

May 10, 2023

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

Dear Secretary Mayorkas:

Since the Biden administration took office, and you became the Secretary of the Department of Homeland Security, over five million illegal alien encounters have occurred along the U.S. southwest border.<sup>1</sup> This crisis over which you are presiding will soon spiral further out of control when Title 42 authority expires on May 11, 2023.<sup>2</sup> While you refuse to use the word “crisis,” you should know that our border communities bearing the brunt of your disastrous decisions have no such reluctance.<sup>3</sup> At a recent Senate hearing, two border city mayors, a border county chief medical officer, and an Oklahoma police chief stated emphatically that the border situation was a crisis which required a sea change in administration policy.<sup>4</sup>

In addition to the over five million illegal alien encounters at the southwest border, 1.3 million illegal aliens have evaded apprehension by U.S. Border Patrol or local law enforcement during this administration.<sup>5</sup> U.S. Customs and Border Protection (CBP) refers to these individuals as “known gotaways.”<sup>6</sup> CBP officials estimate that a further 130,000-260,000 “unknown gotaways” have entered the country illegally without detection by Border Patrol or local law enforcement.<sup>7</sup>

The record surge of people crossing into this country illegally includes a significant increase in individuals on the Terrorist Screening Database—from three in fiscal year 2020 to 98 in 2022.<sup>8</sup> While we

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<sup>1</sup> U.S. Customs and Border Protection, *Southwest Land Border Encounters*, CBP.GOV (last modified Apr. 14, 2023), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>; see also *id.*, *Nationwide Encounters*, <https://www.cbp.gov/newsroom/stats/nationwide-encounters> (showing that nationwide encounters are nearly six million over the same period).

<sup>2</sup> Brakkton Booker & Myah Ward, *Title 42's end has all eyes on Biden*, POLITICO (May 9, 2023), <https://www.politico.com/newsletters/the-recast/2023/05/09/joe-biden-title-42-immigration-border-00095981>.

<sup>3</sup> Adam Shaw, *Mayorkas again refuses to call border surge a 'crisis,' says it would indicate 'withdrawal from our mission,'* FOX NEWS (Apr. 1, 2023), <https://www.foxnews.com/politics/mayorkas-again-refuses-call-border-surge-crisis-says-would-indicate-withdrawal-mission>.

<sup>4</sup> *Examining the Effects of Increased Migration on Communities along the Southern Border: Hearing Before Subcomm on Gov't Operations and Border Mgmt. of the S. Comm. on Homeland Sec. and Governmental Affairs*, 118 Cong. 1 (2023) (statements of Douglas Nicholls, Mayor, City of Yuma), Clea McCaa II, Mayor, City of Sierra Vista, Dr. Francisco Garcia, Deputy County Administrator & Chief Medical Officer, Pima County, and Kevin Hearod, Chief, McAlester Police Department), <https://www.hsgac.senate.gov/subcommittees/gobm/hearings/examining-the-effects-of-increased-migration-on-communities-along-the-southern-border/>; Danyelle Khmara, *'Crisis' situation at Arizona border with Mexico, senators told*, TUCSON.COM (Apr. 27, 2023), [https://tucson.com/news/local/border/crisis-situation-at-arizona-border-with-mexico-senators-told/article\\_e79ae6d2-e3c3-11ed-b223-d72e16d0431b.html](https://tucson.com/news/local/border/crisis-situation-at-arizona-border-with-mexico-senators-told/article_e79ae6d2-e3c3-11ed-b223-d72e16d0431b.html).

<sup>5</sup> *Failure by Design: Examining Secretary Mayorkas' Border Crisis: Hearing Before the H. Comm. on Homeland Security* (Mar. 15, 2023) (statement of Raul L. Ortiz, Chief, U.S. Border Patrol, U.S. Dep't of Homeland Security), <https://homeland.house.gov/tomorrow-homeland-security-committee-field-hearing-to-examine-secretary-mayorkas-border-crisis-by-design/>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* (estimating the number of unknown gotaways was ten to twenty percent of known gotaways).

<sup>8</sup> Ellen M. Gilmer, *Terrorists Crossing the US Border? Rising Encounters Explained*, BLOOMBERG LAW (Apr. 12, 2023), <https://news.bloomberglaw.com/immigration/terrorists-crossing-the-us-border-rising-encounters-explained>.

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know these individuals were apprehended, we do not know how many attempted to evade apprehension by Border Patrol. CBP does not publicly report on the number of encounters of illegal aliens who *attempted* to be gotaways.

Accordingly, to better understand the national security implications of the millions of illegal border crossings during this administration and the expected increase after the end of Title 42 authority, I respectfully request that you provide the following information:

1. Of the nearly 6,000,000 nationwide alien encounters during the Biden administration,
  - a. The number of aliens who turned themselves in to Border Patrol or other law enforcement officials; and
  - b. The number of aliens who were apprehended attempting to evade Border Patrol or other law enforcement officials.
2. Of those encounters apprehended while attempting to evade Border Patrol or other law enforcement officials,
  - a. The number of aliens with criminal convictions, including the type of conviction, their processing disposition and transfer destination, and how many are currently still in the United States;
  - b. The number of aliens with known criminal gang or cartel affiliations, including which affiliation, their processing disposition and transfer destination, and how many are currently still in the United States; and
  - c. The number of aliens on the Terrorist Screening Database, including their processing disposition and transfer destination, and how many are currently still in the United States.
3. Of the 1,300,000 known gotaways during the Biden administration,
  - a. The number of aliens who are considered to have actively evaded apprehension; and
  - b. The number of aliens who were attempting to turn themselves in but were unable to do so.

Please provide this information as soon as possible, but no later than May 5:00 p.m. on May 18, 2023. Thank you for your attention to this matter.

Sincerely,

Ron Johnson  
U.S. Senator