

Good morning. My name is Katie Conner and I'm part of the Communications Department for the Arizona Attorney General's Office. Thank you for having me here today.

Our office has been very busy when it comes to the current border crisis – where hundreds of thousands of people have illegally crossed since January.

Just this past April, Border Patrol encountered more than 178,000 individuals along our southwest border, a surge never seen before.

This is having a tremendous impact here in Arizona but also across the country.

So far, Attorney General Brnovich has filed two lawsuits against the Biden Administration and federal officials over immigration policies. Additionally, our office filed two motions to intervene in lawsuits regarding the Public Charge Rule and Migrant Protection Protocols.

Today, I am here to talk about our lawsuit we filed in April against the Department of Homeland Security and federal officials for their policies that are fueling the border crisis and damaging our environment.

If you take a trip down to our border, you will see it is littered with trash.

Each migrant leaves approximately 6-8 pounds of trash in the desert, according to the Arizona Department of Environmental Quality.

The trash can be human waste, backpacks, drugs, plastic bags – you name it. The trash is not only a threat to wildlife and natural habitats; it can also become fuel for wildfires.

In our lawsuit, we allege DHS and other federal officials violated the National Environmental Policy Act, or NEPA, when it stopped border wall construction and rescinded the "Remain in Mexico" policy.

NEPA protects the environment by requiring the federal government to carefully weigh all environmental impacts, the good, the bad, and the ambiguous, prior to the government taking action.

However, the current administration failed to prepare any environmental impact statements or environmental assessments before taking such drastic changes in immigration policies, which will inevitably lead to significant environmental impacts.

In one of his first official actions, President Biden stopped construction of the border wall, leaving massive gaps between physical barriers and encouraging widespread illegal migration.

Since construction was halted, machinery has been standing idle in areas of Arizona, with incomplete work in numerous places.

As a direct consequence of the gaps in our border, migrants have been crossing into Arizona in greater numbers than ever before.

One source estimates that approximately 1,000 individuals are able to evade detention and enter the United States illegally every single day, many through these glaring holes in the border wall.

These individuals are referred to in law enforcement as “gotaways” and they are often criminals who want to avoid interaction with law enforcement at all costs.

According to Border Patrol officials we’ve spoken with, Tucson is the #1 sector in the country for “gotaways.”

Inevitably, many of these migrants settle in Arizona, increasing the population of our state.

The drafters of NEPA and even the Ninth Circuit Court of Appeals has recognized that population growth has significant environmental impacts, which must be studied under NEPA before any action is taken.

Despite knowing this would directly impact the population in Arizona, the federal government did not conduct any environmental analysis.

The second part of our lawsuit deals with the “Remain in Mexico” policy.

President Biden, in his second month in office, ordered DHS to stop carrying out the immigration policy and allow asylum seekers to enter the United States while claims are pending.

As a result, thousands of immigrants have been released and continue to be released.

Many migrants make the risky trek because they perceive that, even if apprehended, they are likely to be released.

And they're very often right.

We've recently heard from federal officials that not only are undocumented immigrants being released, but many aren't even given "Notice to Appear" court documents.

Additionally, those who make asylum claims but are denied will likely still be able to stay in the United States, under the new DHS Interim Guidance that halts nearly all deportations.

Migrants, like everyone else, need housing, infrastructure, hospitals, and schools.

They drive cars, purchase goods, and use public parks and other facilities. All of these activities have significant environmental impacts, including displacement of undeveloped lands and additional air emissions.

Once again, the courts have repeatedly recognized that these impacts must be analyzed under NEPA, and DHS has never even attempted to do so.

Because the halting of the border wall construction and suspension of the "Remain in Mexico" policy violate NEPA, we are asking the court to hold these actions unlawful and resume the prior policies.

Thank you for your time today.