

United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC TRANSMISSION

April 7, 2022

The Honorable Alejandro Mayorkas
Secretary
United States Department of Homeland Security
Washington, D.C. 20016

Dear Secretary Mayorkas:

We write to you today regarding the dangerous and reckless decision to rescind the Title 42 Order issued by the Centers for Disease Control and Prevention (“Title 42 Order”), which permits the immediate expulsion of illegal immigrants who attempt to cross the southern border. This decision is being made amidst alarming reports the Administration is preparing for a surge of 170,000 illegal immigrants who will attempt to enter the United States if the Biden Administration rescinds Title 42.¹ Other reports state that the Department of Homeland Security (DHS) estimates up to 60,000 illegal immigrants are already waiting at the border in anticipation of this policy being rescinded.²

We are also aware of reports that DHS and the Federal Emergency Management Administration (FEMA) are preparing for up to 18,000 illegal immigrants to arrive each day at our southern border.³ This would mean over **500,000 illegal immigrants arriving per month at our border**. One report even suggests that CBP could be planning to limit vetting of migrants in order to expedite processing.⁴

This massive surge of illegal immigrants would be on top of a historic influx of illegal immigrants which has occurred during the Biden Administration. Since President Biden took office, Customs and Border Protection (CBP) has encountered over 2.27 million illegal immigrants at the southern border. In February 2022 alone, CBP had 169,973 encounters

¹ Jonathan Swan & Stef W. Kight, *Scoop: Biden officials fear “mass migration event” if COVID polices end*, AXIOS (Mar. 17, 2022), <https://www.axios.com/biden-border-mexico-migrants-title-42-a91b6441-2197-463f-ab1f-2435824a9566.html>.

² Catherine E. Shoichet, *We’re expecting a big increase in migrants at the US-Mexico border. But this time is different*, CNN (Apr. 1, 2022, 12:47 PM), <https://www.cnn.com/2022/03/31/politics/border-title-42-whats-next-cec/index.html>.

³ Nick Miroff & Maria Sacchetti, *Biden officials bracing for unprecedented strains at Mexico border if pandemic restrictions lifted*, WASHINGTON POST, (Mar. 29, 2022, 6:30 PM), <https://www.washingtonpost.com/national-security/2022/03/29/border-pandemic-title-42-immigration/>.

⁴ Hillary Vaughn (@hillary_vaughn), Twitter (Mar. 31, 2022, 10:00 a.m.), https://twitter.com/hillary_vaughn/status/1509530956234899459.

compared to 101,099 in February 2021 – a 68% increase in encounters with illegal immigrants.⁵ And the February 2021 figures were already the highest since Fiscal Year 2006.⁶

These shocking numbers show that, as much as the Biden Administration would like to wish away this crisis, the Administration's policies have driven a surge to the border by illegal immigrants who believe they can illegally enter our country without consequences. The damage done by the Biden Administration's failed border policies have served to draw more illegal immigrants to our border with false promises of amnesty.

Further, these open border policies benefit the cartels who are profiting off the chaos created at the border. While our CBP officers are doing their best to keep our nation safe, the number of illegal immigrants crossing our borders prevents CBP from conducting its critical work to stop drug traffickers, human smugglers, and other dangerous criminals. It also means that more dangerous criminals can evade detection and enter our country, creating significant public safety threats not only for border communities, but for communities across the country.

Since the day President Biden took office, he has systematically dismantled the successful policies which helped secure our southern border and deter illegal immigrants. On his first day in office, President Biden pledged to support a massive amnesty for the over 11 million illegal immigrants already in the country.⁷ That same day, President Biden shut down the Migrant Protection Protocols (MPP), which required asylum seekers to remain in Mexico until their asylum proceedings instead of being released into the interior of the United States.⁸ Despite a court order to reinstate this program, the Biden Administration has fought tooth and nail to shut it down and slow walk its implementation.

Now, the decision to end the Title 42 Order will lead to an even greater surge of illegal immigration at our southern border. Ending the Title 42 Order is a dangerous and reckless decision by this Administration, particularly if these reports are accurate that the Administration is preparing for 170,000 illegal immigrants to attempt to enter the US, with up to 60,000 already staged at the southern border.

It is clear from public reporting that the Biden Administration has been providing documents and materials to mainstream media outlets outlining the Administration's plan to rescind Title 42 and open the southern border. As an urgent matter of congressional oversight, we urge you to respond to the following questions no later than April 28, 2022:

⁵ U.S. CUSTOMS & BORDER PROT., *Southwest Land Border Encounters* (March 30, 2022), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁶ U.S. CUSTOMS AND BORDER PROT., *United States Border Patrol: Total Illegal Alien Apprehensions By Month, FY 2000 – FY 2018*, <https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-total-monthly-apps-sector-area-fy2018.pdf>

⁷ Fact Sheet, *President Biden Sends Immigration Bill to Congress as Part of His Commitment to Modernize our Immigration System*, THE WHITE HOUSE (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system>.

⁸ Press Release, U.S. Dep't of Homeland Sec., *DHS Statement on the Suspension of New Enrollments in the Migrant Protection Protocols Program* (Jan. 20, 2021), <https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program>.

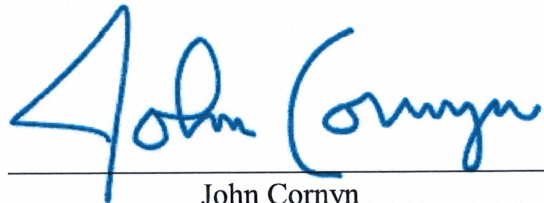
1. When did the Administration in fact make the decision to rescind the Title 42 Order?
2. When did the Administration first begin making contingency plans for the rescission of the Title 42 Order?
3. According to public reporting, the Biden Administration has developed a whole-of-government plan to address the impact of ending the Title 42 Order, which DHS has called the “Southwest Border Mass Irregular Migration Contingency Plan.” Please provide a copy of this plan, or of whichever components make up this plan.
4. When making this decision, did the Administration consider the public safety impact that would result from rescinding the Title 42 Order? Specifically, did the Administration evaluate how the surge would allow for more drug trafficking, human smuggling, and other heinous crimes?
5. Did the Administration evaluate the public safety impact of rescinding the Title 42 Order on border communities and communities across the country which will be impacted by this decision?
6. Do DHS, CBP, and ICE have the necessary staff and resources to handle the expected increase of illegal immigrants that will arrive at the southern border due to rescinding the Title 42 Order?
7. Does the Border Patrol have the necessary staff and resources to conduct thorough criminal background checks on all illegal immigrants that would be apprehended along the southern border after rescission of the Title 42 Order?

Rescinding the Title 42 Order during a border crisis, and with knowledge of a building surge of illegal immigrants, presents a serious threat to public safety. We urgently request your swift response to these critical questions.

Sincerely,



Thom Tillis
United States Senator



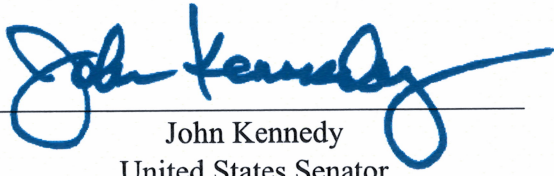
John Cornyn
United States Senator



Lindsey O. Graham
United States Senator



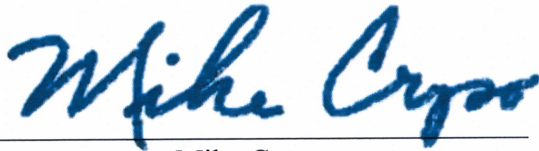
Tom Cotton
United States Senator



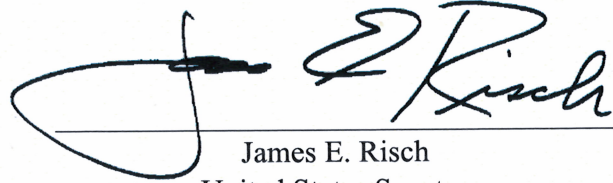
John Kennedy
United States Senator



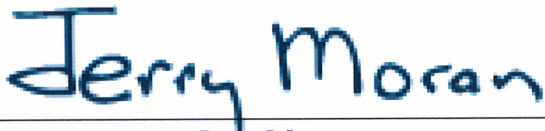
Marsha Blackburn
United States Senator



Mike Crapo
United States Senator



James E. Risch
United States Senator



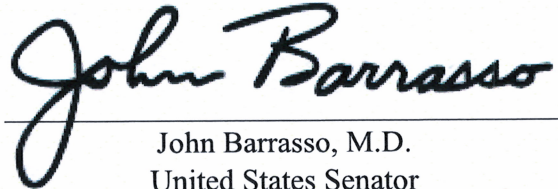
Jerry Moran
United States Senator



James M. Inhofe
United States Senator



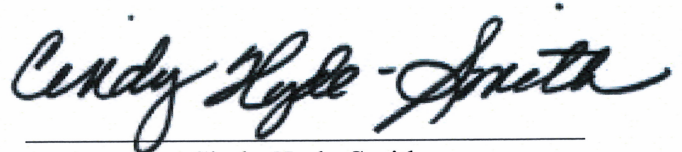
Deb Fischer
United States Senator



John Barrasso, M.D.
United States Senator



Susan M. Collins
United States Senator



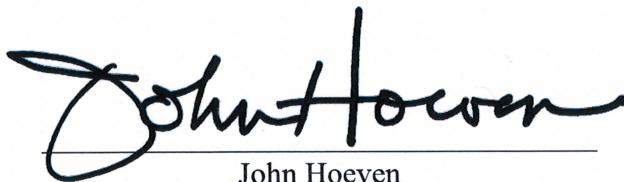
Cindy Hyde-Smith
United States Senator



Rand Paul, M.D.
United States Senator



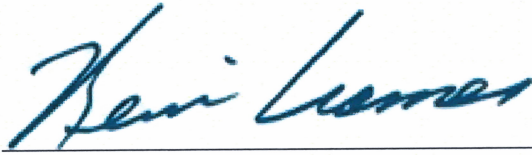
Mike Braun
United States Senator



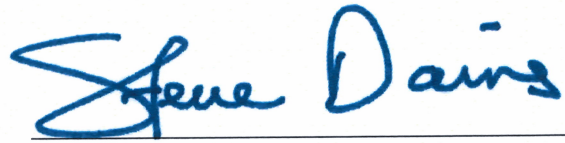
John Hoeven
United States Senator



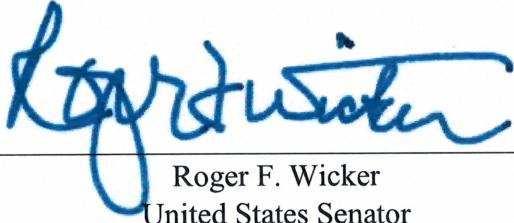
Marco Rubio
United States Senator



Kevin Cramer
United States Senator



Steve Daines
United States Senator



Roger F. Wicker
United States Senator