

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

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Juan Manuel MONTES BOJORQUEZ,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	
)	NO. 17-CV-780 GPC NLS
UNITED STATES CUSTOMS AND)	
BORDER PROTECTION et al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF R. GIL KERLIKOWSKE

I, R. Gil Kerlikowske, make this declaration based on my personal knowledge and, if called to testify, I could and would do so competently as follows:

1. I served as the Commissioner of U.S. Customs and Border Protection (“CBP”), having been nominated by President Barack Obama and confirmed by the Senate in March 2014. I retired from this position on January 20, 2017.

2. CBP was formed as part of the Department of Homeland Security in 2003 because of recommendations issued by the 9/11 Commission. Its dual responsibilities are to secure America’s borders and to facilitate lawful travel and trade.

3. As the agency’s chief executive, I oversaw all CBP employees, managed the budget, and ensured the effective operations of CBP’s efforts to protect national security while promoting economic prosperity and security.

4. On or about February 23, 2016, the Department of Homeland Security (“DHS”) and the Mexican Government finalized new Local Repatriation Arrangements to strengthen the bilateral framework for the protection of Mexican citizens being returned to Mexico, establishing local procedures for the orderly and safe repatriation of Mexican nationals from the United States to Mexico. The agreements were also intended to improve the efficient use of limited resources, and increase coordination during the repatriation process.

5. In all there are nine arrangements that govern repatriation from all locations along the U.S.-Mexico border from California to Texas. While the arrangements vary slightly, they all include a provision ending nighttime repatriations between 10 p.m. and 6 a.m. I know that these repatriation arrangements were signed to end problems of dangerous night-time repatriations, as well as repatriations of children and other vulnerable populations without sufficient safeguards.

6. Despite the signing of the repatriation arrangements in February 2016, given the large numbers of individuals repatriated across the United States-Mexico land borders, I would not be surprised that repatriations in violation of the arrangements continued to exist.

7. I am aware that CBP agents receive on-going training to address continuing policy changes on important immigration matters. The creation and implementation of the DACA program would have been considered such an important matter that agents would have been trained on how to identify a DACA recipient in their custody.

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8. I am aware of complaints from detainees and representatives that notification and explanation of the process and their rights by CBP was not done.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Signed this 28 of June 2017, in Vineyard Haven, MA.



R. Gil Kerlikowske, Declarant.