

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6216
(202) 225-3951
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November 5, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

Recent reports indicate that the Biden Administration, as part of negotiations with a left-wing activist group, is considering paying \$450,000 per person to aliens who entered the United States illegally with their children.¹ Each family of illegal aliens could reportedly receive nearly \$1 million, for a total potential payout of \$1 billion or more from U.S. taxpayers.² If accurate, these reports show how the Biden Administration is once again putting the interests of illegal aliens above the interests of U.S. citizens and continuing to incentivize illegal immigration into the United States.

The Biden Administration's proposed \$1 billion in taxpayer-funded payments concern illegal aliens encountered at the border in 2017 and 2018.³ These illegal aliens knowingly violated our laws by entering the U.S. without the authority to do so.⁴ The children with them were placed in the care and custody of the Department of Health and Human Services (HHS). Many of the adults were returned to their home countries. However, in May and June 2021, Secretary of the Department of Homeland Security (DHS) Alejandro Mayorkas unilaterally paroled some of these illegal aliens into the United States.⁵ He announced that "once they enter the United States, these individuals will be allowed to remain for an initial 36-month period with the opportunity to apply for work authorization."⁶

The Biden Administration has already rewarded these illegal aliens for violating our laws, providing them with the ability to stay and work here legally in the country for at least three years. Now the Administration plans to reward these illegal aliens again with hundreds of

¹ E.g. Michelle Hackman, Aruna Viswanatha, and Sadie Gurman, *U.S. in Talks to Pay Hundreds of Millions to Families Separated at Border*, WALL ST. J. (Oct. 28, 2021).

² *Id.*

³ *Id.*

⁴ 8 U.S.C. § 1325(a).

⁵ U.S. Department of Homeland Security Press Release, *Family Reunification Task Force Provides Initial Progress Report and Announces Upcoming Reunification of 29 Families* (June 8, 2021).

⁶ *Id.*

thousands of U.S. taxpayer dollars. Notably, at least one DHS lawyer expressed concern that the Administration's proposed \$450,000 payments could be higher than payments made to some of the families of September 11th victims.⁷

The Biden Administration has already implemented several policies that wrongly incentivize illegal immigration. The Biden Administration terminated border wall construction contracts.⁸ It began releasing illegal aliens into the U.S. interior without even a notice to appear in immigration court, often transporting them to their final destinations at U.S. taxpayer expense.⁹ Incredibly, Secretary Mayorkas also terminated Migrant Protection Protocols (MPP), under which aliens arriving illegally at the southern border waited in Mexico while their immigration court proceedings were pending, despite acknowledging that "MPP resulted in a significant decrease in irregular border crossings."¹⁰

These and other ill-conceived Biden Administration decisions led to a record high 1.66 million illegal alien apprehensions by U.S. Border Patrol on the southwest border during fiscal year 2021.¹¹ In that same time frame, more than 400,000 illegal alien "got aways"—aliens who have successfully evaded Border Patrol agents while crossing the border—have been documented.¹² Dangerous cartels have exploited the Biden Administration's policies to make millions of dollars telling people around the world that if they get to the southern U.S. border and claim a fear of persecution, the Administration will not make them leave—and will actually provide them generous benefits.¹³

The Biden Administration's immigration policies have fueled the ongoing Biden border crisis. These radical policies contrast with those of the Trump Administration, which took actions aimed at reducing illegal immigration and enforcing U.S. law. President Trump built over 450 miles of border wall system to help the U.S. Border Patrol apprehend illegal aliens.¹⁴ His Administration sought to discourage illegal entries by implementing the MPP, under which

⁷ Hackman, Viswanatha, and Gurman, *supra* note 1.

⁸ Priscilla Alvarez, *Biden Administration Cancelling More Border Wall Contracts*, CNN (Oct. 8, 2021) <https://www.cnn.com/2021/10/08/politics/border-wall-contacts-canceled-biden-administration/index.html>.

⁹ Bill Melugin and Adam Shaw, *Leaked Border Patrol Docs Show Mass Release of Illegal Immigrants Into U.S. by Biden Administration* FOX NEWS (Oct. 13, 2021) <https://www.foxnews.com/politics/leaked-border-patrol-docs-release-immigrants-us-biden-administration>.

¹⁰ Memorandum from U.S. Department of Homeland Security Secretary Alejandro N. Mayorkas to Tae Johnson, Acting Director of U.S. Customs and Immigration Enforcement, et. al., *Termination of the Migrant Protection Protocols*, (Oct. 29, 2021).

¹¹ Nick Miroff, *Border Arrests Have Soared to an All-Time High, New CBP Data Shows*, WASH. POST (Oct. 20, 2021) https://www.washingtonpost.com/national/border-arrests-record-levels-2021/2021/10/19/289dce64-3115-11ec-a880-a9d8c009a0b1_story.html.

¹² Bret Baier, Interview with Rodney Scott, Retired Chief of the U.S. Border Patrol, FOX NEWS (Oct. 5, 2021) <https://www.foxnews.com/media/rodney-scott-border-patrol-joe-biden-donald-trump-southern-wall-migrants>.

¹³ Mark Moore, *U.S.-Mexico Border Traffickers Earned as Much As \$14M a Day Last Month*, NEW YORK POST (Mar. 22, 2021) <https://nypost.com/2021/03/22/us-mexico-border-traffickers-earned-as-much-as-14m-a-day-last-month/>.

¹⁴ U.S. Department of Homeland Security, *Statement from Acting Secretary Wolf on the Completion of 450 Miles of Border New Wall System*, (Jan. 5, 2021) <https://www.dhs.gov/news/2021/01/05/statement-acting-secretary-wolf-completion-450-miles-border-new-wall-system>.

aliens arriving illegally at the southern border waited in Mexico while their immigration court proceedings were pending.¹⁵ These and President Trump's other policies successfully deterred illegal immigration.

The Biden Administration's proposed \$1 billion taxpayer-funded payout to illegal immigrants will certainly incentivize additional illegal immigration. This sort of action is exactly the wrong message the Administration should send at this time. To assist the Committee with its oversight of the Department of Justice and to better understand the nature of the proposal to make taxpayer-funded payments to illegal aliens, please provide the following:

1. All documents and communications referring or relating to the decision(s) to make payments to illegal aliens encountered at the southern border in 2017 and 2018, including the authorization of any payments, between or among Attorney General Merrick Garland, Deputy Attorney General Lisa Monaco, Principal Deputy Assistant Attorney General Brian Boynton, or Director of the Office of Immigration Litigation William Peachey;
2. All documents and communications referring or relating to the decision(s) to make payments to illegal aliens encountered at the southern border in 2017 and 2018 between or among employees of the Department of Justice and employees of the Executive Office of the President;
3. All documents and communications referring or relating to the decision(s) to make payments to illegal aliens encountered at the southern border in 2017 and 2018 between or among employees of the Department of Justice and employees of the Department of Homeland Security; and
4. All documents and communications referring or relating to the decision(s) to make payments to illegal aliens encountered at the southern border in 2017 and 2018 between or among employees of the Department of Justice and employees of the Department of Health and Human Services.

In addition, please provide answers to the following questions:

1. Is the Department considering payments to alien parents or legal guardians whose child was removed from their custody after a determination by U.S. Customs and Border Protection that the parent or legal guardian presented a danger to the child?
2. Is the Department considering payments to alien parents or legal guardians whose child was removed from their custody after a determination by U.S. Customs and Border Protection that the parent or legal guardian had a conviction for an offense relating to child abuse or neglect?

¹⁵ U.S. Department of Homeland Security, Secretary Kirstjen M. Nielsen Announces Historic Action to Confront Illegal Immigration, (Dec. 20, 2018) <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration>.

3. Is the Department considering payments to alien parents or legal guardians whose child was removed from their custody after a determination by U.S. Customs and Border Protection that the parent or legal guardian had a conviction for an offense relating to sexual abuse of a minor?
4. Is the Department considering payments for aliens who do not meet the requirements of the class certified in the *Ms. L. v. U.S. Immigration and Customs Enforcement, et. al* litigation?
5. Is the Department considering payments to alien parents or legal guardians who, after being provided the chance to take their child with them when returning to their home country, chose instead to leave their child in U.S. government custody or in the care and custody of another individual inside the United States?
6. Out of what fund(s) will the payments to aliens be paid?
7. For how many aliens who are outside the United States is the Department considering payments pursuant to the litigation described above?
8. For how many aliens inside the United States is the Department considering payments pursuant to the litigation described above?

Please provide this information as soon as possible but no later than 5:00 p.m. on November 19, 2021.

If you have any questions about this request, please contact Judiciary Committee staff at (202) 225-6906. Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



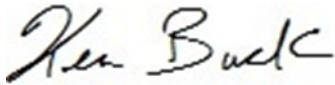
Steve Chabot
Member of Congress



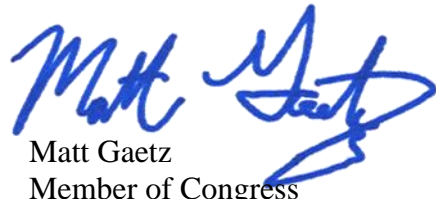
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Member of Congress



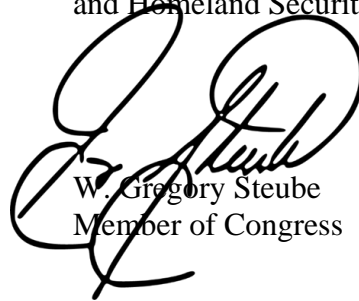
Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



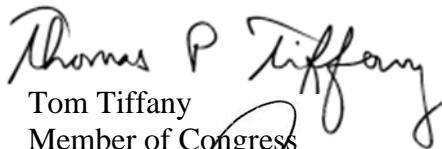
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Tom McClintock
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and Citizenship



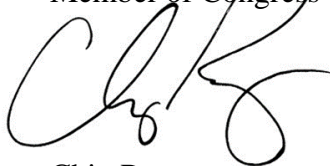
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Member of Congress



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Victoria Spartz
Member of Congress

The Honorable Merrick B. Garland

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Scott Fitzgerald
Member of Congress



Cliff Bentz
Member of Congress



Burgess Owens
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman