

January 31, 2022

David P. Pekoske
Administrator
Transportation Security Administration
601 12th St S
Arlington, VA 20598

Administrator Pekoske,

I write with alarm over reports that you are allowing illegal aliens to present arrest warrants and notices of deportation as valid identification to pass checkpoints and board commercial airplanes. This policy subverts the rule of law and should be rescinded immediately.

A spokesman from the Transportation Security Agency (TSA) told *Fox News* that, “Non-citizens and non-U.S. nationals who do not otherwise have acceptable forms of ID for presentation at security checkpoints, TSA may also accept certain DHS-issued forms, including ICE Form I-200 (Warrant for Arrest of an Alien).”¹

Furthermore, in response to an inquiry from Representative Gooden (R-TX), you said, “TSA established a process where it will accept certain DHS-issued forms for non-citizens and non-U.S. nationals who do not have otherwise acceptable forms of ID for presentation at its security checkpoints.”²

You then went on to list the forms TSA may accept at the checkpoint, including:

- ICE Form I-200 – Warrant for Arrest of Alien
- ICE Form I-205 – Warrant of Removal/Deportation
- ICE Form I-220A – Order of Release on Recognizance
- ICE Form I-220B – Order of Supervision
- DHS Form I-862 – Notice to Appear
- CBP Form I-94 – Arrival and Departure Form (including a print-out of an electronic record)
- DHS Form I-385 – Alien Booking Record

This is unacceptable. No government security agency should permit individuals to use an arrest warrant or deportation notice to pass a security check.

¹Adam Shaw and Bill Melugin, *TSA confirms it lets illegal immigrants use arrest warrants as ID in airports*, Fox News (Jan. 21, 2022) <https://www.foxnews.com/politics/tsa-confirms-allows-illegal-immigrants-arrest-warrants-id-airports>

²Jennie Taer, *Arrest Warrants Count As ID For Illegal Migrants At Airport Security, TSA Says*, Daily Caller (Jan. 18, 2022) <https://dailycaller.com/2022/01/18/exclusive-arrest-warrants-count-as-id-for-migrants-at-airport-security-tsa-says/>

The point of an arrest warrant is for police to actively seek out and apprehend criminals. However, you have now confirmed that illegal aliens may present arrest warrants to federal officials to board commercial aircrafts. This dystopian inversion exceeds the point of absurdity where radical open-border policies attempt to accomplish the very opposite of DHS's core mission: apprehending those who cross our borders illegally.

You also explained that passengers using alternative identification may require additional screenings to check if they are on a terrorist database. I have long advocated for stronger vetting procedures, including in-person vetting, for all who enter our country. But these additional screening efforts are inadequate to mitigate the effects of a blanket policy that encourages individuals with arrest warrants to fly on commercial planes. If anything, the additional security protocols you have identified resemble the failed vetting standards applied to Afghan refugees who entered our country following the Biden Administration's disastrous withdrawal from Afghanistan.

DHS and TSA should be focusing their efforts on their core responsibilities, such as preventing entry into the United States by those who pose a threat to homeland security—like Malik Faisal Akram, who recently flew from the United Kingdom into a New York airport and attempted an anti-Semitic terrorist attack in a Texas synagogue. It is time to reverse policies that glorify illegal immigration and start enforcing our immigration laws.

So that Congress can consider remedial legislation, please provide the following information by February 28, 2022:

1. Which DHS component(s) developed this policy?
2. How many individuals have presented TSA with arrest warrants or deportation notices and were permitted to travel?
3. How does this new policy comport with 8 U.S.C. § 1325, which criminalizes the improper entry into the United States by an alien?
4. How does allowing illegal immigrants to show an arrest warrant, deportation notice, or any of the above listed documents increase security at American airports?
5. If an illegal immigrant presents an arrest warrant to progress through a checkpoint, is he subject to in-person interviews with the airport's Federal Security Director (FSD)?
6. If so, what questions are asked and how does the FSD determine an illegal immigrant should proceed through the designated checkpoint or board a commercial aircraft?
7. How does this policy help stop illegal crossings or lessen the crisis at the southern border?

8. How does allowing alternative identification help prevent future terrorist attacks, like the recent anti-Semitic synagogue attack in Texas?
9. Please produce all records relating to the development, discussion, and coordination of these policies, including any and all communications with the Secretary of DHS and with the Department of Justice.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is written in a cursive style with a large, looping initial "J".

Josh Hawley
United States Senator

CC. Secretary Alejandro Mayorkas (DHS), Commissioner Chris Magnus (CBP)