

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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July 25, 2023

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

Dear Secretary Mayorkas:

We look forward to your testimony at the Committee's hearing titled, "Oversight of the U.S. Department of Homeland Security," this Wednesday. Prior to your last appearance before the Committee on April 28, 2022, we wrote to ask that you come prepared to address in detail specific aspects of the Administration's immigration policies and programs.¹ Unfortunately, during your testimony last year, you were unable to provide specific data or information and, to this date, you still have not provided substantive responses to some Members' questions from that hearing.

We hope that you will be prepared with specific data and information during your appearance before the Committee this year. On July 11, 2023, we wrote to you requesting that you be ready to discuss in detail several aspects of the Administration's immigration policies, including but not limited to:

- All policies and data related to Customs and Border Protection encounters, gotaways, paroles, and releases at the southwest border since January 20, 2021;
- All policies and data regarding Immigration and Customs Enforcement arrests, removals, releases, and detentions since January 20, 2021; and
- All policies and data regarding the Department's adjudication of immigration benefits since January 20, 2021.²

To assist in preparation for this hearing, last week, the Committee requested that the Department provide data pertaining to border encounters and releases and asked that the data be

¹ Letter from Rep. Jim Jordan et al., Ranking Member, H. Comm. on the Judiciary, to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Apr. 19, 2022).

² Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Jul. 11, 2023).

provided to the Committee by yesterday morning.³ The Department notified us that it was unable to meet the deadline but would provide the data “as soon as we are able.”⁴ Accordingly, if the Department is unable or unwilling to provide this data in advance of the hearing, as we requested, we ask that you come to the hearing prepared with this data.

The American people have a right to know how many illegal aliens this Administration has allowed to enter and remain in the United States. To that end, please be prepared to provide the data listed below to the Committee at Wednesday’s hearing:

1. Since January 20, 2021, the total number of inadmissible aliens who have been encountered by CBP along the southwest border and (a) who were released into the United States, and (b) who have remained in DHS detention and have not been released.
2. The number and percentage of those aliens in request 1 who claimed a fear of persecution for purposes of asylum and received a fear determination.
3. The number and percentage of those aliens in request 2 who received a negative fear determination.
4. The number and percentage of those aliens in request 3 who have been removed from the U.S.
5. The number and percentage of those aliens in request 2 who received a positive fear determination.
6. The number and percentage of those aliens in request 5 who have been placed in removal proceedings.
7. The number and percentage of those aliens in request 6 whose claims have been adjudicated on the merits.
8. The number and percentage of those aliens in request 7 who have received a final order of removal.
9. The number and percentage of those aliens in request 8 who have been removed from the U.S.

³ Email from Committee staff to Zephrahanie Buetow, Assistant Secretary, Office of Legislative Affairs, U.S. Dep’t. of Homeland Security (July 20, 4:55 EST) (on file with Committee).

⁴ Email from Aimee Collins-Mandeville, Director of House Affairs, U.S. Dep’t. of Homeland Security Office of Legislative Affairs, to Committee staff (July 21, 2023, 4:05 EST) (on file with Committee).

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We look forward to your upcoming testimony and the opportunity for the Committee to effectively pursue its oversight of the Department's immigration-related authorities. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large "J" and a long, sweeping underline.

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member