

ONE HUNDRED SEVENTEENTH CONGRESS

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON THE JUDICIARY

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October 28, 2022

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

Dear Attorney General Garland:

We are investigating the Biden Administration's callous disregard for the safety and security of our southern border, including the Justice Department's abuse of U.S. immigration law and policy to advance the Biden Administration's political interests. Since your confirmation we have written to you requesting information about the Administration's use of federal taxpayer dollars to pay settlements to illegal aliens who violated U.S. law, and your purge of immigration judges appointed by former President Trump for political reasons. Our letters have gone unanswered. The American people deserve better than to be ignored by an Administration intent on undermining the rule of law and erasing our national borders.

Committee Republicans will continue to pursue these matters, including into the 118th Congress if necessary. Accordingly, we reiterate our outstanding requests, which are itemized in the attached appendix and incorporated herein, and ask that you, as the custodian of all Departmental records, produce the entirety of the requested material as soon as possible but no later than November 11, 2022.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials in your possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.



Jim Jordan  
Ranking Member

Sincerely,



Tom McClintock  
Ranking Member  
Subcommittee on Immigration and  
Citizenship

The Honorable Merrick B. Garland

October 28, 2022

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cc: The Honorable Jerrold L. Nadler  
Chairman

Enclosure

**Appendix: Outstanding Immigration-Related Documents and Information Requests to the Department of Justice**

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November 5, 2021:

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.
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.
5. 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?
6. 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?
7. 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?
8. 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?

9. 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?
10. Out of what fund(s) will the payments to aliens be paid?
11. For how many aliens who are outside the United States is the Department considering payments pursuant to the litigation described above?
12. For how many aliens inside the United States is the Department considering payments pursuant to the litigation described above?

July 20, 2022:

1. The number of immigration judges whose employment was terminated during or at the end of their probationary period between January 20, 2021, and the present.
2. The number of immigration judges who resigned during or at the end of their probationary period between January 20, 2021, and the present.
3. The number of immigration judges whose employment was terminated during or at the end of their probationary period, each fiscal year for FY 2007 through to-date FY 2022.
4. The termination letter provided to each immigration judge whose employment was terminated during or at the end of their probationary period between January 20, 2021, and the present.
5. The termination letter provided to each immigration judge whose employment was terminated during or at the end of their probationary period between October 1, 2006, and January 20, 2021.
6. All documents and communications referring or relating to the decision(s) to terminate the employment of each immigration judge whose employment was terminated during or at the end of their probationary period, between January 20, 2021, and the present, sent or received by the following individuals:
  - a. Attorney General Merrick Garland;
  - b. Deputy Attorney General Lisa Monaco;
  - c. Principal Deputy Assistant Attorney General Brian Boynton;
  - d. Director of the Executive Office for Immigration Review David Neal;
  - e. Deputy Director of Executive Office for Immigration Review Mary Cheng;
  - f. Chief Immigration Judge Tracy Short;
  - g. Principal Deputy Chief Immigration Judge Daniel Weiss;

- h. Senior Counsel to the Deputy Attorney General Margy O'Herron;
  - i. Assistant Chief Immigration Judge Rebecca Walters;
  - j. Assistant Chief Immigration Judge David Cheng; and
  - k. Former Acting Deputy Director of the Executive Office for Immigration Review Charles Adkins-Blanch.
7. All documents and communications referring or relating to the decision(s) to terminate the employment of each immigration judge whose employment was terminated during or at the end of their probationary period, between January 20, 2021, and the present, sent or received by the then-Assistant Chief Immigration Judge for the immigration court at which the terminated immigration judge worked.
  8. All documents and communications referring or relating to the decision(s) to terminate the employment of each immigration judge whose employment was terminated during or at the end of their probationary period, between January 20, 2021, and the present, between or among Department employees and immigration-related non-governmental groups, including but not limited to the American Immigration Lawyers Association, the Capital Area Immigrants' Rights (CAIR) Coalition, Ayuda, and the Immigration and Human Rights Clinic at the University of the District of Columbia.
  9. All documents and communications referring or relating to the decision(s) to terminate the employment of each immigration judge whose employment was terminated during or at the end of their probationary period, between January 20, 2021, and the present, between or among Department employees and any private bar immigration attorney, immigration law professor (full-time or adjunct), immigration author, and immigration blogger.