



Immigrant rights advocates waited over 9 hours to testify against a proposed Border Protection Unit to “deter and repel” migrants

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April 13, 2023

It was still dark when Alexis Elicerio left the Rio Grande Valley at 3 a.m. to drive to Austin.

The day had scarcely begun by the time Elicerio and 10 others from San Juan arrived at the Capitol to speak directly to lawmakers about a border security bill — one that would create a state unit of officers and civilians empowered to “deter and repel” and arrest migrants if they were seen illegally crossing the border, then return them to Mexico.

Almost 20 hours after starting his day, Elicerio was still waiting for his chance to speak. He said he would tell the legislators that more policing along the border will not solve the most critical issues facing his border community, like unfunded schools and lack of health care.

Elicerio was one of more than 277 people who signed up Wednesday to speak against [House Bill 20](#). He was testifying on behalf of LUPE, a decades-old community organization with roots in the Rio Grande Valley, as a civic engagement organizer.

“A lot of people in our communities will be living in even further fear and be further policed and militarized as a result of this type of legislation,” Elicerio said. “We come as a voice for the ones that can’t travel across the checkpoint.”

His community would be directly impacted, Elicerio said, adding, “We’ll stay here until 2 [a.m.] until they say stop.”

Immigrant rights advocates from across Texas, including El Paso and the Rio Grande Valley, waited over nine hours to be able to testify before the House State Affairs Committee against what is priority legislation for Texas House Speaker [Dade Phelan](#). The committee chair, Rep. [Todd Hunter](#), R-Corpus Christi, allowed four hours of testimony for supporters and opponents of the bill, which started at 10 p.m.

Among those who testified against the bill was Asher Vargas, a 9-year-old boy, who said he volunteers at immigrant welcome centers to help immigrants like his grandmother and urged lawmakers not to support the proposal because it “would make it harder for them, which is not very kind. Do you want to be known as a hateful or unwelcoming state? I know I don’t.”

Jennefer Canales-Pelaez, the Texas policy attorney and strategist with Immigrant Legal Resource Center, an advocacy group that helps immigration attorneys, said Texas has misspent taxpayer money on immigration enforcement rather than other priorities such as public education.

“Let this be a reminder that when our state government actively works against the people of Texas, the people of Texas will not go quietly,” she said.

Roberto Lopez, with the Texas Civil Rights Project, said in a statement the proposal will not keep Texans safe but instead “only serve the governor’s interests.”

“We have already seen paramilitary organizations operating in border communities, and giving them the power to capture and detain people seeking safety and protection at our borders would create chaos that will endanger the safety of all Texans,” he said.

Nearly 300 people signed up to testify against the proposal, and about 30 people signed up to speak in support of the bill.

Joshua Treviño, the chief of intelligence and research at the Texas Public Policy Foundation, a conservative think tank, testified in support of the bill. He said Texas needs to do what it can to keep residents safe.

“Texas must step up with its full constitutional powers brought to bear. HB 20 is a positive effort in that direction. It is a necessary first step and we, therefore, urge its passage,” he said.

Mark Morgan, a visiting fellow at the conservative Heritage Foundation, who registered as a neutral party to testify to the panel of lawmakers, said “the concept is a good idea.”

Morgan, a former U.S. Customs and Border Protection commissioner and Border Patrol chief, said he believed that HB 20 would serve as a deterrent to people attempting to cross the border illegally.

Rep. [Matt Schaefer](#), R-Tyler, who introduced the bill to the House committee at about 9 p.m., said his bill is meant to protect Texas from drug cartels smuggling fentanyl into the United States and from people smuggling immigrants across private land along the southern border.

“How many more people will die from fentanyl poisoning? How many more landowners suffer damage to property from trespassers and smugglers?” Schaefer said.

According to the [Wilson Center’s Mexico Institute](#), a nonpartisan research organization in Washington, D.C., fentanyl seizures at the southern border rose over 500% between fiscal years 2019 to 2022. This fiscal year, immigration agents are on track to set a record for fentanyl seizures. However, the [Cato Institute](#), a libertarian think tank in Washington, D.C., found that the majority of fentanyl is being trafficked into the country mostly through ports of entry by U.S. citizens.

House Bill 20 would create a “Border Protection Unit” whose officers can “arrest, apprehend, or detain persons crossing the Texas-Mexico border unlawfully, and deter persons attempting to cross the border unlawfully, including with the use of non-deadly crowd control measures.”

The bill says that in order to be an officer of the unit, that person must have a peace officer license. The bill also says the unit’s chief — who would be appointed by the governor — may employ civilians who could have arrest powers only if the state has trained them and either the state public safety commission or the governor has authorized it.

The size of the unit and the cost of forming and running it isn’t detailed in the bill. Its fiscal note says “the fiscal implications of the bill, while assumed to be significant, cannot be determined at this time due to the size and scope of the Border Patrol Unit being unknown.”

Schaefer’s legislation would also make trespassing on private property in Texas by migrants entering from Mexico a third-degree felony punishable by a \$10,000 fine.

Schaefer’s bill also states that if the federal government declared another national public health emergency over COVID-19, or issued COVID-19 vaccination requirements for U.S. citizens including government and health care workers, then the state would be allowed to remove migrants “as rapidly as possible.”

According to the proposal, the unit would be abolished on Dec. 31, 2030, unless the state Legislature approves funding the unit past that date.

Currently, under federal law, a person arrested for entering the country without permission could be charged with a misdemeanor. If Border Patrol agents arrest them a second time, the person could be charged with a felony and be banned from entering the country for a certain amount of years.

The proposal comes as Texas has spent more than \$4 billion to slow the number of migrants crossing into the state and sent thousands of Department of Public Safety troopers and National Guard service members to the border. The state has also devoted hundreds of millions of dollars to erecting a state-funded border wall and prosecuting some migrants who have crossed the border in state court for offenses such as trespassing.

In the fiscal year 2022, which ended in September, U.S. Border Patrol agents made 2.4 million apprehensions — a record-breaking number — as an increasing number of people from Latin America and the Caribbean seek asylum in the United States after fleeing violent crime, oppressive governments and economic hardships.

During questioning, Schaefer was asked by Rep. [Rafael Anchía](#), D-Dallas, if the intent of HB 20 is to reverse a 2012 U.S. Supreme Court ruling that says the federal government has full responsibility over immigration enforcement, not individual states.

Schaefer refused to answer that question.