

DECLARATION OF EMERGENCY

2021 Border Crisis

WHEREAS, soon after January 20, 2021, as a result of a new Presidential administration's anticipated policy changes regarding immigration, foreign nationals began entering the United States at substantially higher rates through both legal and illegal means; and

WHEREAS, the State of Arizona shares approximately 372 miles of its southern border with a foreign nation; and

WHEREAS, Cochise, Pima, Santa Cruz, and Yuma Counties are directly located along the southern border; and

WHEREAS, counties across the State are directly impacted by entries into Arizona; and

WHEREAS, foreign nationals, who have not entered the United States through a legal Port of Entry, have historically accessed and greatly impacted, in addition to the border counties, the Counties of Maricopa and Pinal, in addition to crossing through and impacting various tribal lands within the designated counties; and

WHEREAS, the threat of uncontrolled movement by unknown foreign nationals whose health and history are unknown, during the COVID-19 pandemic, increases the overall risk to the State and its citizens; and

WHEREAS, shelter capacity during the COVID-19 pandemic has been significantly reduced due to social distancing requirements, while the need for additional capacity has increased due to the increased stress placed by foreign nationals; and

WHEREAS, as the world is combatting COVID-19, it is unknown whether the foreign nationals entering the United States through Arizona's border have been exposed to the highly contagious virus and no resources have been made available by the federal government to mitigate the risk of exposure posed by these individuals; and

WHEREAS, the influx of foreign nationals includes unaccompanied minors, of which a significant number are below the age of 13 years, creating an even larger burden upon local communities and the State; and

WHEREAS, the recent influx of foreign nationals has overwhelmed private, local, and State capacities; and

WHEREAS, federal agencies have adopted a “catch and release” policy as it relates to the detainment of these foreign nationals; and

WHEREAS, the adoption of this policy represents a sudden, unexpected, and unforeseen condition or occurrence; and

WHEREAS, there is reasonable cause to believe the influx of foreign nationals across Arizona’s southern border has and will continue to cause financial hardships to local and State agencies and endanger the health and lives of citizens and law enforcement; and

WHEREAS, it is known that human trafficking and illegal narcotics activities occur during border crossings and increase dramatically with large numbers of foreign nationals crossing the border; and

WHEREAS, the federal government has failed to prevent, mitigate or take significant action to stop or reduce this influx such that its failure has created conditions of extreme peril to the safety of persons and property within our state, which are beyond the control of the services, personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the state and the political subdivision; and

WHEREAS, A.R.S. § 26-303(D) authorizes a declaration of emergency in accordance with A.R.S. § 26-301(15) when such conditions exist; and

WHEREAS, Executive Order 2017-06 establishes the Arizona Emergency Response and Recovery Plan to assist in responding to emergencies; and

WHEREAS, it is necessary and appropriate to take action to protect the lives and safety of the residents of Arizona and to protect private and public properties.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, including but not limited to, A.R.S. 26-303, hereby declare and order as follows:

- a. A State of Emergency exists in Cochise, Maricopa, Pima, Pinal, Santa Cruz and Yuma Counties, effective April 20, 2021, and continuing.
- b. Authorize the Adjutant General to mobilize and activate all or such part of the Arizona National Guard as is determined necessary to assist in the protection of life and property throughout the State.
- c. Direct that the sum of \$200,000 from the state General Fund be made available to the Director of the Arizona Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, and Executive Order 79-4.
- d. Reimbursement from the state General Fund is restricted to costs incurred by Arizona National Guard assets augmenting and supporting the Arizona Department of Public

Safety and local law enforcement for violation(s) of the laws of the State of Arizona and is not available to any other State, county, or local jurisdiction.

- e. Direct that the State of Arizona Emergency Response and Recovery Plan be used to direct and control state and other assets and authorize the Director of the Arizona Division of Emergency Management to coordinate state assets.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

GOVERNOR

DONE at the Capitol in Phoenix on this twentieth day of April in the Year Two Thousand Twenty-one and of the Independence of the United States of America the Year Two Hundred and Forty-Fifth.

ATTEST:

Secretary of State