

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

July 20, 2021

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

Dear Secretary Mayorkas:

We write to you today to inquire into the Biden Administration's policies which have led to the release of tens of thousands of illegal border crossers in recent months, as well as how the Biden Administration is facilitating onward travel of those illegal aliens into the interior of the United States, particularly on domestic commercial flights.

Despite the Biden Administration's repeated assertions that the border is closed and not open,<sup>1</sup> thousands of recent illegal border crossers have been permitted to remain in the United States and travel into the interior of the country to await Immigration Court proceedings – if they are issued Notices to Appear in Immigration Court at all. In fact, tens of thousands of illegal border crossers have been released by the Department of Homeland Security (DHS) into the United States in recent months without even a Notice to Appear in Immigration Court.<sup>2</sup> Immigration and Customs Enforcement (ICE) even ceased detaining families in their custody, reframing their family detention centers as family staging centers, and contracting with a nonprofit to temporarily house and process families in hotels, all to facilitate onward travel of those individuals into the United States.<sup>3</sup>

We are concerned about the vetting requirements for recent illegal border crossers that have been and will continue to be released into the interior of the country, as well as whether those individuals possess adequate credentials to permit them to board domestic flights in the United States. As you know, federal law requires individuals over the age of 18 to present

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<sup>1</sup> Solomon, Daina Beth, *Homeland Security chief says U.S. – Mexico border not open*, REUTERS (Jun. 15, 2021), available at <https://www.reuters.com/world/americas/us-homeland-chief-says-us-mexico-border-not-open-irregular-migration-2021-06-15/>.

<sup>2</sup> See Ainsley, Julia, et. al., *Amid surge, border agents in Rio Grande Valley are releasing migrants without court dates*, NBC NEWS (Mar. 22, 2021), available at <https://www.nbcnews.com/politics/immigration/amid-surge-border-agents-rio-grande-valley-now-releasing-migrants-n1261720>.

<sup>3</sup> See Statement attributable to ICE Acting Director Tae D. Johnson, U.S. Immigration and Customs Enforcement (Mar. 20, 2021), available at <https://www.ice.gov/news/releases/statement-attributable-ice-acting-director-tae-d-johnson>.

adequate identification at the security checkpoint to board domestic flights.<sup>4</sup> Yet it is unclear what documents or other credentials are provided to recent illegal border crossers who are released by the DHS who may go on to board domestic flights, particularly when they are not issued a Notice to Appear in Immigration Court. This is particularly troubling considering that it is not uncommon for DHS personnel to encounter and apprehend sex offenders,<sup>5</sup> gang members,<sup>6</sup> and terrorists.<sup>7</sup>

To assist the Committee in exercising oversight over the Biden Administration's policies of releasing thousands of illegal border crossers into the United States as well as policies governing illegal aliens travelling on domestic flights, please provide the following information no later than August 3, 2021:

1. An explanation of any possible identification documents passengers are required to present prior to being permitted to enter the secure area by TSA screening officials, as well as an explanation of whether those same standards are applied for those illegally present in the country who intend to board domestic flights;
2. An accounting of the documentation and any identification credentials provided to recent illegal border crossers prior to release from DHS custody, as well as the vetting requirements required to be satisfied prior to issuing such documentation or credentials;
3. An explanation of any documents or other credentials issued by DHS to recent illegal border crossers who are released from DHS custody that would satisfy TSA screening requirements;
4. An answer to whether individuals without an I-862 are cleared by DHS to board domestic flights;
5. The total number of individuals who were apprehended after illegally crossing the southwest border and who were released from DHS custody – whether on recognizance or on Alternatives to Detention – into the interior of the United States since January 20, 2021;

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<sup>4</sup> See Transportation Security Administration, Security Screening, Identification, available at <https://www.tsa.gov/travel/security-screening/identification>.

<sup>5</sup> See Virgin, Yami, *Felons, detainees released to the streets, not being picked up by immigration officials*, FOX NEWS SAN ANTONIO, (Apr. 29, 2021), available at <https://news4sanantonio.com/news/local/felons-detainees-released-to-the-streets-not-being-picked-up-by-immigration-officials>.

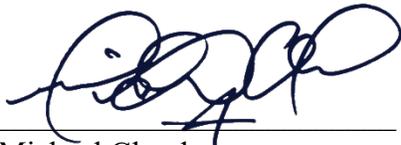
<sup>6</sup> See Shaw, Adam, *Border Patrol nabs gang members, including MS-13, attempting to enter US as part of migrant wave*, FOX NEWS (May 2, 2021), available at <https://www.foxnews.com/politics/border-patrol-nabs-gang-members-ms-13>.

<sup>7</sup> See Ainsley, Julia, *CBP stopped two men on terrorism watchlist at border, says such incidents are rare*, NBC NEWS, (Apr. 6, 2021), available at <https://www.nbcnews.com/politics/immigration/cbp-stopped-two-men-terror-watchlist-border-says-such-incidents-n1263167>.

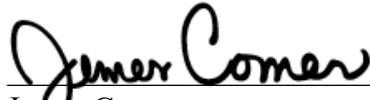
6. Is DHS expending any taxpayer resources for plane tickets to send recent illegal border crossers to their final destinations in the interior of the country?

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,



Michael Cloud  
Ranking Member  
Subcommittee on Economic and  
Consumer Policy



James Comer  
Ranking Member  
Committee on Oversight and Reform



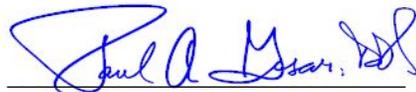
Jody Hice  
Ranking Member  
Subcommittee on Government Operations



Glenn Grothman  
Ranking Member  
Subcommittee on National Security



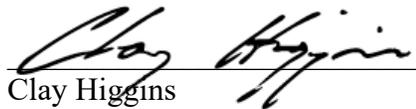
Ralph Norman  
Ranking Member  
Subcommittee on Environment



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



Bob Gibbs  
Member of Congress



Clay Higgins  
Member of Congress

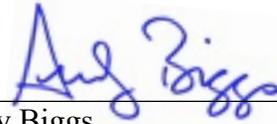
Secretary Mayorkas

July 20, 2021

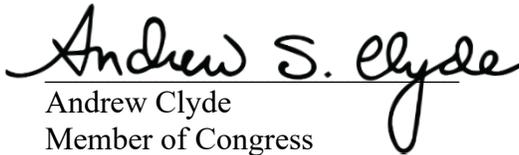
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Fred Keller  
Member of Congress



Andy Biggs  
Member of Congress



Andrew Clyde  
Member of Congress



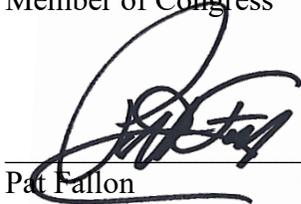
Nancy Mace  
Member of Congress



Scott Franklin  
Member of Congress



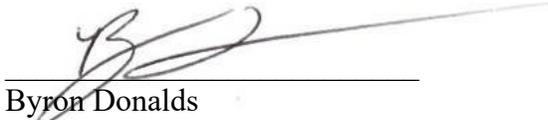
Jake LaTurner  
Member of Congress



Pat Fallon  
Member of Congress



Yvette Herrell  
Member of Congress



Byron Donalds  
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman  
Committee on Oversight and Reform

The Honorable Raja Krishnamoorthi, Chairman  
Subcommittee on Economic and Consumer Policy

The Honorable Gerald E. Connolly, Chairman  
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman  
Subcommittee on National Security

The Honorable Ro Khanna, Chairman  
Subcommittee on Environment