

ONE HUNDRED EIGHTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6216
(202) 225-6906
judiciary.house.gov

January 4, 2024

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. The Committee previously wrote to the Department of Homeland Security (DHS) for various information, including documents and information that were initially requested in transcribed interviews with Immigration and Customs Enforcement (ICE) officials. To date, DHS has failed to fully comply with our requests.

During the Committee's transcribed interviews with various ICE officials on June 2, June 27, July 19, August 17, August 22, September 6, and October 10, 2023, the officials were unable to answer many of the Committee's questions, such as the number of aliens who have absconded or the number of aliens on the terrorist watchlist who have been arrested by ICE in specific areas of responsibility.¹ On November 2, 2023, the Committee requested that information, as well as additional information related to the increasing number of aliens, including criminal aliens, on ICE's non-detained docket.² After DHS failed to meet the November 16, 2023, deadline to provide the information to the Committee, Committee staff inquired about the status of the requested information on November 28, December 5, and December 14.³ On January 2, 2024, two months after the initial letter, DHS provided only a partial response.⁴

¹ See, e.g., Transcribed Interview of ██████████ Field Office Director ██████████ at 55 (on file with Comm.) (In response to a question posed by Committee staff about the number of absconders, Mr. ██████████ said, "I could look into that for you."); Transcribed Interview of Former ██████████ Field Office Director ██████████ at 40-41 (on file with Comm.) (Mr. ██████████ unable to answer questions about the number of aliens on the terrorist watchlist that ICE has encountered in the ██████████ area of responsibility).

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

³ Emails from Comm. staff, H. Comm. on the Judiciary, to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Nov. 28, Dec. 5, and Dec. 14, 2023) (on file with Comm.).

⁴ See HJC Letter Getbacks, U.S. Immigr. and Customs Enf't (Jan. 2, 2024) (on file with Comm.).

The Honorable Secretary Mayorkas

January 4, 2024

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While we appreciate that DHS has provided some limited data, DHS's failure to produce all the requested documents and information prevents the Committee from fulfilling its constitutional oversight obligations. The Committee requires these materials to advance its oversight of federal immigration law and to inform potential legislative reforms. Accordingly, please provide all documents and information requested in the Committee's November 2 letter, attached for your convenience, as soon as possible, but no later than 5:00 p.m. on January 18, 2024. Please be advised that the Committee may be forced to resort to compulsory process if these requests remain outstanding.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



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



Ben Cline
Chairman
Subcommittee on Responsiveness and
Accountability to Oversight

cc: The Honorable Jerrold L. Nadler, Ranking Member

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

The Honorable Eric Swalwell, Ranking Member, Subcommittee on Responsiveness and
Accountability to Oversight

Enclosure

ONE HUNDRED EIGHTEENTH CONGRESS

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November 2, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
301 7th Street 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 part of this oversight, the Committee has conducted transcribed interviews with several officials at Immigration and Customs Enforcement (ICE). During these transcribed interviews, the ICE witnesses were unable to answer many of the Committee's questions, including questions about data, documents, and communications related to the Biden Administration's immigration policies. The Committee requires this information.

Accordingly, we write to request that the Department provide the data, documents, and information that the ICE witnesses could not provide during their transcribed interviews. For your convenience, a complete itemization of this material is included in the enclosure to this letter. In addition, for each ICE area of responsibility, please provide:

1. The number of aliens on each non-detained docket;
2. The number of criminal aliens on each non-detained docket; and
3. The number of aliens with a final order of removal.

The Honorable Alejandro Mayorkas

November 2, 2023

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Please provide this information as soon as possible, but no later than 5:00 p.m. on November 16, 2023. 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

Enclosure

Outstanding Requests for Information and Data from Transcribed Interviews

From the June 2, 2023, transcribed interview with Acting Assistant Director for [REDACTED]:

1. The number of aliens who have absconded and who ICE is unable to locate;
2. A breakdown and explanation of the differences in the cost, capability, and compliance with GPS monitoring, SmartLINK, and voice ID;
3. The number of aliens enrolled in Alternatives to Detention (ATD) but not enrolled in the Intensive Supervision Appearance Program (ISAP) who comply with the reporting requirements of ATD;
4. The number of aliens enrolled in the Case Management Pilot Program; and
5. The most recent version of ICE's Bond Management Handbook.

From the June 27, 2023, transcribed interview with Assistant Director for [REDACTED]:

6. A copy of the training materials for the Basic Enforcement Training Program.

From the July 19, 2023, transcribed interview with [REDACTED] Field Office Director [REDACTED]:

7. The number of aliens in the [REDACTED] area of responsibility who absconded during fiscal year 2023.

From the August 17, 2023, transcribed interview with [REDACTED] Field Office Director [REDACTED]:

8. The number of aliens on the terrorist watchlist who have been arrested by ICE in the [REDACTED] area of responsibility during fiscal year 2023; and
9. The Weekly Removal and Detention reports for the [REDACTED] area of responsibility for fiscal year 2023.

From the August 22, 2023, transcribed interview with Acting Assistant Director for [REDACTED]:

10. The number of aliens on the non-detained docket nationwide;
11. The number of criminal aliens on the non-detained docket nationwide;

12. The number of aliens in the United States with a final order of removal;

13. The number of removals during fiscal year 2023; and

14. The number of stays of removal ICE has granted during fiscal year 2023.

From the September 6, 2023, transcribed interview with [REDACTED] Field Office Director [REDACTED]:

15. The number of removals in the [REDACTED] area of responsibility during fiscal year 2023;

16. The number of arrests in the [REDACTED] area of responsibility during fiscal year 2023; and

17. The number of aliens in the [REDACTED] area of responsibility who absconded during fiscal year 2023.

From the October 10, 2023, transcribed interview with [REDACTED]
[REDACTED]:

18. All training materials provided to ICE officers and field office directors relating to Secretary Mayorkas's September 30, 2021, memorandum titled, "Guidelines for the Enforcement of Civil Immigration Law";

19. The number of aliens who have yet to schedule an appointment after receiving a Notice to Report;

20. The number of aliens on the non-detained docket nationwide; and

21. The number of criminal aliens on the non-detained docket nationwide.