



Written by [Warren Mass](#) on February 5, 2016

Border Patrol Agents Ordered to Stand Down in Enforcing Immigration Laws

The president of the National Border Patrol Council (NBPC), testifying before the House Judiciary Committee's Subcommittee on Immigration and Border Security on February 4, stated that the Department of Homeland Security (DHS) and the U.S. Attorney's office have come up with a new policy that undermines immigration law enforcement. The policy makes it mandatory for Border Patrol agents to release — without a Notice to Appear (NTA) before an immigration judge — any person they arrest for being in the country illegally. Furthermore, noted the Border Patrol agents' union president, this policy is in effect as long as the aliens do not have a previous felony arrest conviction and as long as they *claim* to have been continuously in the United States since January 2014.



Taking the aliens' claims of residency at face value is a critical distinction, noted Brandon Judd, the NBPC president:

The operative word in this policy is "claim." The policy does not require the person to prove they have been here which is the same burden placed on them during deportation proceedings. Instead, it simply requires them to claim to have been here since January of 2014.

Not only do we release these individuals that by law are subject to removal proceedings, we do it without any means of tracking their whereabouts.

Furthermore, complained Judd, "Immigration laws today appear to be mere suggestions" and "there are little or no consequences for breaking the laws and that fact is well known in other countries. If government agencies like DHS or CBP are allowed to bypass Congress by legislating through policy, we might as well abolish our immigration laws altogether."

The Daily Caller reported that during the discussion with subcommittee members following his prepared text, Judd said, "Right now the Border Patrol has actually told us that we can no longer ask them that question, why are they coming any more? We can't even ask that question. In some cases we still do, but we are being told that you can't even ask why they are coming."

When Representative Raul Labrador (R-Idaho), vice chairman of the Subcommittee on Immigration and Border Security, asked Judd, "What do you think are the consequences for agents who are unwilling to comply with these limiting policies?" Judd replied, "They'll be terminated."

After Labrador asked, "So for wanting to enforce the law that is in the books, they are going to be



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terminated from their jobs?” Judd replied, “Absolutely.”

Also testifying at the subcommittee hearing was Jessica Vaughan of the Center for Immigration Studies, reported the *Daily Caller*. Said Vaughan:

The vast majority [of illegal aliens] are coming because they understood that they would be allowed to stay, and that the smugglers are telling them and advertising in their home countries that if they get to the border that they will be released and allowed to stay for an indefinite amount of time.

Steven McCraw, director of the Texas Department of Public Safety, also testified before the subcommittee. He stressed that many problems facing Americans, including drugs and gangs, stem from our failure to secure our borders. Said McCraw:

If a community in this country has a drug problem — such as the current heroin addiction epidemic and explosion of heroin-related deaths in the northeast region of United States — they have a Mexican Cartel and unsecure border problem and if a community is plagued by transnational gangs such as MS-13 and MS-18, they have an unsecure border problem.

Judd was not the first NBPC officer to speak openly about the border crisis. As we noted in [our article of June 20, 2014](#), Stu Harris, vice president of NBPC, told *Breitbart Texas* of his assessment of the vast increase in illegal cross-border traffic that was ongoing during 2014: “This situation is de facto amnesty. The word has gotten out that we will simply release people into the US if enough of them come at once. The result is that they are doing it.”

Harris commented on the strange phenomenon of illegal border crossers actually seeking out border patrol agents and turning themselves in:

Our guys risk their lives. The people who are turning themselves in now, are people who would have tried to avoid us and would have been running away from us when they crossed illegally. Now these same people want to find border patrol agents and turn themselves in. That really says something.... They know they can come here and they will get released into the United States. That is all that has changed. That is why they are coming here now in such large numbers.

We explained in our report just how large the “large numbers” that Harris referred to were, citing a Reuters article of May 29, 2014 noting that the Obama administration had estimated that 60,000 children unaccompanied by parents or relatives would pour into the United States in 2014, up from about 6,000 in 2011. While no one knows how many adults were crossing the border illegally, the Border Patrol apprehended a total of 129,118 illegal immigrants in 2011.

Our article quoted a statement from Senator Jeff Sessions (R-Ala.), who has been a stalwart and vocal watchdog in Congress concerning the border crisis. Sessions posted the statement about the crisis on his Senate webpage on June 3, 2014, which read, in part,

The rising crisis at the border is the direct and predictable result of actions taken by President Obama. He and his Administration have announced to the world that they will not enforce America’s immigration laws, and have emphasized in particular that foreign youth will be exempted from these laws. The world has heard the President’s call, and illegal immigrants are pouring across the border in pursuit of his promised amnesty.

Judd’s recent testimony before the House subcommittee indicates that the Obama administration’s lack of border enforcement has gone from bad to worse since 2014. This issue should be a major talking point in this year’s presidential election, and voters should take a candidate’s position on immigration



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enforcement into consideration when deciding whom to support.



Photo of Border Patrol vehicle along U.S.-Mexico border: AP Images

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