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DECLARATION OF UNITED STATES BORDER PATROL  
ASSISTANT CHIEF PATROL AGENT RYAN YAMASAKI

I, Ryan Yamasaki, declare:

**Background**

1. I am the Assistant Chief Patrol Agent assigned to the San Diego sector of the United States Border Patrol. The San Diego sector covers the border between Mexico and the United States near Imperial Beach to the Imperial County line, and up to the Oregon border. I have been serving as the Assistant Chief Patrol Agent since approximately February 2016. My duties include management and oversight of all criminal prosecutions, administrative proceedings, asset forfeiture, detentions, family and juvenile compliance. I am also the enforcement systems liaison for the San Diego sector. As the enforcement systems liaison, I have access to data systems used by the United States Border Patrol. I coordinate with assistant and associate chiefs at the United States Border Patrol headquarters to obtain statistics from the San Diego sector at their request, and conversely to request official statistics from headquarters relating to San Diego sector activities.

2. Before getting assigned as Assistant Chief Patrol Agent, I worked as a watch commander at the Imperial Beach station between 2012 and 2016. As watch commander, I was the supervisor for all United States Border Patrol agents assigned to my shift at the Imperial Beach station. Between 2011 and 2012, I was the Acting Assistant Chief, San Diego Sector, in charge of logistics. In that role, I was responsible for overseeing all Border Patrol facilities, including the checkpoints and related infrastructure in San Diego County. I have been employed as a line agent by the United States Border Patrol since 1998, and have had supervisory duties since approximately 2006.

3. I have had training at the United States Border Patrol academy through the Federal Law Enforcement Training Center, which included training on the law, physical training, defensive tactics (apprehensions), and the Spanish language. Once assigned to the San Diego sector, I received one year of field training, which included area orientation

1 and a “10-month prep” that required additional training in the law and Spanish language.  
2 As part of field training, I was also assigned to work with a senior Border Patrol agent to  
3 study traffic trends and patterns for illegal entrants. Based on this training, as well as my  
4 experience, I am familiar with the ways in which illegal entrants travel from the border  
5 into the interior of the United States.

6 **The April 2018 Caravan**

7 4. The United States Border Patrol’s mission is to secure the United States’  
8 borders between the ports of entry. That includes preventing the illegal entry of persons  
9 and contraband into the United States.

10 5. In late April 2018, a group of individuals – commonly referred to as a  
11 “caravan” – arrived at the United States/Mexico border in Tijuana, Mexico. The stated  
12 purpose of the caravan, as reported in the news media, was to provide safe passage for  
13 individuals intending to seek asylum in the United States, although caravan participants  
14 were offered asylum in Mexico. There have been multiple such caravans during recent  
15 years, which consist primarily of individuals from Central America, including Honduras,  
16 Guatemala and El Salvador. News reports for the April 2018 caravan similarly indicated  
17 that the caravan participants were primarily from Central America.

18 6. There is an established process for an individual at the United States/Mexico  
19 border to seek asylum in the United States. This process includes presenting oneself at a  
20 Port of Entry to request asylum. The process does not include illegally entering the  
21 United States away from a Port of Entry and then seeking asylum if apprehended.  
22 Individuals who unlawfully enter the United States and then seek asylum when  
23 apprehended effectively “cut in line” in front of the individuals waiting to present  
24 themselves at the designated Port of Entry.

25 7. Border Patrol anticipated that the April 2018 caravan would proceed through  
26 Mexico to the United States/Mexico border near the San Ysidro Port of Entry. Consistent  
27 with our mission, it was an enforcement priority to deter caravan members from  
28 attempting to enter the United States illegally. To accomplish this objective, Border

1 Patrol's San Diego sector determined that we would seek criminal charges against those  
2 individuals who were identified as caravan participants – either through their admissions  
3 or a list provided by Mexican immigration officials – who entered or attempted to enter  
4 the United States illegally.

5 8. In carrying out our objective to deter caravan participants from illegally  
6 entering the United States, Border Patrol also took into account humanitarian  
7 considerations. On a case-by-case basis, Border Patrol elected to consider whether to forego  
8 seeking criminal prosecution against caravan members who entered illegally but presented  
9 health issues or special needs, including those traveling with young children.

10 9. On April 27, 2018, Border Patrol agents in the San Diego sector apprehended  
11 multiple individuals who had entered the United States illegally at locations west of the San  
12 Ysidro Port of Entry. At approximately 6:00 p.m., agents apprehended a group of 7  
13 individuals. At approximately 9:00 p.m., agents apprehended another group of 18  
14 individuals. Exhibit A lists each individual apprehended in both groups, including the  
15 individual's name, nationality, whether they were identified as a caravan participant and  
16 whether they were charged with illegal entry. Individuals who were not charged with a  
17 crime (including multiple minors) are referenced by their initials.

18 **Group of Seven Individuals**

19 10. With respect to the group of 7 individuals, all group members were identified  
20 as caravan participants. Three of the 7 group members, including Morena Elizabeth  
21 Mendoza-Romaldo, were submitted to the U.S. Attorney's Office for prosecution. The  
22 remaining 4 group members were not submitted for prosecution. As reflected in Exhibit A  
23 those 4 caravan participants not charged included a mother and her two-year-old son, a 12-  
24 year old minor and a woman who reported being 8.5 months pregnant.

25 **Group of Eighteen Individuals**

26 11. With respect to the group of 18 individuals, 12 of them were identified as  
27 caravan participants. Of those 12 individuals, 5 were submitted for prosecution. The 7  
28 individuals not charged with illegal entry were minors.

12. The remaining 6 group members were not identified as caravan participants. This included a mother and her five-year-old daughter who stated they left the caravan in Mexico City, an unaccompanied minor and three citizens of India.

#### **Submissions To U.S. Attorney's Office For Prosecution**

13. At no point did Border Patrol target citizens of Central American countries for prosecution because of their nationality. To the contrary, Border Patrol sought prosecution of caravan participants with the objective of deterring other caravan participants from illegally entering the United States, while also taking into consideration humanitarian concerns. Border Patrol understood that caravan participants were predominantly from Central American countries, but it was the individuals' status as caravan participants, not their nationality, that was the reason for prosecution. For example, one of the members of the group of 18 was a Mexican citizen who claimed to be traveling with the caravan (although he later asserted that he was with the caravan as a diversion to aid his illegal entry into the United States). Border Patrol presented this Mexican citizen's case for prosecution because of his claimed status as a caravan participant irrespective of the fact that he was not from Central America. *See United States v. Eric Alberto Lopez-Robles*, 18MJ2078-RBB. Between April 27, 2018 and the present, every individual apprehended by Border Patrol's San Diego sector who was identified as a caravan participant was submitted to the U.S. Attorney's Office for prosecution regardless of their citizenship unless there were countervailing humanitarian reasons as described above. Conversely, between April 27 and 29, 2018, San Diego sector Border Patrol apprehended approximately 232 individuals for illegal entry who were not identified as caravan members and who were not prosecuted, including approximately 34 citizens of Honduras, Guatemala and El Salvador.

14. Prosecution statistics for individuals arrested by Border Patrol in the San Diego and El Centro sectors between January 1, 2017 and May 11, 2018 reflect that *non*-Central American aliens make up the bulk of Border Patrol immigration-related prosecutions in this district. In that time frame, 3,129 aliens were prosecuted. Approximately 95 percent – 2,958

1 aliens – were from non-Central American countries, and 171 were from Central American  
2 countries.

3 I declare under penalty of perjury that the foregoing is true and correct to the best of  
4 my knowledge and belief.

5 DATED: MAY 15, 2018 in San Diego, California

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7   
8 RYAN YAMASAKI  
9 Assistant Chief Patrol Agent  
10 United States Border Patrol  
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