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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

October 19, 2021

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

Dear Secretary Mayorkas:

At a September 21, 2021 Senate hearing, you failed to answer my questions about basic information on apprehensions at the U.S. border.¹ One week later, you finally provided limited data on encounters showing at least 500,000 people dispersed in the United States this year.² In addition to those dispersed by the Department of Homeland Security (DHS), over 344,000 known got-aways—individuals who evaded apprehension—have entered the United States illegally in fiscal year 2021.³ These numbers, which may be even higher, underscores this administration's failure to enact policies to secure the border and has created an unprecedented migration crisis.

This year through August, Customs and Border Protection (CBP) has apprehended more than 1.3 million illegal aliens and is on track to set a record for the most apprehensions in a single year.⁴ Recently, more than 25,000 illegal aliens amassed under a bridge in Del Rio, Texas and reports indicate another massive surge is coming.⁵ Reportedly, 125,000 migrants are currently making their way through Central America, attempting to reach the United States.⁶

¹ *Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11 Hearing before the S. Comm. on Homeland Security and Gov't Affairs*, 117th Cong. (2021).

² Letter from Alice Lugo, Ass't Secretary for Legislative Affairs, Dep't of Homeland Security, to Sen. Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations, Sept. 28, 2021; Email from DHS staff to Senate staff, Oct. 4, 2021 (on file with staff). This figure includes over 273,000 aliens CBP "processed" from custody under Title 8 (which includes releasing aliens with notices to appear, notices to report, and parole), over 124,000 aliens processed by ICE with either a notice to appear or under an alternative to detention, 102,000 UACs, who are required by law to be dispersed into the interior, and over 31,000 aliens processed under "other outcomes" which includes CBP Office of Field Operations parolees and transfers to other Departments (other than ICE), including the U.S. Marshalls Service and state and local law enforcement entities.

³ Email from Customs and Border Protection Staff to Senate staff, Oct. 18, 2021 (on file with staff).

⁴ Nick Miroff, *July was busiest month for illegal border crossings in 21 years, CBP data shows*, The Washington Post, Aug. 12, 2021, https://www.washingtonpost.com/national/record-numbers-illegal-border-crossings/2021/08/12/e3d305e2-facd-11eb-b8dd-0e376fba55f2_story.html.

⁵ Julia Ainsley, *U.S. officials think massive surge at southern border possible if Covid restriction is lifted Thursday*, NBC News, Sept. 30, 2021, <https://www.nbcnews.com/politics/immigration/u-s-officials-think-massive-surge-southern-border-possible-if-n1280378>.

⁶ Ildefonso Ortiz, *125K More Haitian Migrants Expected in Mexico by December*, Breitbart, October 1, 2021, <https://www.breitbart.com/border/2021/10/01/exclusive-125k-more-haitian-migrants-expected-in-mexico-by-december/>.

Media reports indicate that Immigration and Customs Enforcement (ICE) is not just releasing illegal aliens into border towns after CBP processing, but rather transporting illegal aliens from the border to cities within the interior of the United States.⁷ It also appears that ICE might not be properly assessing these illegal aliens before releasing them into the interior of the U.S.⁸ If true, ICE's reported actions could threaten the safety and security of all Americans.⁹ With these concerns in mind, I ask that you provide the following information:

1. How many aliens have been transported by either DHS or contractors to a final destination by plane, train, and bus throughout the country since January 1, 2021? Please provide the final destination for each mode of travel.
2. According to recent data, CBP has "processed" 273,396 aliens using 8 U.S. Code Title 8 from January 1, 2021 through August 31, 2021.¹⁰ This total includes aliens that were dispersed into the United States with Notices to Appear (NTA), Notices to Report (NTR), and via parole.¹¹ Based on those 273,396 processed aliens, please provide a breakdown of how many were given an NTR and how many were paroled.
 - a. For the aliens released with an NTR:
 - i. provide the number of aliens that have reported to an ICE field office within the required 60 days;
 - ii. provide the number of aliens that have not reported to an ICE field office within 60 days;
 - iii. provide the number of aliens issued NTRs that are within the 60-day reporting window; and
 - iv. for aliens that have reported to an ICE field office after receipt of an NTR, provide a breakdown, by location, of which ICE field offices issued charging documents to the aliens that received NTRs.
 - b. For the aliens released via parole, please explain which provision of the Immigration and Nationality Act these aliens were paroled under, whether these aliens are in removal proceedings, and their final destination.
3. Please provide a breakdown of how many aliens were given an NTA, as well as, a breakdown of which Executive Office for Immigration Review (EOIR) court location the aliens are instructed to report to.

⁷ Tyler Olson, *Feds releasing 'numerous' migrants far from southern border in 'catch and release' system 'on a grander scale'*, Fox News, Sept. 21, 2021, <https://www.foxnews.com/politics/ice-cbp-immigrants-release-southern-border>; Miranda Devine, *Biden secretly flying underage migrants into NY in dead of night*, New York Post, Oct. 18, 2021, https://nypost.com/2021/10/18/biden-secretly-flying-underage-migrants-into-ny-in-dead-of-night/amp/?__twitter_impression=true.

⁸ See Letter from Rodney Scott, Chief (Ret.), U.S. Border Patrol, to Sen. Charles Schumer, Majority Leader, U.S. Sen., Sen. Mitch McConnell, Minority Leader, U.S. Sen., Sen. Gary Peters, Chairman, U.S. Sen. Comm. on Homeland Security and Governmental Affairs, and Sen. Rob Portman, Ranking Member, U.S. Sen. Comm. on Homeland Security and Governmental Affairs, Sept. 11, 2021 (on file with staff); Tyler Olson, *Feds releasing 'numerous' migrants far from southern border in 'catch and release' system 'on a grander scale'*, Fox News, Sept. 21, 2021, <https://www.foxnews.com/politics/ice-cbp-immigrants-release-southern-border>.

⁹ *Id.*

¹⁰ See letter from Alice Lugo to Sen. Ron Johnson, *supra* note 2.

¹¹ *Id.*

I request that you provide updates to these figures on a monthly basis. Please provide this information as soon as possible but no later than November 2, 2021. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

CC: David L. Neal
Director
Executive Office for Immigration Review
Department of Justice