

Congress of the United States
House of Representatives
Washington, DC 20515-0305

April 22, 2021

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

Acting Director Tae Johnson
U.S. Immigration and Customs Enforcement
Washington, D.C. 20536

Dear Secretary Mayorkas and Acting Director Johnson:

It has been widely reported that at least one hotel in the Chandler, Arizona, area is housing more than two hundred aliens. I am appalled that illegal aliens are being housed in American hotels. Illegal aliens should be held in Immigration and Customs Enforcement (ICE) detention facilities, not in hotels. If President Biden and the Department of Homeland Security (DHS) had not ended Trump Administration policies that were successfully securing the border, we would not be experiencing the current border crisis.

Illegal aliens who are seeking asylum should be detained, as required by the Immigration and Nationality Act (INA), until their claims are heard by an immigration judge. All other illegal aliens should be detained until they are removed, and they should be removed as quickly as possible.

Unfortunately, instead of providing ICE with the resources necessary to detain aliens as required by law, Democrats in Congress have repeatedly fought to limit funding for ICE detention beds and have even called for abolishing ICE completely. They do not want our immigration laws enforced, and know that if aliens are not detained, they will most likely never be removed—which is their ultimate goal.

In order for me to better understand the current situation, I request that you provide answers to the following questions:

- How many empty beds are currently available in ICE detention facilities?
- Given the surge of aliens crossing our border, how many detention beds would ICE need to detain all aliens subject to detention by the INA for the remainder of fiscal year 2021 and in fiscal year 2022?
- How much money is ICE spending to house aliens in hotels?
- How many aliens are being housed in hotels in Arizona?

- Has ICE completed full criminal background checks on all the aliens being sent to hotels?
- Are the aliens tested for COVID-19 before they are sent to hotels?
- Are aliens who test positive for COVID-19 still sent to hotels?
- Are the aliens who are being housed in hotels in ICE custody while at hotels?
- Are the aliens able to leave the hotels at any time?
- Where do the aliens go when they leave the hotels?
- How long are the aliens staying in the hotels?
- Are all the aliens issued Notices to Appear before they are released from ICE custody?
- What steps is ICE taking to ensure that the aliens show up for their court hearings?
- Will ICE seek *in absentia* removal orders for aliens who do not show up for their court hearings?

Thank you in advance for the requested information. I look forward to receiving your responses in a timely manner.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy Biggs". The signature is stylized and cursive.

Andy Biggs
Member of Congress

Congress of the United States
Washington, DC 20515

September 2, 2021

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

Dear Secretary Mayorkas,

The hurried evacuation of more than 100,000 Afghan nationals over the past several weeks raises serious concerns about the adequacy of the vetting that has been done on those evacuees.

On August 29, 2021, President Biden directed the Department of Homeland Security (DHS) to serve as the lead agency to coordinate the federal government's efforts to resettle Afghans in the United States. This announcement follows a memorandum from you to U.S. Customs and Border Protection on August 23, 2021, indicating that you found that it is an appropriate exercise of your discretionary authority to parole certain Afghan nationals into the United States.

We have all watched the chaotic scenes play out in Afghanistan over the past several weeks as the United States government worked to evacuate U.S. citizens and our allies from Afghanistan as part of President Biden's poorly planned withdrawal of U.S. military forces from the country. Watching the videos and hearing first-hand accounts from those on the ground raise serious questions about the evacuation operation and the vetting of evacuees.

There have been multiple media reports of individuals with criminal records or potential ties to terrorist organizations being evacuated from Afghanistan. For example, the Washington Times has reported that an individual who was "convicted of rape and deported from the U.S. was allowed to board an Afghan evacuation flight and reach America[.]"¹ And according to multiple media accounts, a U.S. government official warned that as many as 100 Afghan evacuees flown out of Afghanistan are on government watch lists.² These reports are extremely troubling.

We request that you provide us with answers to the following questions by Friday, September 10, 2021. We also request that you provide copies of all guidance that has been distributed to DHS employees regarding the vetting of evacuees and the process for considering and granting parole requests by Afghan nationals.

¹ Stephen Dinan, *EXCLUSIVE: Convicted rapist reached the U.S. on Afghan evacuation flight*, Wash. Times, Aug. 30, 2021, <https://www.washingtontimes.com/news/2021/aug/30/convicted-rapist-reached-us-afghan-evacuation-flight/>.

² Emily Crane, *Afghan evacuee with potential ISIS ties detained in Qatar: report*, N.Y. Post, Aug. 25, 2021, <https://nypost.com/2021/08/25/afghan-evacuee-with-potential-isis-ties-detained-in-qatar-report/>.

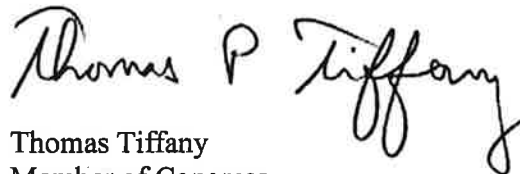
1. How many Afghan nationals has DHS paroled into the United States since January 20, 2021?
2. How many Afghan nationals with pending Special Immigrant Visa applications has DHS paroled into the United States?
3. How many Special Immigrant Visa applications has DHS approved since January 20, 2021?
4. Did DHS, the State Department, or the Department of Defense collect biometrics for each individual granted parole before they came to the United States?
5. What vetting procedures did the government employ prior to individuals boarding planes in Afghanistan?
6. What vetting occurred between the time the plane left Afghanistan and when the individuals arrived in the United States?
7. What vetting occurred before individuals were granted parole?
8. How many individuals were denied parole because of information uncovered during the vetting process?
9. What steps is DHS taking to monitor paroled individuals once they are in the United States?
10. What steps will DHS take if an individual is found to have a criminal record or have ties to a terrorist organization after the alien has entered the United States?
11. Your August 23, 2021, memorandum indicated that individuals may have conditions placed on their parole. How many aliens have had conditions placed on their parole and what are those conditions?
12. Your memorandum indicated that individuals may only be granted parole "on a case-by-case basis[.]" How has DHS been able to properly review each request on a case-by-case basis in so little time?

We look forward to receiving your responses.

Sincerely,



Andy Biggs
Member of Congress



Thomas Tiffany
Member of Congress

Gus M. Bilirakis
Member of Congress

Matthew Rosendale, Sr.
Member of Congress

Bob Good
Member of Congress

Gregory F. Murphy, M.D.
Member of Congress

Ben Cline
Member of Congress

Marjorie Taylor Greene
Member of Congress

Michael Cloud
Member of Congress

Mo Brooks
Member of Congress

Scott DesJarlais, M.D.
Member of Congress

W. Gregory Steube
Member of Congress

Scott Perry
Member of Congress

Lauren Boebert
Member of Congress



Michael C. Burgess, M.D.
Member of Congress



Ted Budd
Member of Congress



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



Bill Posey
Member of Congress



Yvette Herrell
Member of Congress



Jeff Duncan
Member of Congress



Bob Gibbs
Member of Congress



Earl L. "Buddy" Carter
Member of Congress



Lance Gooden
Member of Congress



Matt Gaetz
Member of Congress



Jody Hice
Member of Congress



Jerry L. Carl
Member of Congress



Brian Babin, D.D.S.
Member of Congress



Chip Roy
Member of Congress



Louie Gohmert
Member of Congress



Randy L. Weber
Member of Congress



Larry Bucshon, M.D.
Member of Congress



Troy E. Nehls
Member of Congress

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>

October 26, 2021

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

Dear Secretary Mayorkas:

The “Guidelines for the Enforcement of Civil Immigration Law”¹ that you issued on September 30, 2021, which go into effect on November 29, 2021, are an affront to the rule of law and demonstrate the Biden Administration’s intent to misuse prosecutorial discretion in order to avoid enforcing the immigration laws of this country. This dereliction of duty in the interior of the country is particularly grotesque considering the crisis on the southern border.

On January 20, 2021, DHS issued interim guidance completely gutting interior enforcement priorities.² That guidance limited enforcement priorities to national security risks, those who entered the U.S. after November 1, 2020, and those released from criminal custody after January 20, 2021, who were convicted of an aggravated felony.

U.S. Immigration and Customs Enforcement (ICE) officials predicted that “there would be a 50% reduction of arrests of illegal immigrants if new guidance that severely limits ICE arrests was enforced[.]”³ After the interim guidance took effect, arrests and removals did plummet, falling by more than 60 percent.⁴ In May ICE agents averaged one arrest every two months.⁵ This decrease in enforcement is unacceptable, and demonstrates that the Biden

¹ Memorandum to Tae D. Johnson, Acting Director, U.S. Immigration and Customs Enforcement from Alejandro N. Mayorkas, Secretary, Department of Homeland Security, *Guidelines for the Enforcement of Civil Immigration Law* (Sept. 30, 2021), available at <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>.

² See Memorandum from Acting Secretary David Pekoske to Troy Miller, et. al., *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities* (Jan. 20, 2021), available at https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf.

³ Shaw, Adam, *ICE predicted 50% drop in illegal immigrant arrests under new DHS guidance, email shows*, FOX NEWS (Apr. 28, 2021), available at <https://www.foxnews.com/politics/ice-50-drop-illegal-immigrant-arrests-new-dhs-guidance-email>.

⁴ Miroff, Nick & Maria Sacchetti, *Immigration arrests have fallen sharply under Biden, ICE data show*, WASH. POST (Mar. 9, 2021), available at https://www.washingtonpost.com/national/ice-deportations-immigration-arrests/2021/03/09/af27b164-80fa-11eb-bb5a-ad9a91faa4ef_story.html.

⁵ Miroff, Nick & Maria Sacchetti, *Biden administration reins in street-level enforcement by ICE as officials try to refocus agency mission*, WASH. POST (May 25, 2021), available at https://www.washingtonpost.com/national/ice-street-arrests-immigrants-fall-biden/2021/05/25/58681782-b972-11eb-bb84-6b92dedcd8ed_story.html

Administration does not intend to use the resources appropriated by Congress to duly enforce the law.

Unfortunately, the final guidance – to the extent which it can be understood without defining many of the vague terms it uses – appears to be even more restrictive than the interim guidance. Immigration officers are now prohibited from taking enforcement action against a removable alien, even public safety threats, without first conducting a “complicated” analysis requiring additional “investigative work” to elucidate information on a variety of factors – none of which have any bearing on the legal question of whether an alien is amenable to be charged as removable in immigration proceedings. This intentional imposition of bureaucratic red tape will most likely lead to an even greater decrease in enforcement actions.

The Biden Administration’s policies have already created a crisis at our border, and the final enforcement guidelines will now exacerbate this crisis. Your direction to ICE not to enforce immigration law, except in very limited circumstances and after expending substantial resources investigating extraneous information will only serve as an additional pull factor that will lead to even more illegal immigration into the United States. And rightly so, because under your direction, illegal border crossers know that they will not face consequences if they are released into the United States.

To assist the Republicans on the Committee on Oversight and Reform in understanding why this policy was necessary and how it will be implemented, please provide the following documents and information, covering the time period January 20, 2021, to the present unless otherwise noted, no later than November 9, 2021:

1. The names of all outside organizations that were consulted during the development of the September 30, 2021 guidelines.
2. All correspondence with outside organizations regarding the development of the January 20, 2021, and September 30, 2021 guidelines.
3. Any analysis conducted by ICE or any other DHS component regarding the impact that the January 20, 2021, and September 30, 2021 guidelines will have on enforcement operations.
4. All documents and correspondence explaining the definitions of non-statutory terms used in the January 20, 2021, and September 30, 2021 guidelines.
5. All guidance or training materials provided to ICE Enforcement and Removal Operations officers or ICE Office of the Principal Legal Advisor attorneys interpreting the January 20, 2021, and September 30, 2021 guidelines.

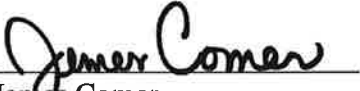
Secretary Mayorkas
October 26, 2021
Page 3 of 3

6. The number of interior civil immigration enforcement arrests made by ICE per week beginning October 1, 2020.
7. The number of aliens removed under Title 8 by ICE from the United States each week since October 1, 2020.

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,


Andy Biggs
Member of Congress


James Comer
Ranking Member
Committee on Oversight & Reform

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight & Reform

Congress of the United States
Washington, DC 20515

December 15, 2021

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

Dear Secretary Mayorkas,

Recent reports that virtually none of the 82,000 individuals flown from Afghanistan to the United States were properly vetted confirm our worst fears, your department has failed in its most basic responsibility to ensure that individuals allowed to enter the United States have been properly vetted.¹ These recent reports contradict previous comments you made regarding the vetting of individuals being brought to the United States.

During your recent testimony before the Senate Judiciary Committee, you repeatedly dodged direct questions regarding the number of individuals who were “vetted before they got on the plane to come to America[.]”² Your refusal to answer basic questions at that hearing, and your failure to answer our questions, is unacceptable and leads us to believe that individuals were not properly vetted before they were allowed to enter the United States.

On September 2, 2021, we sent you a letter asking basic questions regarding the vetting of the individuals allowed to enter the United States. To date, all we have received is an interim response stating that our “correspondence is very important to the [Department]” and that “the Department’s leadership has accorded [our] letter a high priority.”³ Despite these sentiments you have still not answered any of our questions.

Additionally, section 2503 of the continuing resolution enacted in September requires your department to submit to Congress a report containing information about Afghan evacuees.⁴ That report was due to Congress at the end of November. You have not delivered the report. You are either deliberately ignoring the law by failing to submit the required report or you are unable to provide the required information, neither of which is acceptable.

Please provide us answers to the questions we previously sent you, answers to the following new questions, and the required report, by December 17, 2021.

¹ Anna Guiritelli, *Tens of thousands entered US unvetted after Kabul airlift, officials say in memo*, WASHINGTON EXAMINER, Nov. 24, 2021, <https://www.washingtonexaminer.com/restoring-america/fairness-justice/immigration/tens-of-thousands-entered-us-unvetted-after-kabul-airlift-officials-say-in-memo>.

² *Oversight of the Department of Homeland Security*, S. Comm. on the Judiciary, 117th Cong. (2021) (question from Sen. Lindsey Graham).

³ Letter from Alice Lugo, Assistant Sec’y for Legislative Affairs, to Hon. Andy Biggs (Sept. 7, 2021).

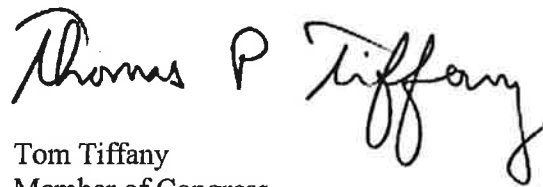
⁴ *Extending Government Funding and Delivering Emergency Assistance Act*, Pub. L. No. 117-43 (2021).

1. How many of the individuals granted parole were interviewed by a trained refugee officer prior to being granted parole?
2. How many individuals were denied parole based on information discovered during their interview?
3. There have been media reports of Afghan nationals who were brought to the United States committing crimes after their arrival. How many individuals have had their parole terminated? How many individuals have been removed from the country?

Sincerely,



Andy Biggs
Member of Congress



Tom Tiffany
Member of Congress



Scott Perry
Member of Congress



Bill Posey
Member of Congress



Matthew M. Rosendale, Sr.
Member of Congress



Marjorie Taylor Greene
Member of Congress



Jeff Duncan
Member of Congress



Ted Budd
Member of Congress



Bob Good
Member of Congress



Lauren Boebert
Member of Congress



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



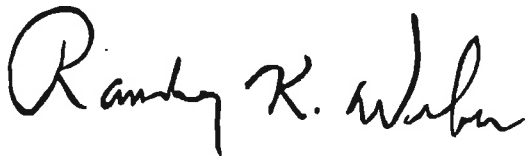
W. Gregory Steube
Member of Congress



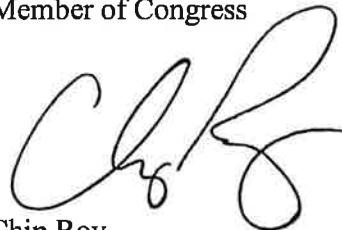
Matt Gaetz
Member of Congress



Louie Gohmert
Member of Congress



Randy K. Weber
Member of Congress



Chip Roy
Member of Congress



Ben Cline
Member of Congress

Congress of the United States

House of Representatives

Washington, DC 20515-0305

February 9, 2022

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

Dear Secretary Mayorkas,

Thank you for your response dated January 31, 2022, to my May 19, 2021, letter. The data that you provided in your response confirms what I have long suspected, which is that under your leadership the Department of Homeland Security (DHS) is failing to faithfully execute the laws passed by Congress.

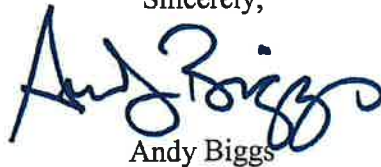
So that I can more fully understand the extent of the border crisis that you have created, please provide answers to the following questions by February 18, 2022.

1. On what specific authority in the INA is DHS releasing “applicants for admission” as defined in section 235(a)(1) of the INA, including illegal migrants apprehended by Border Patrol at the Southwest border?
2. On what specific authority in the INA is DHS issuing illegal migrants “Notices to Report”?
3. Does DHS consider the Fifth Circuit’s December 13, 2021, decision in *Texas v. Biden*, ___ F.4th ___ (2021) to be binding precedent with respect to its release of “applicants for admission” as defined in section 235(a)(1) of the INA, including illegal migrants apprehended by Border Patrol at the Southwest border? If it does not, explain why it does not consider that decision to be binding precedent.
4. Are “applicants for admission” as defined in section 235(a)(1) of the INA, including illegal migrants apprehended by Border Patrol at the Southwest border, who are paroled into the United States being released under section 212(d)(5)(A) of the INA, section 236(a)(2)(B) of the INA, or under some other provision in law? If it is some other provision, please provide the specific authority.
5. Are “applicants for admission” as defined in section 235(a)(1) of the INA, including illegal migrants apprehended by Border Patrol at the Southwest border, who are paroled into the United States being issued Notices to Appear? If any are not, please explain why they are not being issued Notices to Appear. Include citations to the INA and case law.
6. Does DHS require “applicants for admission” as defined in section 235(a)(1) of the INA, including illegal migrants apprehended by Border Patrol at the Southwest border, who are released by DHS into the United States — either on parole or with Notices to Report — to appear within 60 days in person at an ICE field office? For any aliens identified in the preceding sentence who are not required to appear at an ICE field office in person, does

ICE require them to check in telephonically, in writing, or in some other manner? If it is some other manner, please describe how those check-ins occur. Please state how many aliens have been required to report since March 21, 2021, in each manner.

7. How many “applicants for admission” as defined in section 235(a)(1) of the INA, including illegal migrants apprehended by Border Patrol at the Southwest border, who have been released into the United States on parole, with Notices to Appear, or with Notices to Report and who have failed to report as required have been (1) investigated; (2) questioned; (3) apprehended; (4) detained; (5) prosecuted; (6) been ordered removed; and (7) removed from the United States by ICE or any other agency of the U.S. government?
8. Do ICE attorneys seek removal orders for all “applicants for admission” as defined in section 235(a)(1) of the INA, including illegal migrants apprehended by Border Patrol at the Southwest border, who fail to appear at their initial master calendar hearings? If not, why not?
9. Does DHS consider aliens who fail to appear at removal hearings in immigration court or at required check-in appointments with ICE to be “flight risks”? If not, why not? If an alien fails to appear at a removal hearing in immigration court or at a required check-in appointment with ICE, does ICE open an investigation to locate and detain that alien? If not, why not?

Sincerely,

A handwritten signature in blue ink that reads "Andy Biggs". The signature is stylized and cursive.

Andy Biggs

Member of Congress

Congress of the United States
Washington, DC 20515

April 1, 2022

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

Dear Secretary Mayorkas,

We have recently been made aware of an increase in aliens from Russia illegally entering the United States. Given the Biden administration's catch and release policies, we have serious concerns that Russians illegally entering the United States will simply be released into the interior with minimal vetting. Releasing illegal aliens into our communities is a significant national security threat.

Please provide answers to the following questions by Friday, April 15, 2022.

1. Has the Department of Homeland Security (DHS) instituted additional vetting procedures for Russian nationals?
2. How many Russian nationals has U.S. Customs and Border Protection encountered illegally entering the United States since January 20, 2021? Please provide a breakdown by month.
3. How many Russian nationals are currently detained by DHS?
4. How many Russian nationals who illegally entered the country has DHS released into the United States?
 - a. How many have been paroled into the United States?
 - b. How many were released with a Notice to Report? How many reported to U.S. Immigration and Customs Enforcement? How many have been placed in removal proceedings?
 - c. How many were released with a Notice to Appear?
5. How many Russian nationals who illegally entered the United States have been enrolled in the Migrant Protection Protocols since DHS restarted the program?
6. How many Russian nationals who illegally entered the United States have been removed from the country by DHS?

We look forward to receiving the answers to these questions.

Sincerely,



Andy Biggs
Member of Congress



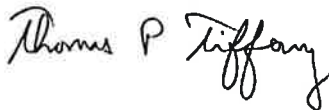
Brian Babin, D.D.S.
Member of Congress



Michael Cloud
Member of Congress



Dan Bishop
Member of Congress



Tom Tiffany
Member of Congress



Mo Brooks
Member of Congress



Ralph Norman
Member of Congress



Ronny L. Jackson
Member of Congress



Matt Gaetz
Member of Congress



Scott Perry
Member of Congress



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



Louie Gohmert
Member of Congress



Vicky Hartzler
Member of Congress



Ken Buck
Member of Congress



Jody Hice
Member of Congress



Debbie Lesko
Member of Congress

Mary E. Miller

Mary E. Miller
Member of Congress

Steven M. Palazzo

Steven M. Palazzo
Member of Congress

Chip Roy

Chip Roy
Member of Congress

Andrew S. Clyde

Andrew S. Clyde
Member of Congress

Congress of the United States
House of Representatives
Washington, DC 20515-0305

April 18, 2022

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

Dear Secretary Mayorkas,

Since February 2021, there have been more than 950,000 Title 8 Enforcement Actions by Border Patrol along the Southwest border. In order for me to fully understand how the Department of Homeland Security (DHS) is handling these cases, please provide the following information by April 27, 2022.

From January 20, 2021, to present:

1. How many aliens encountered during a Title 8 Enforcement Action indicated an intent to apply for asylum or a fear of persecution?
 - a. How many of these aliens were referred for a credible fear screening?
 - b. How many of these aliens received a positive credible fear determination?
 - i. How many of these aliens who received a positive credible fear determination were detained for further consideration of their application for asylum? How many remained in custody until their asylum application was fully heard?
 - ii. How many of these aliens who received a positive credible fear determination were paroled into the United States either by U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE)?
 - iii. How many of these aliens who received a positive credible fear determination were not paroled but were released with a Notice to Appear?
 - iv. How many of these aliens who received a positive credible fear determination were not paroled but were released with an Order of Recognizance?
 - v. How many of these aliens who received a positive credible fear determination were not paroled but were released with a Notice to Report? How many of these aliens reported to an ICE office? How many of these aliens were placed in removal proceedings?

- c. How many of these aliens received a negative credible fear determination?
 - i. How many of these aliens who received a negative credible fear determination were removed from the country following the credible fear screening process?
 - ii. How many of these aliens who received a negative credible fear determination were paroled into the country?
 2. How many aliens encountered during a Title 8 Enforcement Action did not express an intent to apply for asylum or a fear of persecution?
 - a. How many of these aliens have been removed?
 - b. How many of these aliens were paroled into the United States either by CBP or ICE?
 - c. How many of these aliens were released with a Notice to Report? How many reported to ICE? How many were placed in removal proceedings?
 - d. How many of these aliens were released with an Order of Recognizance?
 - e. How many of these aliens were released with a Notice to Appear?
 3. How many aliens have been enrolled in the Migrant Protection Protocols?
 4. How many aliens were referred for prosecution for improper entry?

I look forward to receiving the requested information.

Sincerely,



Andy Biggs
Member of Congress