

December 14, 2022

The Hon. Blas Nuñez-Neto
Acting Assistant Secretary for Border and Immigration Policy
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Dear Acting Assistant Secretary Nuñez-Neto,

I write with concern over recent reports warning of the coming surge in illegal immigration as Title 42 is set to expire. Officials are now bracing for 14,000 migrant encounters per day.¹ Just this weekend, new footage emerged showing a caravan of more than 1,000 migrants crossing the U.S.-Mexico border into El Paso, Texas.² This is in addition to the over 16,000 illegal immigrant encounters and over \$97 million in narcotics seized last weekend.³ Unsurprisingly, this uptick in activity at the border comes in anticipation of the Title 42 order's expiration on December 21, 2022. But it appears your department has not taken any meaningful steps to prepare for the coming surge in illegal immigration.

As you may recall, last May, you appeared before the Homeland Security and Governmental Affairs Committee (HSGAC) to testify on the crisis at the southern border. In that hearing, I asked you about the potential effect of rescinding the Title 42 order, which authorizes the executive branch to turn away illegal aliens to prevent the spread of communicable diseases. To my amazement, you testified that if the Title 42 order was rescinded, "you are going to see a decrease [in encounters]."⁴ This was contrary to every expert prediction and basic common sense.

Now, as this authority is set to expire, your prediction has proven wrong. Migrants are lining up in droves at the southern border in anticipation of Title 42's expiration. A new report states that your department projects seeing 9,000 to 14,000 illegal immigrant encounters per day after Title 42 authority expires.⁵ It also states that this is more than double the current number of daily crossings.

Sadly, this is not surprising. The outcome of removing this authority was obvious, which is why I have advocated for Title 42 to remain in place. For example, on April 6, 2022, I promptly sent a letter to Secretary Mayorkas warning of the ramifications of removing Title 42 authority.⁶ Yet your department does not appear to have taken any meaningful steps to secure the border in the face of these caravans. This is inexcusable and an abdication of your legal responsibilities.

¹ <https://www.axios.com/2022/12/14/title-42-migrant-surge-mexico-border>

² <https://www.foxnews.com/us/migrant-caravan-of-more-than-1000-crosses-illegally-into-el-paso-texas-video-shows>

³ <https://twitter.com/USBPChief/status/1602325045166186502?s=20&t=GaQO3f9-J7WeteiNuSXo0Q>

⁴ <https://www.foxnews.com/politics/dhs-official-predicts-title-42-drop-border-crossings>

⁵ <https://www.cnn.com/2022/11/30/politics/migrant-border-crossings-could-double/index.html>

⁶ <https://www.hawley.senate.gov/sites/default/files/2022-04/2022-04-06%20Title%2042%20letter%20APPROVED%5B1%5D.pdf>

So that Congress can consider remedial legislation, please provide the following information by December 21, 2022:

1. Do you still believe that removing Title 42 authority will decrease the number of illegal migrant encounters at the southern border?
2. What policy positions have you developed to respond to a surge in encounters at the southern border following the expiration of Title 42?
3. What additional security forces and resources are you providing to the El Paso and Ciudad Juárez region, given the recent surge in illegal migrants?

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with the first name "Josh" being more prominent and the last name "Hawley" written in a similar style.

Josh Hawley
United States Senator