

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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April 17, 2024

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
3017 7th St. S.W.  
Washington, DC 20528

Dear Secretary Mayorkas:

The Committee on the Judiciary continues to conduct oversight of the unprecedented illegal immigration crisis along the southwest border. Since January 20, 2021, the Biden Administration has released more than 4.6 million illegal aliens into the United States.<sup>1</sup> According to press reports, on January 8, 2024, “when meeting privately with [Border Patrol] agents in Eagle Pass, Texas,” you admitted to the high rate of illegal alien releases.<sup>2</sup> In that discussion, you acknowledged that more than 85 percent of illegal aliens encountered at the southwest border are being released into the interior of the country.<sup>3</sup>

Given that admission, on January 22, 2024, we wrote to you requesting information and documents regarding the mass release of illegal aliens into the United States and other related topics.<sup>4</sup> We requested a response by February 5, 2024.<sup>5</sup> On February 6 and February 28, 2024,

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<sup>1</sup> See H. Comm. on the Judiciary, Rep. on The Biden Border Crisis: How the Biden Admin. Opened the Sw. Border and Abandoned Interior Immigr. Enf’t at App’x 1 (Oct. 9, 2023); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2023*, U.S. DEP’T OF HOMELAND SEC. (last accessed Mar. 22, 2024); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed Mar. 22, 2024); Camilo Montoya-Galvez, *Biden administration has admitted more than 1 million migrants into U.S. under parole policy Congress is considering restricting*, CBS NEWS (Jan. 22, 2024); *Latest UC Data, Total Monthly Discharges to Individual Sponsors Only*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Mar. 22, 2024); Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Mar. 22, 2024); U.S. Customs and Border Prot., *CBP Releases February 2024 Monthly Update*, U.S. DEP’T OF HOMELAND SEC. (Mar. 22, 2024).

<sup>2</sup> Adam Shaw et al., *Mayorkas tells Border Patrol agents that ‘above 85%’ of illegal immigrants released into US: sources*, FOX NEWS (Jan. 8, 2024), <https://www.foxnews.com/politics/mayorkas-tells-border-patrol-agents-illegal-immigrants-released-into-us-sources>.

<sup>3</sup> *Id.*

<sup>4</sup> Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas Sec’y, U.S. Dep’t of Homeland Sec. (Jan. 22, 2024).

<sup>5</sup> *Id.*

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Committee staff followed up with the Department of Homeland Security's (DHS) Office of Legislative Affairs about the status of these requests.<sup>6</sup> On March 8, 2024, the Committee wrote to you again, reiterating the outstanding requests.<sup>7</sup> Since our March 8 letter, the Committee has followed up with DHS about our outstanding requests.<sup>8</sup> To date, however, DHS has not produced the requested information. Instead, on March 22, DHS responded by claiming that “[m]uch of the information requested by the Committee is already publicly available” and suggested that the Committee wait until additional data is released to the public three to six months from now.<sup>9</sup> In that response, DHS also failed to acknowledge the Committee's additional requests regarding the mass releases of illegal aliens at the southwest border.<sup>10</sup> DHS's failure to produce the requested documents and information prevents the Committee from fulfilling its constitutional oversight obligations.

The Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”<sup>11</sup> Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning federal immigration law to inform potential legislative reforms.<sup>12</sup> These potential legislative reforms could include, among other proposals, ensuring DHS cannot mass release illegal aliens into the United States. To inform such potential reforms, the Committee must first understand the Administration's current application of federal immigration law.

Accordingly, and given your failure to comply in full with our request voluntarily, please find attached a subpoena.<sup>13</sup>

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive, flowing style.

Jim Jordan  
Chairman

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<sup>6</sup> Emails from Comm. staff, H. Comm. on the Judiciary, to Off. of Legislative Affs., U.S. Dep't of Homeland Sec. (Feb. 6 and 28, 2024) (on file with Comm.).

<sup>7</sup> Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas Sec'y, U.S. Dep't of Homeland Sec. (Mar. 8, 2024).

<sup>8</sup> Email from Comm. staff, H. Comm. on the Judiciary, to Off. of Legislative Affs., U.S. Dep't of Homeland Sec. (Mar. 21, 2024) (on file with Comm.); Phone calls between Comm. staff, H. Comm. on the Judiciary, and Off. of Legislative Affs., U.S. Dep't of Homeland Sec. (Apr. 8 and 11, 2024).

<sup>9</sup> Letter from Zephrañie Buetow, Ass't Sec'y for Leg. Affs., U.S. Dep't of Homeland Sec., to Jim Jordan et al., Chairman, H. Comm. on the Judiciary (Mar. 22, 2024).

<sup>10</sup> *Id.*

<sup>11</sup> *See, e.g., Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

<sup>12</sup> Rules of the House of Representatives R. X (2023).

<sup>13</sup> Please note that the subpoena is continuing in nature. Consequently, in complying with this subpoena, you are required to produce all requested tables and documents that may be created after the date of this subpoena.

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cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure