



Written by [Warren Mass](#) on September 6, 2016

Border Patrol Agent: 80 Percent of Those Caught at Border Set Free in U.S.

Border Patrol Agent Hector Garza, acting in his role as president of the National Border Patrol Council's (NBPC) Local 2455, appeared on Fox News Channel recently and said, "Eight out of ten people that are caught entering our country illegally are not deported and are allowed to stay in the United States."

Garza's appearance on Fox News was heavily quoted in an article posted by Breitbart News on September 5. Garza stated further: "Unfortunately for Border Patrol agents, we are trying to do our jobs as best we can with the very limited resources that we have."



Breitbart noted that Garza, speaking on Fox News, complained about the lack of resources that the Obama administration has made available to the Border Patrol agents responsible for defending our nation's borders: "We do not have enough vehicles for our agents to patrol with, we do not get the manpower that we need.... Through executive orders and prosecutorial discretion ... most of the people that we apprehend end up getting released into the country. It is very difficult to adequately patrol the border. Keep in mind, if we don't have enough agents out there, there are going to be people who are going to get away — and we don't know who those people are. The only people that we know who they are, are the ones we are actually catching."

This was the second time in recent months that Garza appeared on Fox News. He was interviewed by the network's Sean Hannity back on July 10, when Hannity asked Garza to comment on the ban on speaking out against federal policies that has been imposed on border patrol agents. Garza replied, "Well, as border patrol agents, we're not allowed to speak to the media. However, as union spokespersons, we're able to communicate some of the information out to the media and to the community, and to the American public."

Hannity told Garza that he was in a briefing that morning, in which he was told that people from Syria, Pakistan, Yemen, and Afghanistan were crossing the border and being apprehended. He asked Garza if his agents were telling him about those occurrences. Garza said: "They are telling us that we're seeing aliens from all over the world, including some of those countries that you mentioned, yes, sir."

Hannity then asked Garza to explain the abbreviation "OTM" and to elaborate on what that means, as far as U.S. immigration policy is concerned. After Garza explained that it means "Other than Mexican," Hannity noted: "If a child from Mexico comes here, they can be sent back expeditiously. But that's not the same because of what, the 2008 law that relates to kids from Central America?" Garza replied, "That is correct. What's happening is that we treat OTMs differently than we do aliens from Mexico or Canada. Right now, what's happening is that our government is pretty much releasing and giving these



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OTMs a free pass into our country. And we are very concerned about it. We want to make sure that our borders are secured and patrolled by our agents, and we want to be able to do our job.”

Hannity then asked Garza to defend the assertion he and other Border Patrol agents made that U.S. government policy is actually helping those who smuggle drugs or illegal aliens across the border. To which Garza said:

Actually, what’s happening is that the federal government is actually completing the smuggling cycle. By having a parent sending their child to the U.S. border, having them smuggled, that is only part of the smuggling cycle. Then ... the federal government steps in. We apprehend them. We process [them] and then we release them to their family members in the U.S. We just completed that smuggling cycle. Now, why would anybody want to hire a smuggler when the U.S. government is actually doing it for free?

Other spokesmen for the NBPC have spoken out publicly about the Obama administration’s failed immigration enforcement policies. As [we noted in April](#), National Border Patrol Council President Brandon Judd, while providing testimony to the House Judiciary Committee in March, stated that Border Patrol agents have been ordered to release illegal immigrants apprehended at the Rio Grande — even those who were still “dripping wet” from having just crossed the river — unless agents actually saw the aliens climbing out of the river. Judd wrote in his statement:

We have apprehended illegal aliens just north of the border who are still soaking wet from crossing the river. If they claim, as increasingly they are doing, that they have been here since January 1, 2014, we will process and then release them. They are still wet from the river and miles from any civilization and on their word alone we release them unless we physically saw them cross the river. This policy de facto creates an open border with Mexico for any illegal alien who wants to claim that they were here before 2014.

When the *Times*, which originally broke this story, contacted U.S. Customs and Border Protection (CBP), the Homeland Security agency that oversees the Border Patrol, CBP denied that the agents had been given an order to release illegal aliens, stating: “The U.S. Border Patrol has not issued any stand-down order to agents. The Border Patrol’s enforcement posture and operation is the same as it was in 2014 and 2015, agents are issuing Notices to Appear consistent with law, regulation, and enforcement priorities.”

A “Notice to Appear” is basically a summons issued to an illegal alien who is released on his own recognizance and ordered to appear before an immigration court at a future date. But enforcement of these notices is lax. As we noted [in 2014](#), during the height of the crisis stemming from an unprecedented wave of unaccompanied minors crossing our borders, Juan Osuna, director of the Executive Office of Immigration Review at the Department of Justice, in testimony before the Senate Homeland Security Committee, said that about 46 percent of all unaccompanied minors who are apprehended by authorities fail to show up for hearings before immigration judges.

According to [NBPC president Judd](#), “As someone who has been involved in border protection for over 18 years, I can tell you the border is not secure and the situation is getting worse.”

Another border union spokesman, NBPC vice president Shawn Moran, shed additional light on the border enforcement crisis while speaking with Sean Hannity:

I think the American people don’t understand the full breadth of this problem. We have a president who has appointed a commissioner of Customs and Border Protection who is more political than



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ever, and they have carved out our immigration laws by policy, where border patrol agents are basically letting everyone we catch out the door. That's not border security. We need a president who understands the problem, who is going to put the right political appointees in there, and who is going to let border patrol agents go out and enforce the law.

The CBP commissioner that Moran referred to is Gil Kerlikowske, who was nominated by President Obama and sworn in on March 7, 2014.

Shortly before Moran and Judd made their statements, the NBPC endorsed Donald Trump for president. Judd explained the union's reason for the endorsement: "Our union endorsed Donald Trump because he is the only candidate, Democratic or Republican, who is speaking to what is actually going on at the border."

An NBPC press release stated that part of the reason for its endorsement of the presidential candidate was the fact that "there is no greater physical or economic threat to Americans today than our open border."



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