Smuggler Abandons 1-Year-Old Child on Banks of Colorado River](#)**

<sup>297</sup> Chief Jason Owens [@USBPChief], "A 4-Year-Old Was Dropped from the Border Barrier by an Unknown Subject in San Diego, Monday. Responding Agents and EMS Providing First Aid to the Child Also Reported Gunshots near Their Position While Tending to the Child. Remarkably, the Child Is Ok! Do Not Trust Smugglers!," Tweet, *Twitter*, May 22, 2023, <https://twitter.com/USBPChief/status/1660748066532610071>.

<sup>298</sup> Kelli Dugan, "Border Patrol Rescues Infant, Toddler Abandoned by Smugglers in Arizona Desert," *KIRO 7 News Seattle*, August 27, 2022, <https://www.kiro7.com/news/trending/border-patrol-rescues-infant-toddler-abandoned-by-smugglers-arizona-desert/ZOM4S7GPLFC5TCAMNKAMG5G66U/>.

<sup>299</sup> Brett Corrado, "Border Patrol agent finds 2 children abandoned in southern Arizona desert, CBP says," *Fox-10 Phoenix*, August 26, 2022, <https://www.fox10phoenix.com/news/border-patrol-agent-finds-2-children-abandoned-in-southern-arizona-desert-cbp-says>.

<sup>300</sup> Chantal Da Silva, "2 Children Dead, Baby in Critical Condition after Attempted Border Crossings," *NBC News*, August 24, 2022, <https://www.nbcnews.com/news/us-news/2-children-dead-baby-critical-attempted-border-crossings-rcna44547>.

<sup>301</sup> *Ibid.*

<sup>302</sup> Marc Duvoisin and Jerry Lara, "Migrants Crossing the Border Carry a Baby across Rio Grande, Barely," *San Antonio Express-News*, May 12, 2023, <https://www.expressnews.com/news/border-mexico/article/border-baby-nearly-drowns-rio-grande-18096757.php#photo-23818848>.





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*An infant nearly drowned while being brought across the Rio Grande River in the hours before the CDC's Title 42 public health order expired. (Source: Jerry Lara/San Antonio Express-News)*



*Border Patrol agents in the Del Rio Sector in September 2021 rescued a 2-year-old girl and her infant baby brother who had been abandoned on the banks of the Rio Grande River.<sup>303</sup> Then-Del Rio Sector Chief Patrol Agent Robert Garcia said at the time, "It is heartbreaking and frustrating to know that there are children being abandoned without remorse or concern for their lives and wellbeing."<sup>304</sup>*

<sup>303</sup> Samuel Chamberlain, "Border Patrol Agents Rescue Children in Rio Grande Valley," *The New York Post*, September 15, 2021, <https://nypost.com/2021/09/15/border-patrol-agents-rescue-children-in-rio-grande-valley/>.

<sup>304</sup> Acting Chief Patrol Agent Juan G. Bernal [@USBPChiefDRT], "The Attention to Detail Our Agents Demonstrate While Performing Their Duties Can Be the Difference between Life and Death. It Is Heartbreaking and Frustrating to Know That There Are Children Being Abandoned without Remorse or Concern for Their Lives and Wellbeing. – Chief Garcia," *Tweet, Twitter*, September 14, 2021, <https://twitter.com/USBPChiefDRT/status/1437890868501958656>.





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Americans will never know how many migrants have died from the elements, disease, starvation, or violence along the perilous journey, either in Mexico and Central America, or in the unforgiving wilderness along the Southwest border. However, whether it is on U.S. soil, or all the way back in the deadly Darién Gap connecting Central and South America, the number of individuals perishing trying to arrive at the Southwest border is one almost certainly never seen before.



*Hundreds of migrants have been found dead on U.S. soil after crossing the border, many of whom perish in the harsh elements. Many others are never found. (Source: Jonathan Lines, supervisor of Yuma County, Arizona)*

Under Mayorkas' leadership, CBP has stopped publicly releasing the number of migrants found dead on U.S. soil,<sup>305</sup> but in FY21, the last year for which CBP produced the data, Border Patrol agents and other law enforcement agencies discovered 568 dead migrants at the Southwest border, more than double the 254 discovered in FY20.<sup>306</sup> Per reporting from the Wall Street Journal, the number in FY22 was 890.<sup>307</sup>

According to Dr. Corrine Stern, medical examiner in Webb County, Texas, in August 2022, "I'm seeing an extreme increase in the number of border crossing deaths compared to other years. This is my busiest year in my career ever."<sup>308</sup> Since Biden and Mayorkas have opened the borders,

<sup>305</sup> Charlotte Cuthbertson, "As Border Crossings Surge, Biden Admin Hiding Data on Illegal Alien Deaths," *The Epoch Times*, July 19, 2022, <https://www.theepochtimes.com/us/as-border-crossings-surge-biden-admin-hiding-data-on-illegal-alien-deaths-4605251>.

<sup>306</sup> U.S. Department of Homeland Security, Customs and Border Protection, Newsroom, *Border Rescues and Mortality Data*, last modified July 24, 2023, <https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data>.

<sup>307</sup> Santiago Pérez and Alicia Caldwell, "It's Like a Graveyard': Record Numbers of Migrants Are Dying at the U.S. Border," *The Wall Street Journal*, March 17, 2023, <https://www.wsj.com/articles/illegal-immigration-mexico-us-border-deaths-c35cf892>.

<sup>308</sup> Rosa Flores and Rosalina Nieves, "A Texas sheriff says he finds the bodies of migrants almost every day. 2022 could be the deadliest year yet for migrants crossing at the US border," *CNN*, August 24, 2022, <https://www.cnn.com/2022/08/24/us/texas-migrant-deaths-rising-border-crossing/index.html>.



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more than 1,700 migrants have been found dead on U.S. soil after trying to enter the country illegally.<sup>309</sup>

Over the four years prior to FY21, the number of dead migrants found by the Border Patrol at the Southwest border never exceeded 300.<sup>310</sup>

In just one week between the end of June 2023 and the beginning of July, Border Patrol agents discovered 13 dead migrants across the Southwest border.<sup>311</sup> In a period of just 48 hours in early July 2023, Texas DPS recovered four dead migrants from the Rio Grande, including a baby girl.<sup>312</sup> In June and July 2023, temperatures in the El Paso area exceeded 100 degrees every day for a period of roughly five weeks.<sup>313</sup> By July, Border Patrol agents in the El Paso Sector had found 96 deceased individuals so far this fiscal year, most of whom had likely died illegally crossing the border.<sup>314</sup> Specifically, 69 of those bodies were found in the Santa Teresa Border Patrol Station's area of responsibility, compared to just 29 such discoveries in that region in all of FY22.<sup>315</sup>

These are just the people that have been found. Many more will never be found in the river or the thousands of square miles of harsh Western wilderness. In Brooks County, Sheriff Martinez has estimated that for every migrant body his department finds, as many as 10 are never recovered.<sup>316</sup> According to Martinez:

“Our terrain is real sandy. We’re about 100 foot above sea level. So once that sand starts going over that body, and that body starts getting torn apart by the feral hog, by the coyote...the only time it’s recovered is when they’re moving cattle and they turn the soil over...[and] a skull would pop up, or something. Body parts would pop up. That’s how we’re going to find out that something laid there for a while. I mean, what is compassionate about that?”<sup>317</sup>

The same is true for those lost in Central and South America. A 2021 United Nations report found, “[A]necdotal reports indicate that many migrants die in the Darién Gap and their remains

<sup>309</sup> Tom Homan, “Biden’s Latest Border Gambit Opens America’s Doors to Evil Child Smugglers,” *Fox News*, February 7, 2023, <https://www.foxnews.com/opinion/biden-latest-border-gambit-opens-america-doors-evil-child-smugglers>.

<sup>310</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, Stats and Summaries, *Border Rescues and Mortality Data*, last updated July 24, 2023, <https://www.cbp.gov/newsroom/stats/border-rescues-and-mortality-data>.

<sup>311</sup> Chief Jason Owens [@USBPChief], “USBP Continues to See Dehydration as the Leading Cause of the Rescues & the Deaths We Encounter. Extreme Temperatures Are a Serious Concern, Especially during Summer Months. Last Week Alone, Our Men & Women Made 226 Heat-Related Rescues & Unfortunately Recovered 13 Dead Migrants.” Tweet, *Twitter*, July 5, 2023, <https://twitter.com/USBPChief/status/1676742998921564160>.

<sup>312</sup> Chris Olivarez [@LtChrisOlivarez], “In the Past 48 Hours, the @TxDPS Tactical Marine Unit (TMU) Recovered 4 Deceased Bodies Including an Infant from the Rio Grande River in #EaglePass. 7/1/23 - #USBP Requested Assistance Regarding a Possible Infant Drowning. TMU Operators & @MyFWC Deployed 2 Airboats & Observed...” Tweet, *Twitter*, July 3, 2023, <https://twitter.com/LtChrisOlivarez/status/1675972597496918016>.

<sup>313</sup> Julian Resendiz, “Smugglers telling migrants to run in triple-digit heat,” *Border Report*, July 21, 2023, <https://www.borderreport.com/regions/new-mexico/smugglers-telling-migrants-to-run-in-triple-digit-heat/>.

<sup>314</sup> *Ibid.*

<sup>315</sup> *Ibid.*

<sup>316</sup> Charlotte Cuthbertson, “For Every Dead Body Found, 5 to 10 More Out There: Texas Sheriff on Illegal Alien Deaths,” *The Epoch Times*, October 19, 2022, <https://www.theepochtimes.com/us-for-every-dead-body-found-5-to-10-more-out-there-texas-sheriff-on-illegal-alien-deaths-4806821>.

<sup>317</sup> *Ibid.*



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are neither recovered nor reported,” so published figures represent “only a small fraction of the true number of lives lost.”<sup>318</sup>

It is easy to get lost in the numbers and statistics when it comes to human suffering. However, Americans should take note of an April 2023 report from a team of CNN journalists who made the journey through the Darién Gap, watching individuals struggle to make it through the harsh terrain in hopes of making it to the United States.<sup>319</sup> The personal stories of those who have been incentivized to make this deadly journey by Mayorkas’ policies should break the hearts of every American, and fill them with anger that the policy of the United States government under Mayorkas’ leadership encourages these people not just to violate our laws, but to put themselves and their families in such danger.

Don White, sheriff’s search and recovery deputy in Brooks County, explained in 2021 why he works so hard to recover the bodies of those who fall in the harsh wilderness of south Texas:

“In the Hispanic culture, it’s very important that they have their loved one’s body. They celebrate the Day of the Dead and if they don’t have the body back, then there’s no place they can go to, to worship, to say their thanks, to express their love for the individual. It’s just awful. So, if I’m successful at what I do, then they’ll be able to settle their world a little.”<sup>320</sup>

When asked by New York Rep. Andrew Garbarino during a June 2023 hearing held by the House Committee on Homeland Security why the number of migrants being found dead on U.S. soil has increased so drastically, former Border Patrol Chief Scott answered simply, “Because chaos kills people, and we created a chaotic border situation.”<sup>321</sup>

### **Suffering and Abuse Along the Journey to the Border**

Mayorkas has claimed that his border policies are “safe, orderly, and humane.”<sup>322</sup> The reality is that they are anything but, especially for the millions of individuals, particularly women and children, who have been assaulted, abused, or simply abandoned to die along their journey to the Southwest border. If the sheer number of migrant deaths are not proof enough of that fact, Americans should consider the horrors experienced by millions on the journey to the Southwest border.

One of the most treacherous points in the journey is the 66-mile trek through the previously mentioned Darién Gap in Colombia and Panama. The recent CNN report documented the

<sup>318</sup> United Nations, International Organization for Migration, Global Migration Data Analysis Centre, Missing Migrants Project, *Annual Regional Overview - Executive Summary: The Americas, January - December 2021*, 2021, [https://missingmigrants.iom.int/sites/g/files/tmzbd1601/files/publication/file/MMP%20annual%20regional%20overview%202021%20LAC\\_Executive%20Summary-ENG\\_o.pdf](https://missingmigrants.iom.int/sites/g/files/tmzbd1601/files/publication/file/MMP%20annual%20regional%20overview%202021%20LAC_Executive%20Summary-ENG_o.pdf).

<sup>319</sup> Nick Paton Walsh et al., “Darién Gap Migration: On One of the World’s Most Dangerous Migrant Routes, a Cartel Makes Millions off the American Dream,” *CNN*, April 17, 2023, <https://www.cnn.com/2023/04/15/americas/Darién-gap-migrants-colombia-panama-whole-story-cmd-intl/index.html>.

<sup>320</sup> Charlotte Cuthbertson, “Illegal Immigrants Walk a Deadly Path Around a Border Checkpoint,” *The Epoch Times*, May 18, 2021, <https://www.theepochtimes.com/us/illegal-immigrants-walk-a-deadly-path-around-a-border-checkpoint-3819611>.

<sup>321</sup> “Open Borders, Closed Case: Secretary Mayorkas’ Dereliction of Duty on the Border Crisis,” *Homeland Security Committee Events*, YouTube video, 1:58:12, June 14, 2023, <https://www.youtube.com/live/Ogjm6jYHqW?feature=share&t=7065>.

<sup>322</sup> U.S. Department of Homeland Security, Newsroom, *DHS Announces Process to Address Individuals in Mexico with Active MPP Cases*, February 11, 2021, <https://www.dhs.gov/news/2021/02/11/dhs-announces-process-address-individuals-mexico-active-mpp-cases>.



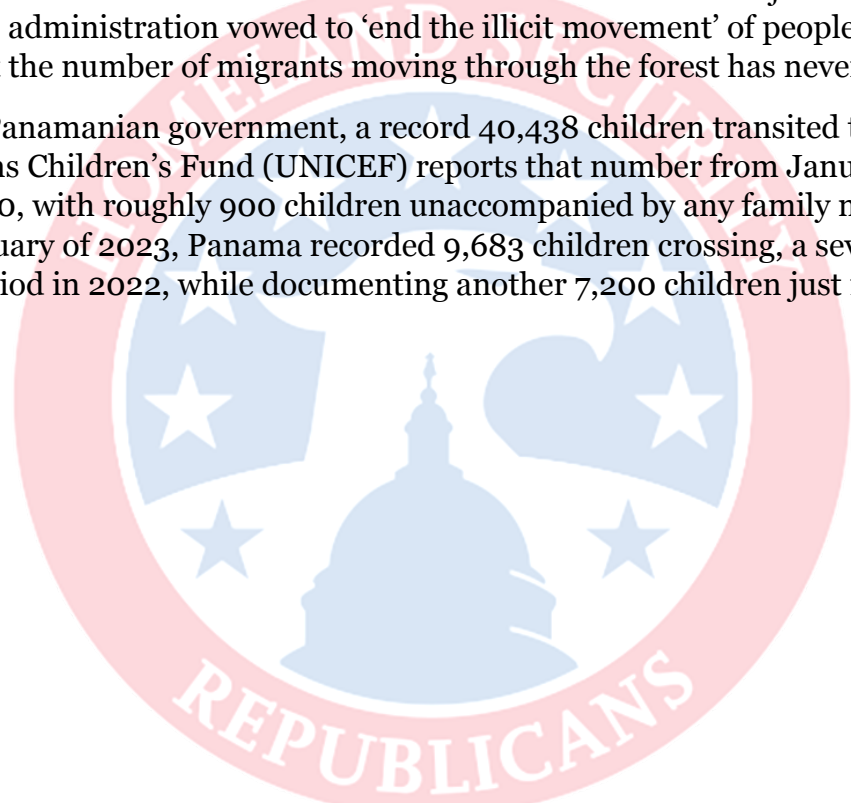


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dangers people face along the way—masked robbers, exhaustion, broken ankles, murder, hunger, rapists, and assault, but those paying to get through are often deceived about how dangerous the journey will be.<sup>323</sup> They pay anywhere from \$300-\$900 to transit the pass, further enriching the cartels while depleting their own life savings.<sup>324</sup>

Despite these dangers, the number of people making the journey only continues to grow—including children. Nearly 250,000 people attempted the trek just in 2022.<sup>325</sup> In 2023, 248,901 individuals made the journey just between January and July, with the United Nations projecting more than 400,000 will do so this year.<sup>326</sup> According to a September 2023 New York Times report, Colombian President Gustavo Petro projected half a million people would cross the Darién Gap in 2023, and one million in 2024.<sup>327</sup> The report also contained a stinging critique of Biden and Mayorkas’ policies that have failed to end the incentives to make the journey in the first place—“The Biden administration vowed to ‘end the illicit movement’ of people through the Darién jungle. But the number of migrants moving through the forest has never been greater...”<sup>328</sup>

According to the Panamanian government, a record 40,438 children transited the gap in 2022.<sup>329</sup> The United Nations Children’s Fund (UNICEF) reports that number from January-October 2022 was around 32,000, with roughly 900 children unaccompanied by any family members.<sup>330</sup> In January and February of 2023, Panama recorded 9,683 children crossing, a seven-fold increase from the same period in 2022, while documenting another 7,200 children just in March.<sup>331</sup>



<sup>323</sup> Nick Paton Walsh et al., “On One of the World’s Most Dangerous Migrant Routes, a Cartel Makes Millions off the American Dream,” *CNN*, April 15, 2023, <https://www.cnn.com/2023/04/15/americas/Darién-gap-migrants-colombia-panama-whole-story-cmd-intl/index.html>.

<sup>324</sup> “The Darién Gap is as dangerous as ever,” *Médecins Sans Frontières International*, May 6, 2022, <https://www.msf.org/migrants-continue-face-danger-crossing-panama>.

<sup>325</sup> Nick Paton Walsh et al., “On One of the World’s Most Dangerous Migrant Routes, a Cartel Makes Millions off the American Dream,” *CNN*, April 15, 2023, <https://www.cnn.com/2023/04/15/americas/Darién-gap-migrants-colombia-panama-whole-story-cmd-intl/index.html>.

<sup>326</sup> “Nearly 250,000 migrants crossed Panama’s Darién Gap so far this year, more than in all of 2022,” *The Associated Press*, July 31, 2023, <https://apnews.com/article/panama-migration-Darién-gap-record-d2488cab2a80f2c8b94eb5a4cff7e3c0>.

<sup>327</sup> Julie Turkewitz, “A Ticket to Disney? Politicians Charge Millions to Send Migrants to U.S.,” *The New York Times*, September 14, 2023, <https://www.nytimes.com/2023/09/14/world/americas/migrant-business-Darién-gap.html>.

<sup>328</sup> *Ibid.*

<sup>329</sup> Nick Paton Walsh et al., “On One of the World’s Most Dangerous Migrant Routes, a Cartel Makes Millions off the American Dream,” *CNN*, April 15, 2023, <https://www.cnn.com/2023/04/15/americas/Darién-gap-migrants-colombia-panama-whole-story-cmd-intl/index.html>.

<sup>330</sup> United Nations, United Nations Children’s Fund, *Record number of children crossing the Darién Gap toward the US this year*, November 19, 2022, <https://www.unicef.org/press-releases/record-number-children-crossing-Darién-gap-toward-us-year>.

<sup>331</sup> Nick Paton Walsh et al., “On One of the World’s Most Dangerous Migrant Routes, a Cartel Makes Millions off the American Dream,” *CNN*, April 15, 2023, <https://www.cnn.com/2023/04/15/americas/Darién-gap-migrants-colombia-panama-whole-story-cmd-intl/index.html>.



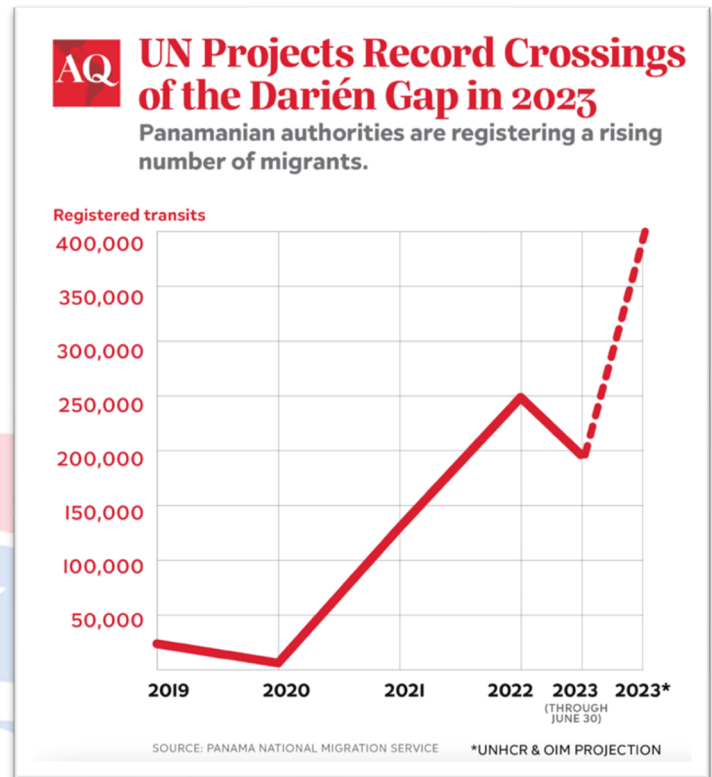


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“Week after week, more children are dying, losing their parents, or getting separated from their relatives while on this perilous journey,” said Jean Gough, UNICEF regional director for Latin America and the Caribbean, in October 2021.<sup>332</sup>

Americans need to hear the experiences of those who have made the harrowing journey through the Darién Gap, and keep in mind that this is just one stretch of the arduous route to the Southwest border. Suffering and abuse runs rampant along the journey. In the aforementioned CNN report, journalists in the Darién Gap recounted the following experiences of some of those making the journey:<sup>333</sup>

- Haitian man Jean-Pierre and his young son, Louvens, struggled through illness: “Jean-Pierre is carrying his son, Louvens, who was sick before he’d even started. Strapped to his father’s chest, he’s weak and coughing. But Jean-Pierre pushes on, their fee already paid. There is no going back.”
- A young man recounted being robbed: “When we were coming down Cañas Blancas, three guys came out, hooded, with guns, knives, machetes. They wanted \$100 and those that didn’t have it had to stay. They hit me and another guy—they jumped on him and kicked him. That’s the story of the Darién. Some of us run with luck. Others with God’s will. And those that don’t pass, well they stay and that’s the way of the jungle.”
- Venezuelan mother Carolina, making the journey with her son, said: “Had I known, I would not have come or let my son come through here. ... At one point on the mountains, my son was behind me, and he would say, ‘Mom, if you die, I’ll die with you.’ My legs would tremble, and I would grab on to tree roots. There was a moment when the river was too deep for me. I saw my son put a child on his shoulders and he told me, ‘Mom, I am going to help. Don’t worry, I am okay.’ I regret putting my son through this jungle of hell so much that I have had to cry to let it all out because I risked his life and mine.”



Source: America's Quarterly

<sup>332</sup> United Nations, United Nations Children's Fund, *2021 records highest ever number of migrant children crossing the Darién jungle towards the US – UNICEF*, October 11, 2021, <https://www.unicef.org/lac/en/press-releases/2021-records-highest-ever-number-migrant-children-crossing-Darién-towards-us>.

<sup>333</sup> Nick Paton Walsh et al., “On One of the World’s Most Dangerous Migrant Routes, a Cartel Makes Millions off the American Dream,” *CNN*, April 15, 2023, <https://www.cnn.com/2023/04/15/americas/Darién-gap-migrants-colombia-panama-whole-story-cmd-intl/index.html>.



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### ***Sexual Abuse and Assault of Migrants***

Many individuals making the journey also suffer sexual abuse and assault along the way.

Doctors Without Borders, also known as Medecins Sans Frontieres (MSF), runs an operation in Bajo Chiquito, Panama, just north of the Darién Gap, providing care and support to individuals who have made it through the gap. The Wall Street Journal reported in September 2021 that facility staff had recorded 180 cases of rape since opening in May 2021.<sup>334</sup> According to staff, “the true number of victims is likely far higher since many migrants don’t report the attacks for fear of retribution or because they don’t want to slow their journey.”<sup>335</sup> UNICEF reported in October 2021, “In the Darién jungle, sexual violence is increasingly and intentionally used by criminal gangs as an instrument of terror.”<sup>336</sup>

One woman from Cuba, whose journey north to the border with her family began in South America, told reporters after making it to Bajo Chiquito, “Even if I make it to the U.S. and live out my American dream, I don’t think I’ll be able to say that crossing the Darién was worth it.”<sup>337</sup> MSF reported in May 2022 that between Bajo Chiquito and two other reception sites in the region, staff had treated 396 women for sexual violence.<sup>338</sup> According to the Panama Red Cross, between 10-15 percent of those who transit the Darién Gap “suffer sexual violence” along the way.<sup>339</sup> The Border Patrol’s Heitke told the House Committee on Homeland Security in May 2023, “It’s very common that female migrants are raped during the process. It’s also very difficult to be able to get them to talk. Most of them believe it’s just part of the payment as they go up.”<sup>340</sup>

Government actors also take advantage of women who have transited the Darién Gap. A U.N. report from late 2022 reported that members of the National Migration Service of Panama and SENAFRONT, Panama’s border service, “requested sexual exchanges from the women and girls housed in the San Vicente Migration Reception Center who lack the money” to cover the cost of transportation to the Costa Rican border.<sup>341</sup> Some were forced into labor to pay the \$40 fee to board the bus and leave the center.<sup>342</sup>

In 2017, Doctors Without Borders published a report that included a survey of migrants interviewed at a number of MSF facilities in Mexico. The survey found that 68 percent of those interviewed had been victims of violence upon entering Mexico on their way toward the United

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<sup>334</sup> Kejal Vyas, “Rapes of U.S.-Bound Migrants Make a Treacherous Route Even More Dangerous,” *The Wall Street Journal*, September 6, 2021, <https://www.wsj.com/articles/rapes-of-u-s-bound-migrants-make-a-treacherous-route-even-more-dangerous-11630956539>.

<sup>335</sup> Ibid.

<sup>336</sup> United Nations, United Nations Children's Fund, *2021 records highest ever number of migrant children crossing the Darién jungle towards the US – UNICEF*, October 11, 2021, <https://www.unicef.org/lac/en/press-releases/2021-records-highest-ever-number-migrant-children-crossing-Darién-towards-us>.

<sup>337</sup> Kejal Vyas, “Rapes of U.S.-Bound Migrants Make a Treacherous Route Even More Dangerous,” *The Wall Street Journal*, September 6, 2021, <https://www.wsj.com/articles/rapes-of-u-s-bound-migrants-make-a-treacherous-route-even-more-dangerous-11630956539>.

<sup>338</sup> “The Darién Gap is as dangerous as ever,” *Médecins Sans Frontières International*, May 6, 2022, <https://www.msf.org/migrants-continue-face-danger-crossing-panama>.

<sup>339</sup> Gustavo Ocando Alex, “Los 10 peligros de cruzar el Darién, el ‘infierno verde’ de las Américas,” *Voz de América*, August 19, 2022, <https://www.vozdeamerica.com/a/los-10-peligros-de-cruzar-el-Darién-el-infierno-verde-de-las-americas/6705004.html>.

<sup>340</sup> Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 166-167, May 9, 2023.

<sup>341</sup> Catalina Oquendo, “Un informe de la ONU denuncia que autoridades de Panamá abusaron sexualmente de migrantes que cruzaron el Darién,” *El País*, February 11, 2023, <https://elpais.com/america-colombia/2023-02-11/un-informe-no-revelado-de-la-onu-denuncia-que-autoridades-de-panama-abusaron-sexualmente-de-migrantes-que-cruzar-el-Darién.html>.

<sup>342</sup> Ibid.



## SECTION 4: INCREASED MIGRANT SUFFERING AND DEATH

States. Approximately one third of the women surveyed said they had been sexually abused during the journey, along with 17 percent of men surveyed.<sup>343</sup> If this percentage is even close to representative of the broader group of several million people who have made their way to the border since Biden and Mayorkas took office, it suggests that hundreds of thousands of men, women, and children have been sexually abused in their attempts to reach the Southwest border.



Once they arrive in the United States, many others face similar degradation. One 2021 report documented the horrifying existence of “rape trees” along the Southwest border, which are “known locations where smugglers and others rape women and leave their undergarments on the tree as ‘trophy.’”<sup>344</sup> Further, according to a July 2023 press report, one major borough in New York City has been overrun by “nearly a dozen brothels,” with migrants being lured or coerced into prostituting themselves:<sup>345</sup>

“While human traffickers have long provided the local sex industry with a steady stream of Asian and Central American women trying to escape horrid conditions in their homelands, the recent flood of migrants into the five boroughs has created a larger — and more desperate — pool of potential prostitutes.

“We’re ... aware of the fact that many young people have immigrated here — kids 15 or 16 years old — and they’re not in school, they’re working, and these [prostitutes] find them and pull them in,” said Guadalupe Aguirre Gomez, the coordinator of Community of Young Values and Principles.

“Taina Bien-Aime, executive director of the Coalition Against Trafficking in Women, said, “There are trafficking cartels from Mexico and Central America who ship women into Queens and parts of Brooklyn.

“I spoke to a young girl in Sunset Park [Brooklyn]. She said she’s seen vans at night picking up women from the shelters that house these new immigrants.”<sup>346</sup>

This is the devastating human cost and humanitarian disaster of Mayorkas’ radical agenda.

<sup>343</sup> “Forced To Flee Central America’s Northern Triangle: A Neglected Humanitarian Crisis,” *Médecins Sans Frontières International*, May 2017, [https://www.doctorswithoutborders.org/sites/default/files/2018-06/msf\\_forced-to-flee-central-americas-northern-triangle.pdf](https://www.doctorswithoutborders.org/sites/default/files/2018-06/msf_forced-to-flee-central-americas-northern-triangle.pdf).

<sup>344</sup> Charlotte Cuthbertson, “Illegal Immigrants Walk a Deadly Path Around a Border Checkpoint,” *The Epoch Times*, May 18, 2021, <https://www.theepochtimes.com/us/illegal-immigrants-walk-a-deadly-path-around-a-border-checkpoint-3819611>.

<sup>345</sup> Jacob Geanous, Tina Moore, and Georgia Worrell, “This NYC avenue is overrun by brazen brothels operating in broad daylight,” *The New York Post*, July 29, 2023, <https://nypost.com/2023/07/29/nyc-neighborhood-overrun-by-broad-daylight-brothels/>.

<sup>346</sup> *Ibid.*





# SECTION 5: RISING HUMAN TRAFFICKING AND EXPLOITATION OF MINORS

## **Section 5: Rising Human Trafficking and Exploitation of Minors**

Suffering, abuse, and death along the perilous journey to the Southwest border are not the only trials for those who make the trip. Once these individuals are released into the country, many face a new nightmare—trafficking and enslavement. This is particularly true for the flood of unaccompanied alien children (UACs) who have arrived under Mayorkas’ policies.

And a flood it has been. Since Mayorkas took office, CBP has recorded more than 400,000 encounters of UACs at the Southwest border.<sup>347</sup> From FY17-FY20, by comparison, Southwest border encounters of UACs totaled around 221,000.<sup>348</sup> In October 2020, 1,929 UACs were referred to the Department of Health and Human Services’ (HHS) Office of Refugee Resettlement (ORR), which handles UACs after they are released from DHS custody.<sup>349</sup> In the month of April 2021 alone, that number was 20,339.<sup>350</sup>

### **The Surge of Unaccompanied Children and the Inability to Properly Handle Them**

The unprecedented flood of UACs into the country represents a massive windfall for human smugglers and traffickers, and has turned tens of thousands of children and teenagers into victims of trafficking, abuse, and neglect.

Before they even come into DHS or HHS custody, however, many of these minors are the victims of exploitation and abuse. A recent grand jury investigation in Florida into the Biden administration’s policies for handling UACs found that the use of unaccompanied minors by smugglers to ensure entry for groups of illegal aliens was a common practice:

“We learned that children are often found to be exploited as part of a ‘fake family’ or even ‘recycled’ to assist the entry of multiple other individuals. We received evidence from current and former federal law enforcement authorities that children are often used as lottery tickets to get the whole family across the border at a huge discount. ... When fake families are discovered, the children are not deported, but instead become UAC.”<sup>351</sup>

A May 2022 Wall Street Journal report further detailed this inhuman practice of “recycling” children to ensure entry for large groups of illegal aliens. “I’ve seen it all,” Ivo Costa da Silva, a federal police investigator in Brazil told the outlet. “There are also cases in which children are

<sup>347</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Southwest Land Border Encounters*, August 18, 2023, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>348</sup> See U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Southwest Border Migration FY 2020*, last updated May 9, 2023, <https://www.cbp.gov/newsroom/stats/sw-border-migration-fy2020>; U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Southwest Border Migration FY 2019*, last updated November 14, 2019, <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2019>; U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Southwest Border Migration FY2018*, last updated September 28, 2022, <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2018>; U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, *Southwest Border Migration FY2017*, last updated December 15, 2017, <https://www.cbp.gov/newsroom/stats/sw-border-migration-fy2017>.

<sup>349</sup> U.S. Department of Health and Human Services, *Latest UC Data – FY2021*, November 15, 2021, <https://www.hhs.gov/programs/social-services/unaccompanied-children/latest-uc-data-fy2021/index.html>.

<sup>350</sup> *Ibid.*

<sup>351</sup> State of Florida Supreme Court, Twenty-First Statewide Grand Jury Regarding Unaccompanied Alien Children, *Third Presentment*, No. SC22-796, March 29, 2023, 32-33, <https://www.documentcloud.org/documents/23734272-3rd-presentment-of-21st-swgi>.





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rented out multiple times; they enter with one family and then enter again with another family.”<sup>352</sup>

Former San Diego Chief Patrol Agent Heitke told the House Committee on Homeland Security in May 2023 that single adults “will find somebody with children, and they will pay to take those children with them when they come to the border and say that they’re their children so that they’re more likely to be released.”<sup>353</sup> He also said agents in his sector saw this tactic “close to weekly for quite a while.”<sup>354</sup>

Sheriff Eddie Guerra of Hidalgo County, Texas, explained in March 2021 how this looks in practice: “Now with the family units coming across, you might have a mother come in, say a mother with three children, well the cartels say you can cross with one child, we’re going to take two children and we’re going to use those two children to smuggle two other [adults] and pretend that those are family units.”<sup>355</sup>

When these minors arrive at the border, the historic number of illegal aliens flooding across the border makes it nearly impossible for CBP officials to take the necessary steps to ensure that they are not being trafficked. According to the testimony of one immigration expert, the unprecedented movement of illegal aliens into the United States is “overwhelming the men and women of the Border Patrol and CBP, to the extent that they cannot adequately talk to migrants to detect trafficking, for example. They are forced to process and release them as quickly as possible.”<sup>356</sup>

Heitke also told the Committee that his agents had even expressed concerns that the screening necessary to ensure UACs are not being trafficked or exploited could suffer when there were surges of illegal aliens across the border. He said, “The busier you get, the less time you have, the less time you can put into interviews.”<sup>357</sup> Chief Patrol Agent Good also told the Committee when his agents are dealing with surges of illegal crossings, there is “not always” enough time to verify through interviews a legitimate relationship between a UAC and the person or group with whom they are traveling.<sup>358</sup> Per Chief Patrol Agent Martinez, it was a “safe assumption” to say that the increased numbers of illegal aliens flooding across the Southwest border had led to some of these investigations falling through the cracks.<sup>359</sup>

Neither DHS nor HHS had adequate systems in place in 2021 to handle this influx of unaccompanied minors, according to a September 2022 DHS OIG report:

<sup>352</sup> Luciana Magalhaes, Samantha Pearson, and Michelle Hackman, “Desperate to Cross Into the U.S., Some Brazilians Create Phony Families,” *The Wall Street Journal*, May 8, 2022, <https://www.wsj.com/articles/desperate-to-cross-into-the-u-s-some-brazilians-create-phony-families-11652025729>.

<sup>353</sup> Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 50-51, May 9, 2023.

<sup>354</sup> *Ibid.*

<sup>355</sup> Gabrielle Fonrouge, “Texas Sheriff at US-Mexico Border Says It’s ‘Basically Open,’” *The New York Post*, March 18, 2021, <https://nypost.com/2021/03/18/texas-sheriff-at-us-mexico-border-says-its-basically-open/>.

<sup>356</sup> “Biden and Mayorkas’ Open Border: Advancing Cartel Crime in America,” *Homeland Security Committee Events*, YouTube video, 1:26:36, July 19, 2023, <https://www.youtube.com/live/kvaoHOb1TUg?feature=share&t=5196>.

<sup>357</sup> Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 170-171, May 9, 2023.

<sup>358</sup> Anthony “Scott” Good, Transcribed Interview with the House Committee on Homeland Security, 106-107, June 29, 2023.

<sup>359</sup> Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 107-108, June 1, 2023.



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“DHS systems were unable to automate or coordinate the transfer of unaccompanied children from USBP to HHS. Instead, USBP, ICE, and HHS ORR each coordinated the transfer and travel of unaccompanied children almost entirely by creating and sending individual email messages for each transfer action. This was a daunting task, considering more than 125,000 unaccompanied migrant children were transferred to HHS in FY 2021. Two DHS officials in the field responsible for transferring unaccompanied children stated they received upwards of 500 to 600 emails daily.”<sup>360</sup>

Further, per the report, the focus on rapid processing over accuracy, coupled with the increase in illegal immigration, led to numerous problems with missing or inaccurate data about illegal aliens in DHS custody:

“USBP officials we met with attributed the data inaccuracies to an increase in migrants illegally crossing the border during this past fiscal year. According to these officials, USBP agents had difficulty fulfilling their primary role of securing the border as well as migrant tracking operations, leading to increased human error in data entry. Further, one ICE official noted that the increase in migrant flow led USBP personnel to focus on speed rather than quality when entering migrant data.”<sup>361</sup>

A May 2023 HHS Inspector General report further found that ORR failed to conduct or document hundreds of legally required background checks for employees at nearly a dozen HHS facilities holding the record number of minors flooding into the country.<sup>362</sup> Some facilities also failed to ensure basic physical security of their premises.<sup>363</sup> The report made clear that the need to quickly establish these facilities was a key contributor to the lax adherence to the requirements.<sup>364</sup>

A prior HHS Inspector General report released in September 2022 also found that some of these minors experienced acute psychological crises during their time in federal custody. In particular, at the Emergency Intake Site at Fort Bliss, an Army installation in Texas, UACs often went weeks without receiving communication from site staff, leading “to what another interviewee called ‘a pervasive sense of despair’ among children at the facility, who reportedly experienced distress, anxiety, and in some cases, panic attacks.”<sup>365</sup> The OIG report noted that one girl began to “hit and cut herself in front of a group of children” upon learning from a worker that her mother had not been contacted.<sup>366</sup>

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<sup>360</sup> U.S. Department of Homeland Security, Office of the Inspector General, *DHS Technology Systems Do Not Effectively Support Migrant Tracking at the Southwest Border*, OIG-22-66, September 9, 2022, 13, <https://www.oig.dhs.gov/sites/default/files/assets/2022-09/OIG-22-66-Sep22.pdf>.

<sup>361</sup> *Ibid.*, 22-23.

<sup>362</sup> U.S. Department of Health and Human Services, Office of the Inspector General, *The Office of Refugee Resettlement Needs to Improve its Practices for Background Checks During Influxes*, A-06-21-07003, May 2023, 4, <https://oig.hhs.gov/oas/reports/region6/62107003.pdf>.

<sup>363</sup> *Ibid.*, 25.

<sup>364</sup> *Ibid.*, 17-18.

<sup>365</sup> U.S. Department of Health and Human Services, Office of the Inspector General, *Operational Challenges Within ORR and the ORR Emergency Intake Site at Fort Bliss Hindered Case Management for Children*, OEI-07-21-00251, September 2022, 19, <https://oig.hhs.gov/oei/reports/OEI-07-21-00251.pdf>.

<sup>366</sup> *Ibid.*



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Chaos reigned at the site, with one respondent telling the OIG that employees “would walk through the massive tents shouting children’s names using bullhorns. One case manager reported that the process of locating a child to meet with a case manager often took 3 hours.”<sup>367</sup>

### **Mayorkas’ Policies Encouraging Trafficking and Exploitation of Unaccompanied Children**

Given the sheer volume of UACs entering through the Southwest border, hundreds of thousands of them have been released from DHS custody to ORR, which is then responsible for placing these children with “sponsors” in the United States.<sup>368</sup>

The Biden administration, however, has been caught cutting corners in making sure that those sponsors are legitimate and that the child is going to a safe situation. The September 2022 HHS OIG report also found that basic screening safeguards had been removed from the sponsor vetting process “in an effort to expedite children’s release from care.”<sup>369</sup> An April 2021 report from the Washington Examiner quoted an official familiar with ICE’s testing procedures at the border as saying, “This administration wants these families and kids released quickly. That is their No. 1 goal, so they are not going to do anything to slow that process down.”<sup>370</sup> According to the Florida grand jury’s investigation, “In one memorable instance, a federal employee was told by an ORR attorney to stop asking questions about potentially unsafe sponsors because doing so caused delay, and [W]e only get sued for keeping them too long. We don’t get sued by traffickers. Are we clear?”<sup>371</sup>

The investigation further uncovered cases in which the Biden administration released dozens of UACs to the same sponsor. The administration sent more than 100 children to the same address in Austin, Texas, while other Texas addresses received 44 and 25 minors, respectively.<sup>372</sup> One sponsor in Florida had multiple UACs sent to multiple addresses, and “he applied using different versions of his hyphenated surname.”<sup>373</sup>

Former ICE Acting Director Tom Homan wrote in February that Mayorkas’ new mass-parole programs requiring individuals to obtain sponsorship in order to enter the country would lead to even further catastrophe, due to both corner-cutting and pure incompetence:

“The administration has also proven to be massively incompetent in the vetting it does perform, as well as keeping track of minors released into the country. ... Hundreds of thousands more would-be migrants are going to apply under these new programs, with no clear or adequate infrastructure in place to properly vet potential sponsors. The result will

<sup>367</sup> Ibid.

<sup>368</sup> U.S. Department of Health & Human Services, Administration for Children & Families, Press Office, *Fact Sheet: Unaccompanied Children (UC) Program*, September 6, 2023, <https://www.hhs.gov/sites/default/files/uac-program-fact-sheet.pdf>.

<sup>369</sup> U.S. Department of Health and Human Services, Office of the Inspector General, *Operational Challenges Within ORR and the ORR Emergency Intake Site at Fort Bliss Hindered Case Management for Children*, OEI-07-21-00251, September 2022, 21, <https://oig.hhs.gov/oei/reports/OEI-07-21-00251.pdf>.

<sup>370</sup> Anna Giaritelli, “Border Agents Performing Fewer DNA Tests to Catch Fake Families under Biden,” *The Washington Examiner*, April 15, 2021, <https://www.washingtonexaminer.com/news/border-agents-performing-fewer-dna-tests-fake-families-biden>.

<sup>371</sup> State of Florida Supreme Court, Twenty-First Statewide Grand Jury Regarding Unaccompanied Alien Children, *Third Presentment*, No. SC22-796, March 29, 2023, 10, <https://www.documentcloud.org/documents/23734272-3rd-presentment-of-21st-swj>.

<sup>372</sup> Ibid, 21.

<sup>373</sup> Ibid.





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be mass victimization on a scale we've never seen before. No doubt, many sponsors will be good, decent people. But for thousands of migrants, the nightmare is just beginning. Vulnerable people will seek out sponsors quickly, and many will ultimately be victimized.”<sup>374</sup>

The Florida grand jury investigation reached a similar conclusion, further noting that ORR had eased, discouraged, or severely limited use of policies such as background checks on sponsors or others in the sponsor's household, post-placement monitoring, and studies of homes to which minors would be going:<sup>375</sup>

“In reality, ORR is facilitating the forced migration, sale, and abuse of foreign children ... These entities encourage UAC to undertake and/or be subjected to a harrowing trek to our border, ultimately abandoning significant numbers of those who survive the journey to an uncertain fate with persons who are largely unvetted. This process exposes children to horrifying health conditions, constant criminal threat, labor and sex trafficking, robbery, rape, and other experiences not done justice by mere words.”<sup>376</sup>

This obfuscation extends beyond just ORR in the immigration context. Last March, NBC News reported that Border Patrol agents and officials, who had previously been responding to public record and media inquiries about the number of border apprehensions and conditions (including releasing videos), were subjected to a gag order prohibiting any media requests or sharing data on their own. We also learned that ORR actively discouraged its employees, including case managers and those tasked with conducting sponsor verifications, UAC interviews and post-release followup, and fingerprint and background checks, from questioning the process even internally; some were transferred, some terminated, some threatened, and some smeared simply for not processing the UAC as quickly as possible.

*The facts established by a Florida grand jury investigation into the Biden administration's handling of UACs reveal a shocking pattern of neglect that puts these unaccompanied minors at further risk of exploitation.*

These shortcuts and errors have likely been responsible for an untold number of minors becoming victims of trafficking and forced labor.

<sup>374</sup> Tom Homan, “Biden's Latest Border Gambit Opens America's Doors to Evil Child Smugglers,” *Fox News*, February 7, 2023, <https://www.foxnews.com/opinion/biden-latest-border-gambit-opens-america-doors-evil-child-smugglers>.

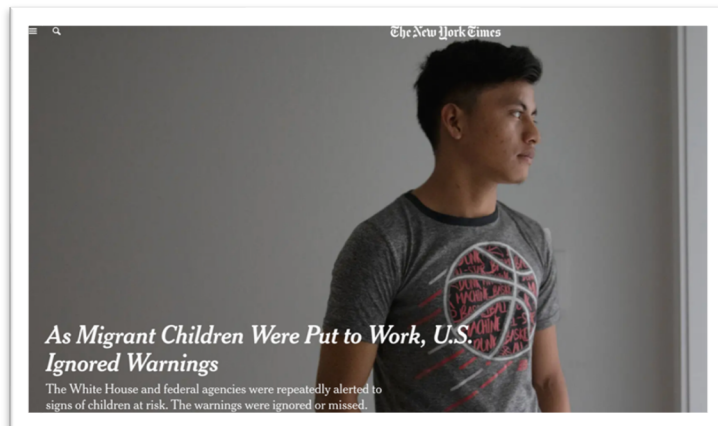
<sup>375</sup> State of Florida Supreme Court, Twenty-First Statewide Grand Jury Regarding Unaccompanied Alien Children, *Third Presentment*, No. SC22-796, March 29, 2023, 10 and 18-24, <https://www.documentcloud.org/documents/23734272-3rd-presentment-of-21st-swgi>.

<sup>376</sup> *Ibid.*, 2.



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Two ground-breaking New York Times reports in February<sup>377</sup> and April 2023<sup>378</sup> showed how these children have been repeatedly taken advantage of after being released to “sponsors” in the United States. The Times’ Hannah Dreier reported in her February exposé, “Unaccompanied minors have had their legs torn off in factories and their spines shattered on construction sites, but most of these injuries go uncounted.”<sup>379</sup> Further, according to one labor lawyer Dreier spoke with, “I’ve been working on these cases for 15 years, and the addition of children is new.”<sup>380</sup>



To make matters worse, the Biden administration simply missed many of these cases of abuse and exploitation:

“Thousands of children have ended up in punishing jobs across the country — working overnight in slaughterhouses, replacing roofs, operating machinery in factories — all in violation of child labor laws ... But all along, there were signs of the explosive growth of this labor force and warnings that the Biden administration ignored or missed, The Times has found.”<sup>381</sup>

In another report, this one dated Sept. 18, 2023, Dreier explored the personal stories of UACs who had sustained devastating injuries while working dangerous jobs in the United States, including the account of a 14-year-old Guatemalan boy named Marcos, who arrived in 2021 and started working at a slaughterhouse in Virginia:<sup>382</sup>

“Shortly after 2:30 a.m., he thought he saw a bit of torn rubber glove within the conveyor belt of the deboning area and reached in to grab it. Suddenly, the machine came to life. Across the factory, another worker had failed to see Marcos crouched with his left arm deep inside the assembly line and turned it on.

“The belt caught the sleeve of Marcos’s baggy jacket and pulled him across the floor. Hard plastic teeth ripped through his muscles, tearing open his forearm down to the bone. By the time someone heard his screams and shut off the power, his arm was limp, a deep triangular gash running down the length of it. A rope of white tendons hung from his elbow to his wrist, horrifying the workers who gathered around him. He understood from

<sup>377</sup> Hannah Dreier and Kirsten Luce, “Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.,” *The New York Times*, February 25, 2023, <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

<sup>378</sup> Hannah Dreier, “As Migrant Children Were Put to Work, U.S. Ignored Warnings,” *The New York Times*, April 17, 2023, <https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html>.

<sup>379</sup> Hannah Dreier and Kirsten Luce, “Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.,” *The New York Times*, February 25, 2023, <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

<sup>380</sup> *Ibid.*

<sup>381</sup> Hannah Dreier, “As Migrant Children Were Put to Work, U.S. Ignored Warnings,” *The New York Times*, April 17, 2023, <https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html>.

<sup>382</sup> Hannah Dreier, “The Kids on the Night Shift,” *The New York Times*, September 18, 2023, <https://www.nytimes.com/2023/09/18/magazine/child-labor-dangerous-jobs.html>.



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their faces that something was badly wrong but didn't feel any pain as the wound began gushing blood and he started to lose consciousness.”<sup>383</sup>

Similarly, NBC reported in March 2023 on an investigation into a meat-packing plant in Nebraska that was illegally employing alien minors as young as 13, who were “cleaning blood and animal parts off the floor of meatpacking plants by night and going to school by day.”<sup>384</sup> Given the vast new pipeline of young people to exploit, it is perhaps unsurprising that the U.S. Department of Labor reported in July 2023 a 44-percent increase in the number of children “found employed in violation of federal law” to date in FY23.<sup>385</sup>

An HHS whistleblower reported late in 2022 that UACs were even being placed with sponsors with known criminal records, <sup>386</sup> later testifying in April 2023 before the House Judiciary Committee's Subcommittee on Immigration Integrity, Security, and Enforcement that the United States under Mayorkas' leadership has become a “middleman” in the human smuggling chain.<sup>387</sup>

Many of these minors are not even going to people who can be verified as legitimate family members or guardians as required by law. The Florida grand jury established that since January 2021, “approximately 165,000 UAC nationwide have been given to someone who is not their parent or legal guardian, approximately 90,000 have been turned over to someone claimed to be a family member without DNA testing and without adequate document verification, and about 30,000 have been surrendered to someone to whom they have no known relation.”<sup>388</sup> Considering that HHS had released approximately 337,000 UACs to sponsors between FY21-23,<sup>389</sup> the grand jury's finding would mean that around 84 percent, and perhaps more, of these children have been released into clearly questionable situations.

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<sup>383</sup> Ibid.

<sup>384</sup> Julia Ainsley and Laura Strickler, “Feds Expand Probe into Migrant Child Labor in Slaughterhouses,” *NBC News*, March 1, 2023, <https://www.nbcnews.com/politics/feds-expand-probe-migrant-child-labor-slaughterhouses-rcna72930>.

<sup>385</sup> U.S. Department of Labor, “Department Of Labor, Interagency Task Force Announce Recent Actions to Combat Exploitative Child Labor With New Partnerships, Innovative Tactics, Ramped Up Enforcement,” Press Release, July 27, 2023, <https://www.dol.gov/newsroom/releases/osec/osec20230727>.

<sup>386</sup> Kelly Laco, “HHS ‘Knowingly’ Transferred Migrant Children to Criminals, Sex Traffickers, GOP Senators Charge,” *Fox News*, December 6, 2022, <https://www.foxnews.com/politics/hhs-knowingly-transferred-migrant-children-criminals-sex-traffickers-gop-senators>.

<sup>387</sup> Adam Shaw, “Whistleblower Tells Congress That Govt Is Delivering Migrant Children to Human Traffickers,” *Fox News*, April 26, 2023, <https://www.foxnews.com/politics/whistleblower-tells-congress-that-govt-delivering-migrant-children-human-traffickers>.

<sup>388</sup> State of Florida Supreme Court, Twenty-First Statewide Grand Jury Regarding Unaccompanied Alien Children, *Third Presentment*, No. SC22-796, March 29, 2023, 17, <https://www.documentcloud.org/documents/23734272-3rd-presentment-of-21st-swgi>.

<sup>389</sup> U.S. Department of Health and Human Services, Office of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, last updated August 31, 2023, <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>.





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### [WATCH: Rep. Laurel Lee Gets to the Bottom of the Massive Deficiencies in Biden Administration’s Sponsor-Vetting Process](#)

According to one expert, unaccompanied children have been released by the Biden administration into clearly abusive or unsafe situations, with the standards required of sponsors even lower than would be accepted in various other contexts:

“There are a number of instances where for example, girls have been placed with older men in what is clearly an exploitative situation. There are kids who have been turned over to labor traffickers. There are kids who get turned over to gang members. There are kids who get placed into domestic servitude and other forms of abuse. It’s really quite horrific.

[...]

“These standards that they have for not only placements, but also post-placement services, are way, way inferior to the procedures that every state in the Union uses for foster care placements, for example. It’s been said that it is harder to adopt a cat than it is to sponsor an unaccompanied minor because there are rarely background checks done, almost never home studies, no financial assessments.

“The Biden administration has stopped doing background checks on other people in the households to make sure that the placements are safe. This is something that simply would not be tolerated in our foster care system.”<sup>390</sup>

Other individuals who came to the United States as UACs eventually find themselves beholden to the cartels. In July 2023, the San Francisco Chronicle published in-depth reporting on the booming drug trade in the city, a market fueled by cartel-provided drugs and operated by Honduran aliens. The reporters spoke with one dealer who had arrived in the United States as a

<sup>390</sup> “Biden and Mayorkas’ Open Border: Advancing Cartel Crime in America,” *Homeland Security Committee Events*, YouTube video, 1:51:19, July 19, 2023, <https://www.youtube.com/live/kvaOHOb1TUg?feature=share&t=6679>.



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14-year-old UAC, and at 19, moved to Oakland, California. His story should be heartbreaking to every American:

“In interviews with 25 current or former dealers, The Chronicle found three who said they were coerced into the trade. One said he was forced into selling drugs and now can’t get out. He was 14 when he first entered the U.S., he said, and came without a legal guardian.

[...]

“He said his cousins gave him drugs to sell and portrayed it as a favor to him. He could take the drugs on loan and, after selling them for a profit, pay his cousins back, they told him.

“I had nothing — I was desperate and had no work to do,’ he said. ‘They took advantage of it. ... They hugged me and everything, like they love you.’

“The man said he accepted the offer, but then thought better of it and threw the drugs away. But he began getting calls from strangers demanding he pay off his debt in cash or labor. He has been forced to sell drugs by his cousins and others ever since, he said.”<sup>391</sup>

### **Biden Administration Losing Track of Unaccompanied Children After Release**

The sad corollary to DHS and HHS not having the ability to properly handle these children and refusing to adequately vet sponsors is that tens of thousands of UACs have simply fallen off the Biden administration’s radar after their release. In 2021, Axios reported that the administration “has lost contact with thousands of migrant children released from its custody,”<sup>392</sup> with around 30 percent of calls to these minors or their sponsors going unanswered. A year later, Reuters ran a headline entitled, “Dozens of migrant children reported missing in Houston, raising alarms.”<sup>393</sup>

## EXCLUSIVE Dozens of migrant children reported missing in Houston, raising alarms

By Kristina Cooke, Mica Rosenberg and Ted Hesson

September 2, 2022 4:22 PM EDT · Updated a year ago



<sup>391</sup> Megan Cassidy and Gabrielle Lurie, “This Is How San Francisco’s Open-Air Drug Dealers Work,” *San Francisco Chronicle*, July 10, 2023, <https://www.sfchronicle.com/projects/2023/san-francisco-drug-trade-how-dealers-work/>.

<sup>392</sup> Stef Kight, “Government Can’t Reach 1 in 3 Released Migrant Kids,” *Axios*, September 1, 2021, <https://www.axios.com/2021/09/01/migrant-children-biden-administration>.

<sup>393</sup> Kristina Cooke, Mica Rosenberg, and Ted Hesson, “EXCLUSIVE Dozens of Migrant Children Reported Missing in Houston, Raising Alarms,” *Reuters*, September 2, 2022, <https://www.reuters.com/world/exclusive-dozens-migrant-children-reported-missing-houston-raising-alarms-2022-09-02/>.



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In October 2022, Arizona Rep. Andy Biggs released HHS data his office had obtained showing that from January to September 2021, the Biden administration had lost track of nearly 20,000 UACs.<sup>394</sup> The aforementioned New York Times report from February showed that the Biden administration had lost track of approximately 85,000 UACs by early 2023.<sup>395</sup>

The Center for Immigration Studies' Jessica Vaughan summed it up perfectly in testimony before the House Judiciary Committee in April 2023, stating, "The Biden administration has implemented policies that incentivize the illegal entry of unaccompanied alien children on a massive scale, to the profit of criminal smugglers and traffickers, even with full knowledge of the risks that such policies will endanger the safety and well-being of the migrant children."<sup>396</sup>

She would later testify to the House Committee on Homeland Security in July 2023 that regardless of whether these children are trafficked for forced labor, commercial sex, or domestic servitude, "the child is isolated from their family members, in the complete control of the people who have custody of them. There's no monitoring of the situation by the federal government that put them in this situation,"<sup>397</sup> and that there is "almost no supervision or follow up that goes on."<sup>398</sup>

Every one of these potential victims of trafficking and abuse is ultimately a victim because of Mayorkas' refusal to enforce the law at the border, including his failure to return UACs to their home countries and to their families. While Mayorkas is not responsible for the conduct of HHS personnel, it is his policies encouraging record numbers of minors to cross the border illegally, his policy to refuse to return them to their home countries per the statute, and his department releasing them to HHS.

### ***Gaming the System—Adults Posing as UACs to Ensure Entry***

Not only do smugglers and traffickers use UACs to ensure aliens' release into the country, however—they also use adults *posing as minors* to the same effect.

According to one press report in August 2022, Border Patrol agents in the El Paso Sector had recorded more than 665 adults posing as minors in order gain access to the United States. Per the report, "In one instance, three adults aged between 21 and 22, were encountered with one adult and nine unaccompanied minors. Their identities were revealed at the El Paso Sector Processing Center when they tried to use forged documents."<sup>399</sup>

<sup>394</sup> Andrew Arthur, "Biden Administration Lost — Yes, Lost — Nearly 20,000 Migrant Children," *The Center for Immigration Studies*, March 2, 2022, <https://cis.org/Arthur/Biden-Administration-Lost-Yes-Lost-Nearly-20000-Migrant-Children>.

<sup>395</sup> Hannah Dreier and Kirsten Luce, "Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.," *The New York Times*, February 25, 2023, <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

<sup>396</sup> U.S. Congress, House of Representatives, Judiciary Committee, Subcommittee on Immigration Integrity, Security and Enforcement, *Prepared Testimony of Jessica M. Vaughan for The Biden Border Crisis: Exploitation of Unaccompanied Alien Children*, 118th Cong., 1st sess., April 26, 2023, 8, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/vaughan-testimony.pdf>.

<sup>397</sup> "Biden and Mayorkas' Open Border: Advancing Cartel Crime in America," *Homeland Security Committee Events*, YouTube video, 1:53:58, July 19, 2023, <https://www.youtube.com/live/kvaOHOb1TUg?feature=share&t=6838>.

<sup>398</sup> "Biden and Mayorkas' Open Border: Advancing Cartel Crime in America," *Homeland Security Committee Events*, YouTube video, 1:52:44, July 19, 2023, <https://www.youtube.com/live/kvaOHOb1TUg?si=-Tnt5EMjodar9YT2&t=6764>.

<sup>399</sup> Adam Shaw, "Border Patrol Nab Hundreds of Illegal Immigrant Adults Posing as Children," *Fox News*, August 24, 2022, <https://www.foxnews.com/politics/border-patrol-nab-hundreds-illegal-immigrant-adults-posing-children>.





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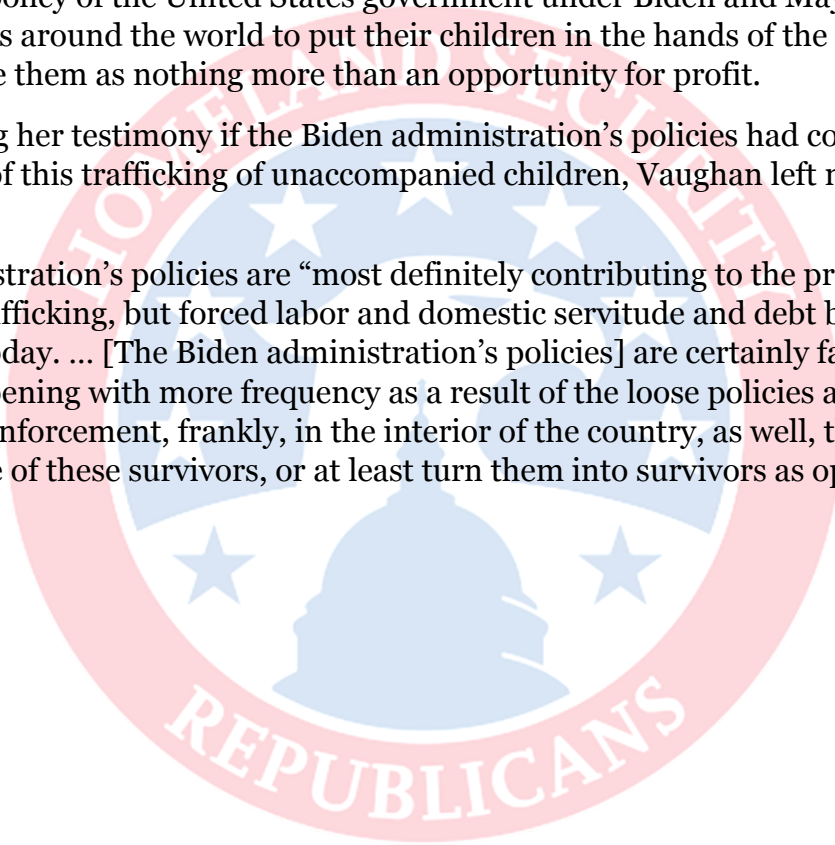
Chief Patrol Agent Chavez said at the time, “Transnational Criminal Organizations exploit migrants convincing them to pose as minors in order to be processed as such. Identity fraud is a common tactic used by TCOs to take advantage of migrants who do not know the legal consequences of their actions as they attempt to deceive authorities.”<sup>400</sup> The cartels and smuggling organizations are truly taking of advantage of Mayorkas’ policies in every way possible.

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Biden and Mayorkas’ policies are undoubtedly contributing to the massive increase in the trafficking of children across the Southwest border, and their ongoing exploitation by the cartels and evil individuals posing as “sponsors” here in the United States. Every parent should be horrified that the policy of the United States government under Biden and Mayorkas’ leadership encourages families around the world to put their children in the hands of the cartels and smugglers, who see them as nothing more than an opportunity for profit.

When asked during her testimony if the Biden administration’s policies had contributed to the rising occurrence of this trafficking of unaccompanied children, Vaughan left no room for ambiguity:

The administration’s policies are “most definitely contributing to the problem of not only child sex trafficking, but forced labor and domestic servitude and debt bondage, as we’ve discussed today. ... [The Biden administration’s policies] are certainly facilitating it, yes. So, it’s happening with more frequency as a result of the loose policies at the border—and the lack of enforcement, frankly, in the interior of the country, as well, that would help rescue some of these survivors, or at least turn them into survivors as opposed to victims.”<sup>401</sup>



<sup>400</sup> U.S. Department of Homeland Security, U.S. Customs and Border Protection, Newsroom, El Paso Sector, *Unaccompanied Child Imposters Identified in El Paso*, August 19, 2022, <https://www.cbp.gov/newsroom/local-media-release/unaccompanied-child-imposters-identified-el-paso>.

<sup>401</sup> “Biden and Mayorkas’ Open Border: Advancing Cartel Crime in America,” *Homeland Security Committee Events*, YouTube video, 2:52:19, July 19, 2023, <https://www.youtube.com/live/kvaOHOb1TUg?feature=share&t=10339>.



# SECTION 6: MAYORKAS' PUBLIC HEALTH DISASTER

## **Section 6: Mayorkas' Public Health Disaster**

Mayorkas' open-borders agenda also put millions of Americans at risk of contracting COVID-19, as illegal aliens were subjected to less stringent and demanding pandemic protocols than other foreign nationals traveling legitimately to the United States, and even American citizens themselves.

### **Treating Illegal Aliens Better Than Americans**

At various points during the Biden administration, travelers entering the United States have been required to show proof of a negative COVID test or documentation of a recent recovery from COVID-19 to enter the country.<sup>402</sup> The Biden administration also restricted the entry of travelers into the country if they were not vaccinated against the virus.<sup>403</sup> The federal government maintained a mask mandate on federal grounds.<sup>404</sup> And of course, the Biden administration attempted to implement its infamous COVID-19 vaccine mandate for large employers and health care workers,<sup>405</sup> a rule which was later stayed in part by the Supreme Court.<sup>406</sup>

As recently as March 2023, international athletes like tennis star Novak Djokovic were denied entry into the United States for choosing not to receive the COVID-19 vaccine.<sup>407</sup>

The Biden administration even closed the Southwest and northern borders to certain cross-border traffic,<sup>408</sup> creating the absurd scenario in which a vaccinated, healthy Mexican individual arriving at a port of entry in the summer of 2021 was barred from entering, but an illegal alien arriving between the ports was often processed and released into the interior.

Despite all these restrictions on legitimate travel, illegal aliens were given a free pass by the millions. Millions of illegal aliens arriving at the Southwest border have simply been released into the interior under Mayorkas' policy of mass "catch and release."<sup>409</sup> As covered in a previous section, lack of public health infrastructure in the countries from and through which many illegal

<sup>402</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Notice, "Requirements for Negative Pre-Departure Covid-19 Test Result or Documentation of Recovery From Covid-19 for All Airline or Other Aircraft Passengers Arriving Into the United States From Any Foreign Country," *Federal Register* 86, no. 232 (December 7, 2021): 69256-69284, <https://www.federalregister.gov/documents/2021/12/07/2021-26603/requirements-for-negative-pre-departure-covid-19-test-result-or-documentation-of-recovery-from>.

<sup>403</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Notice, "Amended Order Implementing Presidential Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic," *Federal Register*, 86, no. 212 (November 5, 2021): 61224-61246, <https://www.federalregister.gov/documents/2021/11/05/2021-24385/amended-order-implementing-presidential-proclamation-on-advancing-the-safe-resumption-of-global/>.

<sup>404</sup> U.S. President, Presidential Document, "Protecting the Federal Workforce and Requiring Mask-Wearing," *Federal Register* 86, no. 14 (January 25, 2021): 7045-7048, <https://www.federalregister.gov/documents/2021/01/25/2021-01766/protecting-the-federal-workforce-and-requiring-mask-wearing>.

<sup>405</sup> U.S. Department of Labor, Occupational Safety and Health Administration, Rule, "COVID-19 Vaccination and Testing; Emergency Temporary Standard," *Federal Register* 86, no. 212 (November 5, 2021): 61402-61555, <https://www.federalregister.gov/documents/2021/11/05/2021-23643/covid-19-vaccination-and-testing-emergency-temporary-standard>.

<sup>406</sup> *National Federation of Independent Business v. Department of Labor, Occupational Safety and Health Administration*, 595 U. S. \_\_\_\_ (2022).

<sup>407</sup> "Djokovic Denied Vaccine Exemption, out of Miami," *ESPN*, March 18, 2023, [https://www.espn.com/tennis/story/\\_/id/35886664/novak-djokovic-miss-miami-open-vaccine-status](https://www.espn.com/tennis/story/_/id/35886664/novak-djokovic-miss-miami-open-vaccine-status).

<sup>408</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Newsroom, *CDC Extends Order at the Southern and Northern Land Borders*, August 2, 2021, <https://www.cdc.gov/media/releases/2021/s080221-southern-northern-land-borders-order-extended.html>.

<sup>409</sup> Andrew Arthur, "Decoding CBP's Southwest Border Statistics for May," *The Center for Immigration Studies*, June 26, 2023, <https://cis.org/Arthur/Decoding-CBPs-Southwest-Border-Statistics-May>.



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aliens are traveling, the multitude of large groups traveling to the border, and overcrowded Border Patrol facilities combined to create an environment in which COVID-19 could easily spread not just among illegal aliens, but to CBP personnel and eventually into American communities.<sup>410</sup>

The number of Americans who suffered or died from COVID-19 due to this blatant disregard for safety, and Mayorkas' dubious and offensive double standard, may never be known.



(Source: Jaime Rodriguez Sr./CBP)

### **Release of COVID-Positive Aliens and Potential Carriers into the United States**

Mayorkas' DHS released COVID-positive illegal aliens into American communities by the thousands. The Border Patrol's Cabrera told Fox News in July 2021, "Not everyone we encounter we test, only those that exhibit some type of symptoms and not everybody has symptoms that has it. ... And we're releasing people out of the door day in and day out with actual positive tests for COVID and more keep popping up."<sup>411</sup>

The DHS OIG later confirmed this operational reality. In a report dated Sept. 10, 2021, the OIG noted, "CBP does not conduct COVID-19 testing for migrants who enter CBP custody and is not required to do so. CBP relies on public health systems to test symptomatic individuals." The report also found that Border Patrol agents said, "relying solely on local health systems in remote border communities is not a sustainable testing plan."<sup>412</sup>

<sup>410</sup> Frances Robles and Miriam Jordan, "Covid on the Border: Migrants Aren't Tested on Arrival in U.S.," *The New York Times*, April 28, 2021, <https://www.nytimes.com/2021/04/28/us/coronavirus-migrants-testing.html>.

<sup>411</sup> Adam Shaw, "Border Patrol Union Official Warns COVID-Positive Migrants Being Released into US 'Day in, Day Out,'" *Fox News*, July 31, 2021, <https://www.foxnews.com/politics/border-patrol-official-covid-migrants-released-day-in-day-out>.

<sup>412</sup> U.S. Department of Homeland Security, Office of the Inspector General, *DHS Needs to Enhance Its COVID-19 Response at the Southwest Border*, OIG-21-60, September 10, 2021, 7, <https://www.oig.dhs.gov/sites/default/files/assets/2021-09/OIG-21-60-Sep21.pdf>.





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The OIG also found in a subsequent May 2022 report that the department was not consistently testing illegal aliens for COVID-19 before transferring them from ICE custody to HHS. According to the OIG, “We identified numerous instances where ERO could not provide evidence that single adults, family units, and UCs were tested for COVID-19 before transport on domestic commercial flights.”<sup>413</sup> Further, HHS told the OIG that its contractors only tested UACs for COVID-19 in five of nine Border Patrol sectors.<sup>414</sup> “Without ensuring all migrants are COVID-19–negative and without complete records, ERO could risk exposing other migrants, ERO staff, and the general public to COVID-19 on domestic commercial flights,” the OIG concluded.<sup>415</sup>

In the first two weeks of July 2021, the number of illegal aliens testing positive for COVID-19 in the Rio Grande Valley Sector increased 900 percent compared to the prior 14 months.<sup>416</sup> McAllen, Texas, in the Rio Grande Valley region, reported that more than 7,000 COVID-positive illegal aliens were released into the city from February–August 2021, including 1,500 in one week in July.<sup>417</sup>

Between Jan. 25–March 2, 2021, the city of Brownsville, Texas, reported that 108 illegal aliens tested positive for COVID-19 after taking a test administered by the city.<sup>418</sup> Another sample of tests in late July and early August 2021 from across the region found that 18 percent of family units and 20 percent of UACs were testing positive for COVID-19 after being released from CBP custody.<sup>419</sup>

And these were just the cases that were recorded.

### After Border Patrol release, asylum-seekers test positive for Covid in Brownsville, Texas

A number of migrants seeking asylum and released by Border Patrol have tested positive to Covid-19 tests in Brownsville, Texas. Some plan to continue their journey to other cities and states.

<sup>413</sup> U.S. Department of Homeland Security, Office of Inspector General, *ICE Did Not Follow Policies, Guidance, or Recommendations to Ensure Migrants Were Tested for COVID-19 Before Transport on Domestic Commercial Flights*, May 18, 2022, 3, <https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-44-May22.pdf>.

<sup>414</sup> *Ibid.*, 9.

<sup>415</sup> *Ibid.*, 1.

<sup>416</sup> Adam Shaw and Griff Jenkins, “COVID Cases among Migrants in Rio Grande Valley Sector Surge 900% as Border Numbers Continue to Rise,” *Fox News*, July 20, 2021, <https://www.foxnews.com/politics/covid-cases-migrants-rio-grande-valley-sector-border-numbers>.

<sup>417</sup> Adam Shaw and Bill Melugin, “Texas Border City Says More than 7,000 COVID-Positive Migrants Released since February, 1,500 in Last Week,” *Fox News*, August 4, 2021, <https://www.foxnews.com/politics/texas-border-city-covid-positive-migrants-released-february-last-week>.

<sup>418</sup> Damià Bonmatí and Martha Alicia López, “After Border Patrol Release, Asylum-Seekers Test Positive for Covid in Brownsville, Texas,” *NBC News*, March 2, 2021, <https://www.nbcnews.com/news/latino/after-border-patrol-release-asylum-seekers-test-positive-covid-brownsville-n1259282>.

<sup>419</sup> Julia Ainsley, “18 Percent of Migrant Families Leaving Border Patrol Custody Positive for Covid, Document Says” *NBC News*, August 7, 2021, <https://www.nbcnews.com/politics/immigration/18-percent-migrant-families-leaving-border-patrol-custody-tested-positive-n1276244>.



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Further, those who tested positive were not required to remain in isolation after their diagnosis. Indeed, many simply continued on their journey throughout the country, potentially infecting others. The New York Times highlighted this fact in an April 2021 report about a shelter providing services to illegal aliens in Tucson, Arizona:

“Migrants who have a positive result are transferred to a shelter operated by the city. Others spend a night or two at the respite center and *then board planes or buses to their destinations around the United States*. Some of them could well have infections contracted in Border Patrol facilities that did not register on tests during the brief time they spent at the respite center, immigrant advocates warned, and *could unknowingly expose others* as they travel to join friends and family elsewhere in the country.”<sup>420</sup>

One press report documented the account of Miriam Izaguirre, a 35-year-old Honduran who was released in Brownsville and soon tested positive.<sup>421</sup> Izaguirre told NBC, “Right now we were tested for COVID and they separated about eight of us because we were positive. We are waiting right now.’ *She was waiting to catch a bus to Houston*. ... [A] spokesperson for the city said in an email that Brownsville does not have the authority to retain these migrants who plan to travel to dozens of cities throughout the country.”<sup>422</sup>

It is beyond dispute that Mayorkas’ policies actively led to the importation of COVID-19 cases into the United States. At a time when millions of Americans were suffering and dying under restrictive and oppressive lockdowns and mandates, the policy of the Biden administration gave preferential treatment to those who entered the country illegally. CBP only tested some symptomatic individuals, while releasing countless others carrying the virus into the surrounding communities, counting on HHS, local governments, and community organizations to test the rest. And those who received tests were able to go freely about the country—even if they tested positive.

The 2021 DHS OIG report noted, “DHS is putting its workforce, support staff, communities, and migrants at greater risk of contracting the virus.”<sup>423</sup>

Not just the DHS workforce—the American people as a whole. And Mayorkas’ policies played a key role in this reckless endangerment.

<sup>420</sup> Frances Robles and Miriam Jordan, “Covid on the Border: Migrants Aren’t Tested on Arrival in U.S.,” *The New York Times*, April 28, 2021, <https://www.nytimes.com/2021/04/28/us/coronavirus-migrants-testing.html>, (emphasis added).

<sup>421</sup> Damià Bonmatí and Martha Alicia López, “After Border Patrol Release, Asylum-Seekers Test Positive for Covid in Brownsville, Texas,” *NBC News*, March 2, 2021, <https://www.nbcnews.com/news/latino/after-border-patrol-release-asylum-seekers-test-positive-covid-brownsville-n1259282>.

<sup>422</sup> *Ibid.*, (emphasis added).

<sup>423</sup> U.S. Department of Homeland Security, Office of the Inspector General, *DHS Needs to Enhance Its COVID-19 Response at the Southwest Border*, OIG-21-60, September 10, 2021, ii, <https://www.oig.dhs.gov/sites/default/files/assets/2021-09/OIG-21-60-Sep21.pdf>.



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### ***Introducing Serious Transmissible Diseases into the United States***

COVID-19 is not the only serious transmissible disease that Mayorkas' policies have imported into the country at scale. The influx of illegal aliens, many from countries lacking adequate public health infrastructure, has risked the spread of other transmissible diseases in American communities.

In an April 11, 2023, letter, New York City Health Commissioner Dr. Ashwin Vasan articulated “how critical it is that health care providers take a wide range of considerations into account when working with people who are seeking asylum.”<sup>424</sup> He cited the far-lower vaccination rates among the 50,000 illegal aliens arriving in the city against diseases like polio as compared to the American population, or the fact that many had traveled through countries with high rates of tuberculosis.<sup>425</sup>

In July 2023, another shocking report came to light showing that HHS had released approximately 2,500 UACs with latent tuberculosis infections into the United States over the course of the past year.<sup>426</sup> This was happening in case after case because the Biden administration was releasing these children far too quickly to be able to conduct treatment necessary to deal with the infections, and pawing the responsibility off on state and local jurisdictions:

“HHS releases infected children to sponsors and notifies local health authorities in the hope that they can arrange for treatment before the latent infection becomes active.

“Those hopes are often dashed.

“Local health officials say the notifications are infrequent and the child has often already arrived when they are told about a case in their jurisdiction.”<sup>427</sup>

The Biden administration also had to “create protocols to handle chlamydia and gonorrhea,” per the report.<sup>428</sup>

Again, while HHS is the department releasing these unaccompanied children to sponsors, it is Mayorkas' DHS that is releasing them to HHS, and Mayorkas' policies that have encouraged a record number of illegal aliens, including these children, to enter the country. Approximately 400,000 UACs have been encountered by CBP on Mayorkas' watch, and most of them have been released rather than returned to their home countries.

The fact that these are HHS releases does not let Mayorkas escape accountability.

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<sup>424</sup> City of New York, Department of Health and Mental Hygiene, Office of the Commissioner, *Dear Colleague Letter*, April 11, 2023, 1, <https://www.nyc.gov/assets/doh/downloads/pdf/immigrant-health/asylum-seeker-dear-colleague.pdf>.

<sup>425</sup> *Ibid.*, 2-3.

<sup>426</sup> Stephen Dinan, “Illegal immigrant kids with tuberculosis infections released into 44 states,” *The Washington Times*, July 18, 2023, <https://www.washingtontimes.com/news/2023/jul/18/health-department-released-thousands-of-illegal-im/>.

<sup>427</sup> *Ibid.*

<sup>428</sup> *Ibid.*





## CONCLUSION

### **Conclusion: The Human Cost of Mayorkas' Open-Borders Policies Is Unacceptable**

The last several years of Mayorkas' leadership have proven what those who believe in the rule of law and secure borders have known all along—open borders are a humanitarian, public safety, and public health disaster. Mayorkas' embrace of open-borders policies has not only enriched the cartels that increasingly control the Southwest border, as documented in Phase 2 of this investigation, but has come at the cost of human lives and livelihoods, those of American citizens and migrants alike.

Fentanyl—to say nothing of the other drugs being trafficked—is flowing into the United States at historic levels, flooding into communities across the country and destroying lives every day. Law enforcement at all levels has been overwhelmed by the constant surge of illegal aliens across the border, with morale at CBP and ICE in the gutter, as law enforcement professionals have been made to feel like they are supporting the cartels' human and drug smuggling operations rather than countering them. Crimes committed by illegal aliens continue to rock communities and forever change lives.

The migrants themselves have endured untold abuses and horrors, both along their journey to the border, and once they arrive in the United States. The record number of unaccompanied children coming across the border has led to a corresponding record of UACs released to unvetted individuals across the country who have trapped them in lives of forced labor and sexual servitude. And the public health policies of this secretary not only violated basic tenets of common sense, but placed illegal aliens above Americans and other lawful residents and travelers.

It is Mayorkas' policies that have encouraged record numbers of people to journey to the Southwest border and cross illegally, because many know they will be released into the interior. Every single human cost and tragedy documented in this report finds its foundation in Mayorkas' decision to open the borders, remove the disincentives to enter illegally, and embolden those who would seek to take advantage of the ensuing chaos.

These devastating human costs fall squarely on Mayorkas' shoulders, and no amount of excuse-making, blame-shifting, or political prevaricating can change that fact. He could immediately stop many of the horrors his policies have unleashed. He could prevent further suffering by advocating a return to the border security policies that eliminated incentives to make the journey to the Southwest border and attempt to enter illegally. If nothing else, he could have resigned in protest at President Biden's failure to do so. However, he has done none of these things, leading to only one logical conclusion—the human costs of his radical policies are acceptable collateral damage in his pursuit of open borders. As long as Mayorkas maintains course with these reckless and irresponsible policies, hundreds of thousands will suffer and die needlessly—and he will continue to bear primary responsibility.