



Written by [David Kelly](#) on September 14, 2022

## Border Patrol Chief Clears Noncitizen Releases From Custody When Title 42 Ends

U.S. Border Patrol Chief Raul Ortiz recently [stated](#) that an internal U.S. Customs and Border Protection (CBP) guidance [memo](#) from May gives border agents the authority to release illegal migrants into the interior of the United States because there would not be enough space to detain them.

The “Noncitizen Releases from U.S. Border Patrol Custody” memo that Ortiz issued was in anticipation of a surge at the border if [Title 42](#) is officially terminated — and is unprecedented in the 31 years Ortiz has been with the agency.

With an estimated almost two million illegals having entered the U.S. just this fiscal year, Title 42 revocation will throw our southern border into an unimaginable nightmare for the CBP and law enforcement agencies of already overburdened border states.

Title 42 is a policy implemented under then-President Donald Trump in 2020 that allowed the U.S. to expel hundreds of thousands of migrants at the southern border under the guise of curbing the spread of Covid-19. The CBP has successfully used Title 42 as a de facto national immigration and border security strategy due to its effectiveness at keeping migrants out of the country. The health order has been used to expel more than 1.7 million migrants since it was implemented.

The Department of Homeland Security (DHS) stated in an August press [release](#) that “Title 42 is not an immigration authority, but a public health authority, and its continued use is dictated by CDC and governed by the CDC’s analysis of public health factors.”

The May 19 memo from Ortiz states, “This guidance is for situations where U.S. Immigration and Customs Enforcement (ICE)/Enforcement and Removal Operations (ERO) are unable to accept custody of noncitizens due to lack of bed space, such that noncitizens must be released directly from USBP custody to avoid overcrowding and excessive time in custody.”

Lawyers representing Florida Attorney General Ashley Moody asked Ortiz to describe the memo, and he replied: “It’s a memorandum that I signed on May 19th, 2022, and it discusses the noncitizen releases from our custody.” The emergency memo predicts that border agents would not be able to process and transport large numbers of illegal aliens who would cross the southern border into the U.S. if the Title 42 public health order is repealed.

Currently Title 42 is stuck in court, as “the U.S. District Court for the Western District of Louisiana enjoined the repeal of Title 42 in a case filed by 24 states, including Florida, issuing a nationwide injunction” on May 20, a day after the CBP memo.



YouTube  
Raul Ortiz



Written by [David Kelly](#) on September 14, 2022

---

The Center Square reported that Moody [denounced](#) Ortiz's memo:

"The Biden administration's failed immigration policies are disastrous," Moody said. "Expecting to be overrun, Biden's Border Patrol drafted a plan to hunker down and allow inadmissible immigrants to flood into the country. But for the efforts of our office and other responsibly-minded, public-safety oriented attorneys general, Title 42 would have been repealed and Biden would have released untold thousands of additional immigrants into the interior of our country — outrageous!"

The memo continued: "If safe locations are not available" to release illegal foreign nationals, instead of processing them for removal, Ortiz said CBP would "engage with nearby cities and local governments to identify alternate safe locations for release."

They were also instructed to be released into the U.S. in a "safe, humane and orderly manner," not "late at night in an unpopulated area or in circumstances in which the individual would face a known safety risk."

Florida's lawsuit was filed February 1, naming the DHS, CBP, and other government agencies and officials as defendants.

While some entering the U.S. illegally have legitimate asylum claims, the lawsuit alleges "many do not. Some are gang members and drug traffickers exploiting the immigration crisis, as evidenced by the skyrocketing amount of fentanyl being seized at the border." All foreign nationals claiming asylum are required by law to be detained, Moody notes, pending a decision to determine if their claim is valid or not.

"Congress has commanded the Executive Branch to detain arriving aliens until a final decision is made regarding removal" regardless of how the individual enters the U.S. through a port of entry or in-between ports of entry, the lawsuit states. "Even though Congress has spoken unambiguously, the Biden administration is willfully ignoring these requirements. It has released at least 366,000 illegal border crossers since taking office," as of February 2022.

Last Sunday Vice President Kamala Harris — the nation's "Border Czar" — declared the U.S. southern border "secure," echoing the comments of DHS Secretary Alejandro Mayorkas in July at a security conference that "the border is secure. We are working to make the border more secure. That has been a historic challenge."

In April, Mayorkas testified before the House Appropriations Committee, saying, "We inherited a broken and dismantled system that is already under strain ... only Congress can fix this. Yet, we have effectively managed an unprecedented number of non-citizens seeking to enter the United States."

Before that hearing Rep. Matt Gaetz (R-Fla.) had asked Mayorkas to provide data about removal proceedings for the 1.2 million people who are now non-detained, free, and roaming about the country. [According to Gaetz](#), "It would take 14.5 years to deport just the aliens DHS has released under the Biden Administration, when we have near 1.9 million aliens eligible for deportation currently."

It is quite apparent that there is a border crisis, and that the immigration system is in disarray as President Biden does not want a secure border. Ending Title 42 will fan the flames of a border crisis



Written by [David Kelly](#) on September 14, 2022

---

that can only be another step towards the “great reset.”

It will be up to brave leaders and elected officials who clearly understand what’s at stake to bring about comprehensive changes to immigration law enforcement to keep our nation and borders secure.

*([Click here](#) to learn more about the immigration problem and what can be done about it.)*



## Subscribe to the New American

Get exclusive digital access to the most informative, non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



[Subscribe](#)

### What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.