

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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December 8, 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 is conducting oversight of the Biden Administration's lax enforcement of federal immigration law, which has resulted in the mass catch-and-release of illegal aliens encountered along the southwest border. Violent criminal aliens exploit these vulnerabilities in our nation's immigration system to the detriment of Americans. To that end, we have asked for alien files (A-files) and related immigration case information for several aliens allowed entry by the Department of Homeland Security (DHS) who went on to commit heinous criminal acts while in the United States and for aliens who otherwise entered the U.S. illegally.¹ Your response without compulsory process has, to date, been woefully inadequate.

Since May 2023, the Committee has requested 14 A-files for criminal aliens charged with serious crimes, such as theft, brutal assault, murder, and terrorism-related charges.² The Committee has followed up on its requests—the vast majority of which have remained outstanding for months on end—regularly and on numerous occasions.³ In response to the

¹ See *infra* note 2.

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. (May 24, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (June 1, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (June 9, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (July 31, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Aug. 29, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Aug. 30, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Sept. 6, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Sept. 14, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Sept. 14, 2023); Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Sept. 14, 2023).

³ Email from Comm. staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (June 29, 2023) (on file with Comm.); Email from Comm. staff, H. Comm. on the Judiciary, to Office of

Committee's myriad requests, DHS has merely produced partial summaries for just two A-files, and has acknowledged these limited productions as not responsive to the Committee's requests. On November 13, 2023, the Committee wrote to DHS reiterating its 14 outstanding requests for A-files, asking they be provided by November 27.⁴ To date, DHS has not provided any of the requested materials. The failure to provide these materials hinders the Committee's ability to fulfill its constitutional oversight obligations.

The Supreme Court has recognized that Congress has a "broad and indispensable" power to conduct oversight, which "encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them."⁵ Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning federal immigration law to inform potential legislative reforms.⁶ These potential legislative reforms could include, among other proposals, legislation to enhance the vetting of aliens to ensure criminal aliens are not released into American communities and proposals to end mass catch-and-release. The information the Committee has requested is necessary to inform such potential reforms and to understand DHS's current application of the immigration laws.

Accordingly, and in light of your disregard of our earlier voluntary requests, please find attached a subpoena for the requested documents and information.

Sincerely,



Jim Jordan
Chairman

Legislative Affairs, U.S. Dep't of Homeland Sec. (July 6, 2023) (on file with Comm.); Email from Comm. staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (July 12, 2023) (on file with Comm.); Email from Comm. staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (July 24, 2023) (on file with Comm.); *See Oversight of the Dep't of Homeland Sec.: Hearing Before the H. Comm. on Judiciary*, 118th Cong. (2023); Email from Comm. staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (Aug. 16, 2023) (on file with Comm.); Email from Committee staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (Aug. 28, 2023) (on file with Comm.); ³ Email from Committee staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (Sept. 7, 2023) (on file with Comm.); Email from Committee staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (Sept. 13, 2023) (on file with Comm.); Email from Comm. staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (Sept. 18, 2023) (on file with Comm.); ³ Email from Comm. staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (Sept. 21, 2023) (on file with Comm.); Email from Comm. staff, H. Comm. on the Judiciary, to Office of Legislative Affairs, U.S. Dep't of Homeland Sec. (Oct. 3, 2023) (on file with Comm.).

⁴ 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. 13, 2023).

⁵ *See, e.g., Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

⁶ Rules of the House of Representatives R. X (2023).

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cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure