

March 24, 2021

The Honorable Chuck Schumer  
Majority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20510

Dear Majority Leader Schumer, Speaker Pelosi, Minority Leader McConnell, and Minority Leader McCarthy:

On behalf of retired Chiefs of the United States Border Patrol, we write with grave concern regarding the current crisis on the southwest border. It is time to address our broken immigration system as well as the push and pull factors encouraging mass migration, and its impacts on border security. The patchwork system in place continues to fail us all. It puts migrants at risk, fosters corrupt smuggling organization activities, overwhelms frontline law enforcement and civil servants, and ultimately threatens the security of our Nation when those frontline agents and officers are diverted from their primary mission. Congress must faithfully work with the executive branch to address the legal framework issues, current border policy and resource challenges present in our Nation's approach to immigration and border security. The consequences of inaction will fall on those who fall through the cracks of a broken immigration system, the dedicated Federal, state, local and tribal law enforcement professionals ill-equipped to meet today's border security challenges, the communities impacted, and our country's security and safety.

The reality is there is an unprecedented number of unaccompanied children arriving at our border. The rate at which children are arriving on a daily basis will eclipse the previous crises. In February, the number of unaccompanied children totaled 9,500, a 61% increase from January. Push factors such as poverty, violence, governance, and a lack of economic opportunity have been exacerbated by the COVID-19 pandemic. However, the change in administrations, strong signals in policy changes, and security postures at the border have created a hyper acceleration in the number of undocumented migrants seeking to enter the United States.

Unaccompanied children and families often arrive at the border with a variety of medical issues ranging from dehydration to malnutrition to physical injuries. Border Patrol agents encounter these children in remote regions of the border, far from any infrastructure or relief necessary to

address these issues. Additionally, Border Patrol facilities built nearly three decades ago were designed for single adult males and are not appropriate spaces to detain, hold or care for children. In the last several years, the Border Patrol has spent millions of dollars in operational funds to provide meals, hygiene products, showers, and medical care for those in custody to include unaccompanied children. These are stop-gap measures that do not reflect meaningful change or provide the necessary care for children at the border.

Under the Homeland Security Act of 2002 and the Trafficking Victims Protection Reauthorization Act of 2008, unaccompanied children are required to be transferred to the Office of Refugee Resettlement (ORR). ORR has been statutorily authorized by Congress to care for children who arrive at the border without a parent or legal guardian. The facilities provided by ORR are staffed with professionals who have the necessary resources and training to provide for children in their custody until the child can be placed with an appropriately vetted sponsor. Unfortunately, ORR does not have the surge capacity needed to address large numbers of children arriving at the border, and as a result, children are forced to wait in Border Patrol stations for days before ORR can accept custody. The result is that more children, far from home and their parents, will remain in overcrowded facilities for longer periods of time. To be clear, in our experience, the agents and officers charged with the care of those in their custody will do whatever they can to support those in need. However, the more children that are added to this unfortunate situation, the greater the likelihood a child will suffer harm or worse. The urgency of this issue cannot be overstated, and it should be addressed immediately.

The surge of unaccompanied children is endemic of a broken immigration system that has not been addressed for decades. As a coequal branch of government, Congress has the responsibility to conduct oversight, provide funding and create laws that address the issue of illegal immigration. To address these issues meaningfully, Congress should:

- Act now. The cycle of immigration crises must be a priority for Congress. Congress has not successfully or meaningfully addressed immigration as an issue in over 25 years. There have been transformative changes in migration, border security, technology in that time that demand a renewed focus on this issue.
- Seek input from the career professionals in federal law enforcement and HHS regarding the potential consequences of policy and budgetary decisions made by Congress. There is a vast array of experience and data that can help inform policy decisions and ensure successful execution.
- Ensure that policies are fully funded and resourced. Breakdowns in policy execution can often be the result of political decisions that create backlogs, delays, and funding deficiencies. Ensuring that every part of a policy is fully funded and resourced is critical to the success of that policy. Many of the challenges we are seeing at the border today are

a result of a lack of funding for U.S. Customs and Border Protection, Immigration and Customs Enforcement and ORR to properly address the immediate crisis.

Today, the United States Border Patrol supports a vital national security function by preventing dangerous persons, narcotics, and goods from illegally entering the United States through the land borders and coastal waters. The Border Patrol's most valuable assets are its agents. Uniquely trained and highly qualified, USBP agents carry out their mission in challenging environments ranging from Arizona's Baboquivari mountain range to Havre, Montana. While there have been technology improvements along our Nation's borders over the last 20 years, they have not kept pace with the well-resourced criminal enterprises that are constantly challenging our border security experts on the front lines. This is even more challenging given the risk of spread of COVID-19 and the potential danger of exposure for agents and their loved ones. Every day they perform their job with compassion, integrity and professionalism. This crisis complicates an already complex border security mission and creates a distraction for agents. Transnational criminal organizations are capitalizing on this crisis, exploiting these vulnerable unaccompanied children and their families while at the same time utilizing this distraction to overwhelm frontline Border Patrol agents who are pulled away from their primary mission of securing our Nation's borders.

We ask that you honor the commitment and dedication of the United States Border Patrol by supporting their efforts and meaningfully addressing the crisis on the southern border.

Sincerely,

David V. Aguilar

Fmr. Acting Commissioner, U.S. Customs and Border Protection (retired)

Fmr. Deputy Commissioner, U.S. Customs and Border Protection

Fmr. Chief, United States Border Patrol

Mr. Ronald Vitiello

Fmr. Acting Director, Immigration and Customs Enforcement (retired)

Fmr. Acting Deputy Commissioner, U.S. Customs and Border Protection

Fmr. Chief, United States Border Patrol

Ms. Carla Provost

Fmr. Chief, United States Border Patrol (retired)

Mr. Michael Fisher

Fmr. Chief, United States Border Patrol (retired)

Mr. Scott Luck  
Fmr. Deputy Chief, United States Border Patrol (retired)

Mr. Robert L. Harris  
Fmr. Director, Joint Task Force West, U.S. Department of Homeland Security (retired)  
Fmr. Chief Patrol Agent, United States Border Patrol

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Mr. Roy Villareal  
Fmr. Chief Patrol Agent, United States Border Patrol (retired)

Mr. Anthony Porvaznik  
Fmr. Chief Patrol Agent, United States Border Patrol (retired)

Mr. Rodolpho Karisch  
Fmr. Chief Patrol Agent, United States Border Patrol (retired)

Mr. Robert Gilbert  
Fmr. Chief Patrol Agent, United States Border Patrol (retired)