February 19, 2021

The Honorable Alejandro Mayorkas  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write today to express our grave concern about the humanitarian crisis on the southern border, where unaccompanied alien children (UACs) and family units continue to arrive in extremely high numbers. The Biden Administration’s policies limiting immigration enforcement and weakening border security, coupled with its proposal to grant amnesty to illegal immigrants, are signaling to the world that our immigration laws can be violated with little, if any, consequence. We are particularly concerned that the Biden Administration’s actions could soon lead to a health crisis at the border and surrounding communities, causing widespread COVID-19 infections and fatalities.

The numbers of UACs and family units arriving at the southwest border decreased from its peak in Fiscal Year 2019 through Fiscal Year 2020.¹ This reduction is due to a combination of health and safety reforms implemented by the prior administration, including limiting gatherings of migrants in federal facilities through enrollments in the Migrant Protection Protocols (MPP) and the use of Title 42 expulsion authority, as advised by the scientists at the U.S. Centers for Disease Control and Prevention (CDC).² However, the U.S. Department of Homeland Security (DHS) halted enrollments in MPP immediately after President Biden took office,³ and recent developments in Mexican law are causing difficulties in continuing to utilize Title 42 authorities with respect to family units. In addition to his reckless policies and executive actions, President Biden’s rhetoric relating to amnesty for millions of illegal aliens and gutting

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interior enforcement priorities is leading to a perfect storm on the southwest border. Without a radically different approach, a health, security, and humanitarian crisis is inevitable.

A November federal court injunction prevented Title 42 expulsion authority from being utilized with respect to UACs, leading to a dramatic uptick in the number of UACs arriving at the southern border. U.S. Customs and Border Protection (CBP) is currently facing over 1,500 apprehensions of UACs per week. Though the injunction has been stayed, the Biden Administration did not resume Title 42 expulsions of newly arrived UACs and instead carved out a temporary exception for UACs. The administration has already announced the reopening of an influx facility at Carrizo Springs, Texas to deal with the increasing numbers of UACs.

Developments in Mexican law have reduced the U.S. government’s ability to expel some family units with younger children. This has led to increased numbers of family units arriving at the southwest border. To prevent overcrowding and ensure children do not spend more than 72 hours in custody, border personnel are forced to quickly process those family units under Title 8, issue them Notices to Appear in immigration court, and release them into the interior without any quarantine or COVID-19 testing.
The increasing number of UACs and family units illegally crossing the border will soon overwhelm border facilities in the middle of a global pandemic, forcing CBP officials to resort to widespread, rapid catch and release of unlawfully present individuals and families into the interior of the country. This surge also has the capability to cause a COVID-19 outbreak at ports of entry and other CBP facilities, which threatens the health of CBP personnel and could result in the temporary closures of ports of entry. Such closures would greatly impact commerce and hamper the United States’ economic recovery. The increase in illegal immigration at the southern border presents a risk not only to Border Patrol agents apprehending migrants who illegally cross the border, but also to those communities into which those individuals will relocate—likely leading to widespread COVID-19 infection and fatalities.

To assist us in understanding the administration’s plan to prevent the impending catastrophe on the border, please provide documents, communications, and information sufficient to answer the following questions no later than March 5, 2021:

1. What is the administration’s plan, if any, to reduce illegal border crossings by UACs and Family Units (FAMU) along the southwest border?

2. What is the administration doing to prevent the spread of COVID-19 in custodial facilities along the southwest border, to protect CBP personnel from exposure to COVID-19, and to prevent the introduction of COVID-19 into border communities and the interior of the United States upon release of an alien from CBP custody?

3. Please provide statistics on apprehensions of illegal border crossers on the southwest border for the period of October 1, 2020 through the present, disaggregated by whether the individual apprehended was designated as a UAC, FAMU, or single adult, as well as the various countries of origin and case disposition.

4. What steps, if any, are being taken by U.S. Immigration and Customs Enforcement to increase bedspace capacity at Family Residential Centers to ensure that family units are held in custody together throughout any immigration proceedings instead of being released into the interior of the country?

5. What steps, if any, are being taken to expedite immigration proceedings for UACs and family units that cross the border illegally, and does the DHS intend to prioritize the removal of those UACs and family units who are ultimately ordered removed?

6. What steps, if any, is the administration taking to address this crisis with the Mexican government, including whether the administration has asked the Mexican government to continue facilitating Title 42 expulsions?
Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

James Comer
Ranking Member
Committee on Oversight and Reform

Jody Hice
Ranking Member
Subcommittee on Government Operations

Glenn S. Grothman
Ranking Member
Subcommittee on National Security

Michael Cloud
Ranking Member
Subcommittee on Economic and Consumer Policy

Ralph Norman
Ranking Member
Subcommittee on Environment

Pete Sessions
Ranking Member
Subcommittee on Civil Rights and Civil Liberties

Jim Jordan
Member of Congress

Paul A. Gosar, D.D.S.
Member of Congress

Virginia Foxx
Member of Congress

Bob Gibbs
Member of Congress
cc: The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations
The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security
The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy
The Honorable Ro Khanna
Subcommittee on Environment
The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties