

April 6, 2022

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

Secretary Mayorkas:

I write with concern at the coming surge of illegal immigration this spring. The Biden Administration has announced that it intends to rescind its Title 42 order, which will only exacerbate the crisis at the southern border. At the same time, new reports and leaked documents suggest that the Department of Homeland Security (DHS) plans to divert resources from our veterans so that it can provide free services to illegal immigrants. These reports demand answers.

We have a humanitarian crisis at our southern border. In 2021, the U.S. Customs and Border Protection (CBP) reported over two million encounters with aliens illegally crossing the southern border—the highest number ever recorded.¹ One Arizona sector has experienced a 579% increase over the last fiscal year.² More than 62,000 illegal immigrants evaded Border Patrol agents in March.³ What is more, some of the immigrants that CBP has caught have been identified as previously deported MS-13 gang members.⁴

Rather than enforce our immigration laws, the Biden Administration has repeatedly changed existing policy to encourage, facilitate, and obscure illegal immigration. President Biden halted construction of the border wall,⁵ reinforced DACA,⁶ and limited ICE enforcement actions.⁷ He has also illegally reversed the Trump Administration's Remain in Mexico Policy—which is set to be argued before the Supreme Court later this month.⁸

Most recently, the Biden Administration announced its plan to rescind its Title 42 policy, prohibiting entry into the country of individuals carrying communicable diseases.⁹ This

¹ <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

² <https://www.foxnews.com/politics/arizona-border-sector-spike-migrant-encounters>

³ <https://www.foxnews.com/politics/62000-illegal-immigrants-border-patrol-agents-march>

⁴ <https://www.foxnews.com/politics/border-patrol-agents-criminals-gang-members-one-border-sector>

⁵ <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/>

⁶ [https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/?ct=t\(AgencyUpdate_012120\)](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/?ct=t(AgencyUpdate_012120))

⁷ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-the-revision-of-civil-immigration-enforcement-policies-and-priorities/>

⁸ *Biden v. Texas*, No. 21-954 (U.S.).

⁹ <https://www.cdc.gov/coronavirus/2019-ncov/cdcresponse/Final-CDC-Order-Prohibiting-Introduction-of-Persons.pdf>.

disastrous policy decision has been widely criticized by both Democrats and Republicans alike. For example, Sen. Kelly called this “the wrong decision,” while Sen. Sinema said that such an action shows a “lack of understanding about the crisis at the border.”¹⁰ Sen. Manchin has said that, “Today’s announcement by the CDC and the Biden Administration is a frightening decision. Title 42 has been an essential tool in combatting the spread of COVID-19 and controlling the influx of migrants at our southern border.”¹¹ Sen. Hassan has warned that, “Ending Title 42 prematurely will likely lead to a migrant surge that the administration does not appear to be ready for.”¹²

This has led to reports that the annual spring surge of illegal immigration will be even worse than usual. In the words of one CBP agent, “We are expecting to get wrecked.”¹³ Even the *Washington Post* acknowledges that “[t]he predictable effect of lifting Title 42 is a new influx of migrants from Central America and beyond, which would compound an existing surge at the U.S.-Mexican border.”¹⁴ The Editorial Board correctly notes that this “was supposed to be Vice President Harris’s brief, but she appears to have done little to address the problem.”¹⁵ Instead, we must brace for “chaos at the border.”¹⁶

I am particularly alarmed at new reports suggesting that DHS plans to divert doctors from the Department of Veterans Affairs to provide free medical resources to those crossing our border illegally. In the words of one CBP official, “We’re going to take medical services away from people that really deserve that. Who went to combat... to give free medical attention to illegal migrants.”¹⁷

There are also reports that DHS plans to provide migrants with free phones.¹⁸ In addition, a leaked memorandum titled “DHS Southwest Border Mass Irregular Contingency Plan” details your plan to maximize the ability of illegal immigrants to apply for relief.¹⁹

These new reports deserve immediate answers. They should be confirmed or denied promptly. So that Congress can consider remedial legislation, please provide the following information by April 29, 2022:

1. Does DHS plan to divert medical resources from the Department of Veteran Affairs to provide free medical services to illegal aliens?

¹⁰ <https://www.kelly.senate.gov/press-releases/sens-kelly-and-sinema-on-the-biden-administrations-decision-to-end-title-42/>

¹¹ <https://www.manchin.senate.gov/newsroom/press-releases/manchin-title-42-must-stay-in-place-until-we-have-major-immigration-reforms>

¹² <https://twitter.com/SenatorHassan/status/1509936999267983364?s=20&t=C9Ooy-3VCeWYQtZENrdycg>

¹³ <https://www.foxnews.com/politics/border-patrol-agents-migrant-wave-title-42>

¹⁴ <https://www.washingtonpost.com/opinions/2022/04/01/migrant-surge-is-coming-border-biden-is-not-ready/>

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ https://twitter.com/hillary_vaughn/status/1509530954569682951

¹⁸ https://twitter.com/BillFOXLA/status/1511354961036197902?s=20&t=ntQzVgzfD_wsAUzIJTYzRQ

¹⁹ <https://www.scribd.com/document/568069079/Southwest-Border-Mass-Irregular-Migration-Contingency-Plan-Feb-2022#download>

2. Does DHS plan to provide illegal aliens with free phones? What is the justification for doing so?
3. If cell phones are being provided to illegal aliens, what controls are in place to ensure taxpayer dollars do not go to waste?
4. Please produce a complete and unredacted copy of the Department's memorandum titled "Southwest Border Mass Irregular Migration Contingency Plan."
5. What steps are you taking to combat the expected surge in illegal immigration at the southern border?
6. How many encounters with illegal aliens does the Department expect this spring, compared to last spring?
7. How many more Border Patrol agents does the Department plan to hire to address the crisis at the southern border?
8. By what objective metrics is the Department measuring its performance?
9. How is the Department leveraging drones and other technologies to monitor at the southern border?
10. How is the Department partnering with state and local officials to address the crisis at the southern border?

Sincerely,

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

Josh Hawley
United States Senator