

United States Senate
WASHINGTON, DC 20510

October 31, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
Washington, D.C.

The Honorable Kamala D. Harris
Vice President of the United States
The White House
Washington, D.C.

CC: The Honorable Alejandro Mayorkas, Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear President Biden and Vice President Harris,

We write to you with serious concerns regarding the failure of your executive leadership to secure our southern border, enforce longstanding immigration policies, and protect the American people.

Your administration has prioritized illegal aliens over the safety of American communities since day one. Within hours of taking office, your administration weakened our national security and undermined the integrity of U.S. immigration laws through a series of flawed executive orders and proclamations.

On January 20, 2021, your administration arbitrarily proclaimed the national emergency at the southern border “unwarranted” and halted construction of the border wall.¹ With one proclamation, your administration terminated a project critical to fortifying our southern border and pulled security resources—leaving our nation more vulnerable than ever to illegal crossings, drug trafficking, and potential terrorist threats.

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/>

On February 2, 2021, you signed an executive order to “restore faith in our legal immigration systems.”² It unequivocally had the opposite effect. The order destabilized immigration enforcement by unilaterally expanding pathways for illegal aliens to stay in the country. It strained resources needed to process legitimate claims, and directly impacted the ability of U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) officers to detain and remove illegal aliens. In short, your administration knowingly undercut CBP and ICE officers’ capacity to execute the law.

Your administration reversed years of progress made under the Trump administration and fueled a crisis that spread from the southern border to small towns across America.

Under your administration, the Department of Homeland Security (DHS) made the decision to terminate the Migrant Protection Protocols (MPP), commonly known as the “Remain in Mexico” policy, causing an unprecedented surge at the border.³ Our CBP and ICE enforcement personnel and border facilities were overrun, allowing thousands of illegal aliens to enter the U.S. with little to no vetting. Your administration briefly reinstated MPP as a result of litigation—but only further weakened it by reducing the standard migrants had to meet to be exempted from the program.⁴ To make matters worse, your administration suspended and terminated agreements with El Salvador, Guatemala, and Honduras that would have required migrants to seek asylum in those countries.⁵

In addition to your administration’s attempts to circumvent Congress by implementing immigration policy through executive orders, your administration has taken every opportunity to bend existing immigration law in its favor. Now, immigration officials are applying case-by-case processes like humanitarian parole to large classes and groups of people. Under this administration, the parole process, originally designed to be limited in scope, is now a tool for mass amnesty.

Instead of addressing the flow of illegal immigration and illicit drugs across our borders, your administration has turned its back on those who wish to immigrate here legally and welcomed illegal aliens with open arms. Instead of directing resources to securing our borders and processing legal immigrant applications, your administration has crippled our immigration enforcement capabilities and prioritized amnesty applications. The administration has one job—to enforce the law of the land. Instead of detaining and deporting illegal aliens, your administration has shown a blatant disregard for the rule of law and national security.

² <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>

³ https://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-memo.pdf

⁴ <https://www.nbcnews.com/politics/immigration/biden-administration-restart-trump-era-remain-mexico-policy-n1285215>

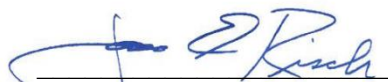
⁵ <https://www.state.gov/suspending-and-terminating-the-asylum-cooperative-agreements-with-the-governments-el-salvador-guatemala-and-honduras/>.

The border crisis is not an accident—it is a direct result of this administration’s deliberate choices. As members of Congress, we demand accountability to restore common-sense immigration enforcement policies that prioritize the safety and security of the American people.

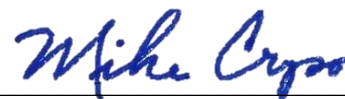
In light of the foregoing facts, and for the purpose of oversight and accountability, we demand comprehensive responses to the following questions by November 30, 2024:

1. How many illegal aliens crossed the U.S. southern border between your administration’s executive order halting border wall construction and the October 2023 determination that existing laws must be waived “to ensure the expeditious construction of barriers and roads” along the southern border?⁶
2. Has the implementation of the DHS’s rule to terminate the MPP policy significantly impacted the immigration court backlog? Has the number of immigration officials processing asylum applications increased?
3. How many DHS personnel were reassigned from other responsibilities specifically to process parole applications?
4. Describe the responsibilities and locations from where immigration officers have been reassigned to process parole applications as well as the number of officers.
5. Did DHS consider the impact the Biden-Harris parole-in-place program would have on U.S. Citizenship and Immigration Services fee revenue? How much will this program cost?

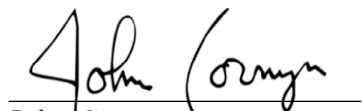
Sincerely,



James E. Risch
United States Senator



Mike Crapo
United States Senator



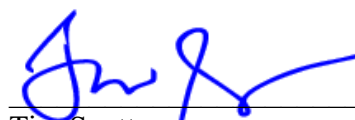
John Cornyn
United States Senator



Ted Cruz
United States Senator




John Hoeven
United States Senator




Tim Scott
United States Senator


⁶ <https://www.federalregister.gov/documents/2023/10/05/2023-22176/determination-pursuant-to-section-102-of-the-illegal-immigration-reform-and-immigrant-responsibility>



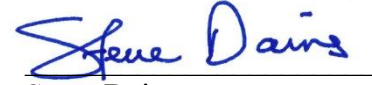
James Lankford
United States Senator




Kevin Cramer
United States Senator



Markwayne Mullin
United States Senator



Steve Daines
United States Senator



Roger Marshall, M.D.
United States Senator