

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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November 6, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3017 7th St. S.W.
Washington, DC 20528

Dear Secretary Mayorkas:

The Committee on the Judiciary continues to conduct oversight of the Biden Administration's enforcement of federal immigration law. As a direct result of the actions taken by this Administration, the United States is experiencing the worst illegal immigration crisis in our nation's history. Since President Biden took office, Customs and Border Protection (CBP) has encountered more than 6.3 million illegal aliens along the southwest border.¹ The Department of Homeland Security (DHS) has released nearly 2.9 million illegal aliens into U.S. communities,² and more than 1.7 million known "gotaways" have evaded Border Patrol and escaped into the interior since January 20, 2021.³

¹ U.S. Customs and Border Protection, *Southwest Land Border Encounters*, U.S. DEP'T OF HOMELAND SEC. (last accessed Oct. 30, 2023, 2023), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

² See H. Comm. on the Judiciary, Rep. on The Biden Border Crisis: How the Biden Administration Opened the Sw. Border and Abandoned Interior Immigr. Enf't at App'x 1 (Oct. 9, 2023), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-10-09-New-Data-and-Testimony.pdf> ("DHS released at least 2,148,738 illegal aliens into the United States."); U.S. Customs and Border Protection, *CBP Releases Sept. 2023 Monthly Update*, U.S. DEP'T OF HOMELAND SEC. (Oct. 21, 2023) ("[O]ver 240,000 Cubans, Haitians, Nicaraguans, and Venezuelans [] were granted parole under the parole processes [through September 2023.]"); U.S. Customs and Border Protection, *Custody and Transfer Statistics FY 2023*, U.S. DEP'T OF HOMELAND SECURITY (last accessed Oct. 25, 2023), <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics> (reporting that, between April 2023 and September 2023, 507,873 illegal aliens were released with a notice to appear (NTA) on their own recognizance or paroled). Under the Biden Administration, at least 2,896,611 illegal aliens have been released into the United States.

³ Casey Harper, *Border crisis creates national security threat for U.S., observers say*, WASH. EXAMINER (Aug. 7, 2023), <https://www.washingtonexaminer.com/news/border-crisis-creates-national-security-threat-for-u-s-observers-say>.

On July 27, 2023, during your testimony before the Committee, you stated that the Biden Administration’s “approach to managing the border . . . is working.”⁴ You went on to testify that “unlawful entries between ports of entry along the Southwest border have consistently decreased by more than half compared to the peak before the end of Title 42.”⁵ Recent news of border encounters contradicts your claims.

In just five days in September, more than 45,000 illegal aliens were encountered at the southwest border.⁶ According to press reports, an estimated 4,000 of those encounters occurred in a single day—September 20—in the small border town of Eagle Pass, Texas.⁷ According to news outlets, these high encounter numbers continue to rise, with “approximately 11,000 migrant encounters at the [southwest] border” in a single day in late September, which marked the “single highest day in recent memory.”⁸

In the days before September 20, news outlets reported that a Mexican cargo train of foreign nationals—who were chanting “let us continue”—was en route to Piedras Negras, Mexico, just across the Rio Grande from Eagle Pass.⁹ The day before the train arrived, the city was forced to declare a state of emergency.¹⁰ Predictably, CBP was so overwhelmed by the massive influx that hundreds of illegal aliens had to wait under the international bridge, reminiscent of the crisis that occurred two years ago when thousands of Haitian illegal aliens waited under the bridge in Del Rio, Texas.¹¹ As a result, on September 20, 2023, CBP closed two of the three international bridges in Eagle Pass—Bridge 1 and the international rail bridge, the second busiest rail crossing along the U.S.-Mexico border.¹² Once again, the Biden Administration’s policies prioritized the processing of illegal aliens to the detriment of the American people by shutting down legitimate trade and travel via the international bridges in Eagle Pass.

At the same time, the Biden Administration, rather than deterring illegal aliens attempting to cross the southwest border, chose to cut and remove Concertina wire and fencing installed by

⁴ *Oversight of the Dep’t of Homeland Security: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. (2023) (statement of Alejandro Mayorkas, Sec’y, Dep’t of Homeland Security).

⁵ *Id.*

⁶ Adam Shaw & Bill Melugin, *Thousands of Venezuelan migrants gather under Texas bridge as border numbers skyrocket*, FOX NEWS (Sept. 20, 2023), <https://www.foxnews.com/politics/thousands-venezuelan-migrants-gather-under-texas-bridge-border-numbers-skyrocket>.

⁷ Shaw & Melugin, *supra* note 6.

⁸ Griff Jenkins (@GriffJenkins), TWITTER (Sept. 25, 2023, 10:47 AM), <https://twitter.com/GriffJenkins/status/1706319520753701112>.

⁹ Greg Wehner & Bill Melugin, *Mexican train with hundreds of migrants onboard stopped, passengers chant, ‘Let us continue’*, FOX NEWS (Sept. 19, 2023), <https://www.foxnews.com/us/mexican-train-hundreds-migrants-onboard-stopped-passengers-chant-let-us-continue>.

¹⁰ Official City of Eagle Pass Texas (@CityEaglePassTx), TWITTER (Sept. 20, 2023, 10:13 AM), <https://twitter.com/CityEaglePassTx/status/1704498968154009806>.

¹¹ Shaw & Melugin, *supra* note 6.

¹² *Eagle Pass, TX: Texas Border Facts*, TEXAS DEP’T OF PUB. TRANSP., <https://ftp.txdot.gov/pub/txdot/move-texas-freight/resources/fact-sheets/border/eagle-pass.pdf>; U.S. Customs and Border Protection; *Statement from CBP on Operations in Eagle Pass, Texas*, U.S. DEP’T OF HOMELAND SEC. (Sept. 20, 2023), <https://www.cbp.gov/newsroom/speeches-and-statements/statement-cbp-operations-eagle-pass-texas>.

state and local governments in Eagle Pass, Texas.¹³ In fact, as encounters continued to surge in Eagle Pass, and while a lawsuit challenging the practice was pending, the Biden Administration “escalated matters, trading bolt cutters for an industrial-strength telehandler forklift to dismantle Texas’s border fence...”¹⁴ Days later, a federal judge granted a temporary restraining order, largely halting the Administration from cutting, interfering with, or removing Concertina wire installed by the State of Texas.¹⁵

To assist the Committee with its continued oversight of federal immigration policy and procedures, we ask that you please provide the following materials:

1. All documents and communications between or among DHS or its components and the Executive Office of the President, local and state governments (including law enforcement entities), foreign governments, or non-governmental organizations referring or relating to:
 - a. The ingress and egress of foreign nationals en route to the United States preceding the September 20, 2023, influx in Eagle Pass, Texas;
 - b. The transport of illegal aliens into the interior of the United States in response to the September 20, 2023, influx in Eagle Pass, Texas;
 - c. The September 20, 2023, closure of Bridge 1 and the international railway crossing bridge located in Eagle Pass, Texas;
2. All documents and communications between or among DHS or its components and the Executive Office of the President, local and state governments (including law enforcement entities), foreign governments, or non-governmental organizations referring or relating to:
 - a. Cutting, interfering with, or removing Concertina wire and fencing installed by state and local governments at the southwest border, including the decision to cut or interfere with Concertina wire before, during, or after the September 20, 2023, influx in Eagle Pass, Texas, and an identification of the individual(s) who made the decision to cut or interfere with the Concertina wire;
 - b. Whether the Administration has a policy to cut or interfere with Concertina wire or fencing installed by state or local governments, allowing illegal aliens to enter the country, and an explanation of such policy;

¹³ Greg Abbott (@Greg_AbbottTX), TWITTER (Sept. 20, 2023, 4:54 PM), https://twitter.com/GregAbbott_TX/status/1704614936218149361.

¹⁴ *The State of Texas v. U.S. Department of Homeland Sec., et al.*, No. 2:23-CV-00055-AM at *3 (W.D. Texas, Del Rio Div., Oct. 27, 2023).

¹⁵ *The State of Texas v. U.S. Department of Homeland Sec., et al.*, No. DR-23-CV-00055-AM at *2 (W.D. Texas, Del Rio Div., Oct. 30, 2023).

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3. All documents or communications referring or relating to intelligence related to the increased ingress and egress of foreign nationals from the Darien Gap;
4. All documents or communications referring or relating to the number and percentage of illegal aliens presenting at a port of entry and the number and percentage of illegal aliens encountered between ports of entry since January 20, 2021;
5. All documents or communications referring or relating to any plans to expand categorical parole programs, including the Cuba, Haiti, Nicaragua, and Venezuela (CHNV) parole programs, to include additional nationalities;
6. All documents or communications referring or relating to the September 20, 2023, decision to redesignate Venezuela for Temporary Protected Status (TPS) and other efforts to expand or expedite employment authorization documents for illegal aliens;
7. All documents or communications referring or relating to any efforts or plans to impose consequences on aliens who illegally cross the southwest border; and
8. All documents or communications referring or relating to the number of “gotaways,” known and unknown, who have entered the U.S. since January 20, 2021.

Please provide this information as soon as possible, but no later than 5:00 p.m. on November 20, 2023. Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of federal immigration policy and procedures.¹⁶ If you have any questions, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Tom McClintock
Chairman
Subcommittee on Immigration
Integrity, Security, and Enforcement

cc: The Honorable Jerrold L. Nadler, Ranking Member

The Honorable Pramila Jayapal, Ranking Member, Subcommittee on Immigration
Integrity, Security, and Enforcement

¹⁶ Rules of the U.S. House of Representatives, R. X (2023).