

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  
judiciary.house.gov

May 2, 2022

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
301 7<sup>th</sup> Street SW  
Washington, DC 20528

Dear Secretary Mayorkas:

On behalf of Committee Republicans, I write to follow up on last week's hearing to ensure you provide the data and information you could not provide at the hearing. Your failure to be prepared for the hearing is especially disappointing because we sent you a letter 13 days ago specifically asking that you come prepared with detailed data related to border security and immigration.<sup>1</sup> On April 26, when we spoke on the phone, you acknowledged receipt of the letter and assured me you would come prepared to answer our questions. Unfortunately, you did not.

As the Secretary of Homeland Security, one of your top priorities is to "protect Americans from terrorism and other homeland security threats."<sup>2</sup> During the hearing, I asked you "have any of the 42 illegal migrants on the terrorist watchlist or No-Fly List encountered at our southwest border been released into the United States?"<sup>3</sup> Shockingly, you did not have an answer to that question and instead deflected by promising to provide that data following the hearing. Now that you have had time to find the answer to this question, I ask that you provide the Committee with the number of illegal aliens on the terrorist watchlist who have been encountered at the southwest border and subsequently released in the United States, as well as the current status and disposition of each of these cases.

Additionally, there are approximately 1.2 million aliens with final orders of removal—aliens who have gone through immigration removal proceedings, have had due process, and have been told by a judge they have no legal right to remain in the United States. When pressed during the hearing about removing these aliens, you refused to say you would deport them and instead offered a tired excuse that the Department does not have adequate resources to deport them.<sup>4</sup> The

---

<sup>1</sup> Letter from Rep. Jim Jordan, Ranking Member, H. Comm on the Judiciary, to Alejandro Mayorkas, Sec'y, Dep't of Homeland Security (Apr. 19, 2022).

<sup>2</sup> U.S. Dep't of Homeland Security, Mission, <https://www.dhs.gov/mission>.

<sup>3</sup> *Oversight of the Dep't of Homeland Security: Hearing Before the H. Comm. on Judiciary*, 117th Cong. (2022) (statement of Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary).

<sup>4</sup> *Oversight of the Dep't of Homeland Security: Hearing Before the H. Comm. on Judiciary*, 117th Cong. (2022) (statement of Rep. Matt Gaetz, Member, H. Comm. on the Judiciary).

American people see through this excuse. You cannot claim to lack resources to remove aliens, while at the same time request fewer resources in your recent budget request.<sup>5</sup> Meanwhile, these 1.2 million aliens—who have no legal right to be in the United States—are freely living in cities across our country without fear of deportation. So again, we ask you how many ICE agents and officers are needed to deport these 1.2 million aliens who have been told by a judge they must leave the United States.

Since Joe Biden became President, the Biden Administration has released more than 836,000 aliens into the interior of the United States.<sup>6</sup> Rep. Gaetz asked you if any of those aliens will commit a crime.<sup>7</sup> You answered that “undoubtedly” some aliens will commit crimes.<sup>8</sup> Later in the hearing, you proudly told us about the few criminal aliens that the Department has deported and agreed that the types of crimes those removed aliens committed included homicide, kidnapping, and sexual assault.<sup>9</sup> However, you then refused to accept that these crimes are the exact crimes that some of the 836,000 illegal aliens you released into the United States would “undoubtedly” commit.<sup>10</sup> You cannot have it both ways. The aliens you are deporting are not the only criminal aliens in the United States. We therefore ask you again what the Department intends to do to identify and remove criminal aliens who are among the 836,000 aliens you have released into the interior of the United States.

In addition, multiple Republican members asked that you provide them with the number of illegal aliens the Department has released into their home states. To ensure that each member receives accurate and complete information, please provide the number of the 836,000 illegal aliens the Department released into each state and the District of Columbia.

Notably, throughout the hearing you claimed several times that you have no choice but to abide by federal law, for example with respect to aliens claiming asylum. Yet, at the same time you refuse to comply with the immigration laws you do not like. For instance, 8 U.S.C. § 1231 requires that when an alien is ordered removed, the Secretary of Homeland Security “shall remove the alien from the United States within a period of 90 days.”<sup>11</sup> Additionally, § 1225(b)(1)(B)(ii) requires that if an alien is found to have a credible fear of persecution, that alien “shall be detained for further consideration of the application for asylum.”<sup>12</sup> Your refusal to remove 1.2 million aliens with final orders of removal and your release of 836,000 illegal aliens

---

<sup>5</sup> Dep’t of Homeland Security, U.S. Immigration and Customs Enforcement Budget Overview, Fiscal Year 2023 Congressional Justification, 5.

<sup>6</sup> Andrew R. Arthur, *Under Biden DHS Has Released More than 756,000 Southwest Border Migrants*, Center for Immigration Studies (Apr. 14, 2022); *Texas v. Biden*, Case No: 2:21-cv-00067-Z (N.D. Texas Apr. 15, 2022) (Defendants’ Monthly Report For March 2022).

<sup>7</sup> *Oversight of the Dep’t of Homeland Security: Hearing Before the H. Comm. on Judiciary*, 117th Cong. (2022) (statement of Rep. Matt Gaetz, Member, H. Comm. on the Judiciary).

<sup>8</sup> *Oversight of the Dep’t of Homeland Security: Hearing Before the H. Comm. on Judiciary*, 117th Cong. (2022) (statement of Alejandro Mayorkas, Sec’y, Dep’t of Homeland Security).

<sup>9</sup> *Oversight of the Dep’t of Homeland Security: Hearing Before the H. Comm. on Judiciary*, 117th Cong. (2022) (statement of Alejandro Mayorkas, Sec’y, Dep’t of Homeland Security).

<sup>10</sup> *Id.*

<sup>11</sup> 8 U.S.C. § 1231.

<sup>12</sup> 8 U.S.C. § 1225(b)(1)(B)(ii).

The Honorable Alejandro Mayorkas

May 2, 2022

Page 3

into the interior of the United States highlight your complete disregard of the law. Please explain why you chose not to comply with § 1231 and § 1225(b)(1)(B)(ii).

The American people deserve a Secretary of Homeland Security who will actually protect the homeland from terrorism, secure our border, and enforce our immigration laws. More importantly, they deserve accountability for the Biden Administration's flagrant disregard of our immigration laws in furtherance of its radical, open-border agenda. In light of your inability to answer these questions and provide this information at last week's hearing, we ask that you submit it to the Committee promptly.

Sincerely,



Jim Jordan  
Ranking Member

cc: The Honorable Jerrold Nadler, Chairman