

# Congress of the United States

## Washington, DC 20515

February 2, 2024

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Dear President Biden,

The U.S. Southern Border is being overrun by illegal immigrants. The responsibility for this crisis lies with you. Under your direction, your administration has intentionally and systematically undermined U.S. border security by perpetually refusing to enforce countless laws that have worked to secure our Southern Border and prevent illegal immigration.

On January 20, 2021, – your very first day in office – you immediately took executive action to [halt](#)<sup>1</sup> border wall construction and issued a [moratorium](#)<sup>2</sup> on deportations and immigration enforcement. Your administration has repeatedly ignored Congress' authority and issued over 60 immigration and border policies that have clearly signaled to illegal immigrants, traffickers, and cartels that America's borders are open.

Border security experts have dubbed the predictable consequences of this executive unraveling of secure border policies as the "Biden Effect." These consequences include [over](#)<sup>3</sup> 6.7 million illegal immigrant encounters and at least 1.7 million "gotaways" since you have taken office, in addition to the flood of deadly drugs pouring into our communities.

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<sup>1</sup> "Proclamation on the Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction," The White House, <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/>, January 20, 2021.

<sup>2</sup> "Deportation Moratorium: What Is It and What Does It Mean?" CBS News, <https://www.cbsnews.com/news/deportation-moratorium-ice/>, January 22, 2021.

<sup>3</sup> "Southwest Land Border Encounters," U.S. Customs and Border Protection, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

In February 2021, your administration signaled an [end](#)<sup>4</sup> to enforcing “Remain in Mexico” policy and selectively [stopped](#)<sup>5</sup> enforcing some Title 42 expulsions. The following month, U.S. Customs and Border Protection (CBP) [reported](#)<sup>6</sup> a then-record increase of over 70,000 illegal encounters at the border. Months after this initial surge, Homeland Security Secretary Alejandro Mayorkas [stated](#)<sup>7</sup> the “fact an individual is a removable noncitizen will not alone be the basis of an enforcement action against them.”

The deliberate combination of open border rhetoric and refusal to enforce immigration law exacerbated the border crisis, ceded operational control of our Southern Border to cartels and illegal immigrants, and invited the full-scale invasion we are currently experiencing.

In April of 2022, you again attempted to [end](#)<sup>8</sup> Title 42. After this announcement, there were 241,136 illegal immigrant [encounters](#)<sup>9</sup> reported in May 2022 alone. Another year later – and after over 2.5 million more encounters, including dozens of [known and suspected](#)<sup>10</sup> terrorists and hundreds of violent criminals – the administration [announced](#)<sup>11</sup> plans to allow Title 42 to expire and while offering [expanded](#)<sup>12</sup> unlawful parole programs for illegal immigrants facilitated by the CBP One program.

Even with Title 42 set to expire, ICE Acting Director Tae Johnson [told](#)<sup>13</sup> the House Appropriations Subcommittee on Homeland Security that ICE did not have the proper detention space needed to handle the projected illegal immigration surge, indicating the administration’s policy would be to completely ignore our laws and release illegal immigrants into the U.S. Notably, Secretary Mayorkas recently [admitted](#)<sup>14</sup> that 85% of illegal immigrants apprehended at the Southern Border are being released into the U.S.

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<sup>4</sup> "Executive Order on Creating a Comprehensive Regional Framework to Address the Causes of Migration, to Manage Migration Throughout North and Central America, and to Provide Safe and Orderly Processing," The White House, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-creating-a-comprehensive-regional-framework-to-address-the-causes-of-migration-to-manage-migration-throughout-north-and-central-america-and-to-provide-safe-and-orderly-processing/>, February 2, 2021.

<sup>5</sup> "Minors at the Border: Surge Due to Numerous Factors, Biden Policies Included," PolitiFact, Austin American-Statesman, <https://www.statesman.com/story/news/politics/politifact/2021/03/29/minors-border-surge-due-numerous-factors-biden-policies-included/7012446002/>. March 29, 2021.

<sup>6</sup> "Southwest Land Border Encounters," U.S. Customs and Border Protection, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>7</sup> U.S. Immigration and Customs Enforcement. "Guidelines for the Enforcement of Civil Immigration Law," <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>.

<sup>8</sup> Centers for Disease Control and Prevention. "CDC to End Order Authorizing the Expulsion of Certain Migrants," <https://www.cdc.gov/media/releases/2022/s0401-title-42.html#:~:text=Today%2C%20following%20a%20thorough%20reassessment,migrants%20into%20the%20United%20States>.

<sup>9</sup> "Southwest Land Border Encounters," U.S. Customs and Border Protection, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>10</sup> U.S. Customs and Border Protection. "CBP Enforcement Statistics," <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

<sup>11</sup> U.S. Department of Homeland Security. "Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration," <https://www.dhs.gov/news/2023/04/27/fact-sheet-us-government-announces-sweeping-new-actions-manage-regional-migration>, April 27, 2023.

<sup>12</sup> Federation for American Immigration Reform (FAIR). "Biden Administration Let Tens of Thousands of Central Americans Cut in Line," <https://www.fairus.org/blog/2023/07/14/biden-administration-let-tens-thousands-central-americans-cut-line>, July 14, 2023.

<sup>13</sup> Forbes Breaking News. "The List Goes on And On': Ashley Hinson Tells ICE Chief Terrorists Have Crossed Into US." <https://www.youtube.com/watch?v=h6FU9xhBI38>.

Your administration also effectively dismantled immigration enforcement and deportation – an obvious deterrent to illegal immigration – using executive action to skirt the law. In March 2021, your administration stopped issuing illegal immigrants a Notice to Appear and began issuing a Notice to Report, before later shifting to the [Parole plus Alternative to Detention](#)<sup>15</sup> program. This action caused the Non-Detained Docket (NDD) to grow to an [estimated](#)<sup>16</sup> 5.3 million, including over 400,000 criminals.

Meanwhile, the threat of deportation remains virtually nonexistent for illegal immigrants due to the administration's explicit policy direction to effectively halt deportations. According to the U.S. Immigration and Customs Enforcement (ICE) [Annual Report](#)<sup>17</sup> for Fiscal Year 2023, ICE Enforcement and Removal Operations only deported 142,580 of the 1,292,830 illegal immigrants who were subject to final orders of removal.

Even with deportations at record lows and illegal crossings at record highs, this administration expanded the use of CBP One, which facilitates the release of 95.8% of migrants into the [country](#)<sup>18</sup>, further exacerbating the NDD's immense backlog and increasing the risk of violent criminals, [sex offenders](#)<sup>19</sup>, and gang members being released into the interior and infiltrating our communities.

Speaker Mike Johnson wrote to you in December of 2023, urging you to take executive action to secure the Southern Border. House Republicans have passed H.R. 2, legislation that would help stop the flow of illegal immigration and protect our communities. Your actions alone created this catastrophe, and you have the power to fix it.

You can choose to direct your administration to vigorously enforce the laws on the books today, thereby stemming the tide of illegal immigration and protecting our communities. Or you can choose to perpetuate this national security and humanitarian crisis through your unequivocal failure of leadership for the American people.

Sincerely,

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<sup>14</sup> Fox News. "Mayorkas Tells Border Patrol Agents Illegal Immigrants Released into U.S., Sources Say," <https://www.foxnews.com/politics/mayorkas-tells-border-patrol-agents-illegal-immigrants-released-into-us-sources>.

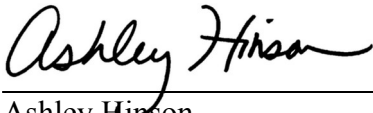
<sup>15</sup> U.S. Customs and Border Protection. "Parole Plus: An Alternative to Detention," <https://www.cbp.gov/sites/default/files/assets/documents/2023-May/Parole%20Plus%20Alternative%20to%20Detention.pdf>.

<sup>16</sup> Fabbriatore, Robert. "Testimony before the U.S. House Committee on the Judiciary," <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/fabbriatore-testimony.pdf>.

<sup>17</sup> U.S. Customs and Immigration Enforcement. "Fiscal Year 2023 Annual Report," <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2023.pdf>

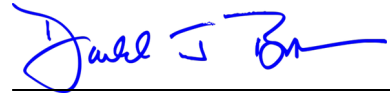
<sup>18</sup> Arthur, Andrew R. "95.8 Percent of Illegal Migrants Who Preschedule Their Illegal Entries Are Allowed," Center for Immigration Studies, <https://cis.org/Arthur/958-Percent-Illegal-Migrants-Who-Preschedule-Their-Illegal-Entries-Are-Allowed>.

<sup>19</sup> Judicial Watch. "Illegal Immigrant with a Notice to Appear, Convicted of Drunk Driving, Released by ICE," <https://www.judicialwatch.org/illegal-immigrant-with-notice/>.



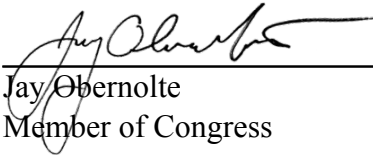
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Ashley Hinson  
Member of Congress




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Don Bacon  
Member of Congress



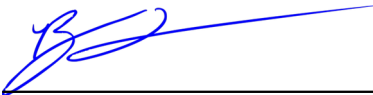
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Jay Obernolte  
Member of Congress



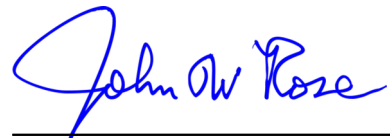
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Jen A. Kiggans  
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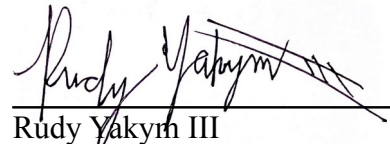
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John Rose  
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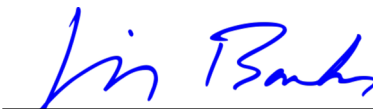
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Rudy Yakym III  
Member of Congress



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Jim Banks  
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Stephanie L. Bice  
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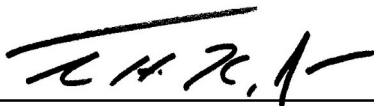
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Harold Rogers  
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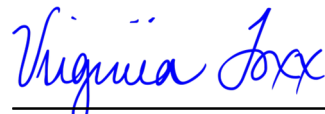
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Member of Congress



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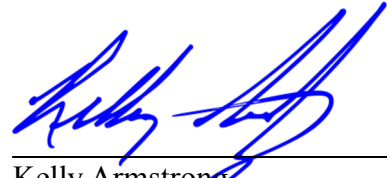
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Charles J. "Chuck"  
Fleischmann  
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John R. Moolenaar  
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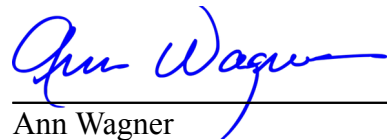
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Christopher H. Smith  
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John Joyce, M.D.  
Member of Congress



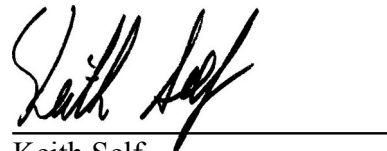
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Ann Wagner  
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Pete Stauber  
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Keith Self  
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Mariannette Miller-Meeks,  
M.D.  
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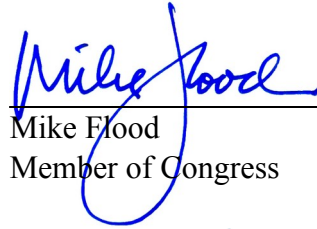
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Barry Loudermilk  
Member of Congress



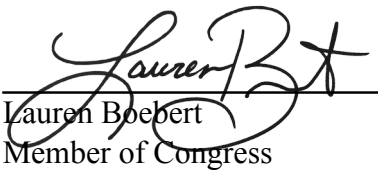
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Mike Flood  
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Garret Graves  
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Nicole Malliotakis  
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Adrian Smith  
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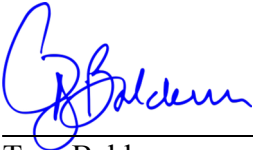
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Michael Waltz  
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Eric A. "Rick" Crawford  
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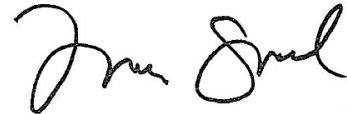
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Daniel Webster  
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C. Scott Franklin  
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Andrew Ogles  
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Aaron Bean  
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Pete Sessions  
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Brad Finstad  
Member of Congress



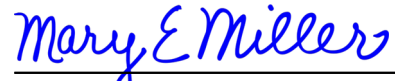
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Austin Scott  
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Scott DesJarlais, M.D.  
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Mary E. Miller  
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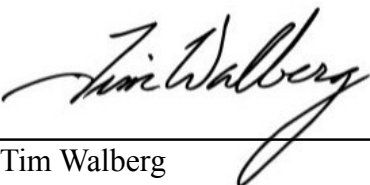
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Michael Guest  
Member of Congress



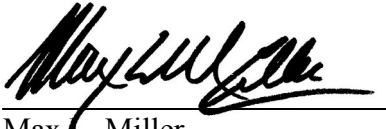
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Tim Walberg  
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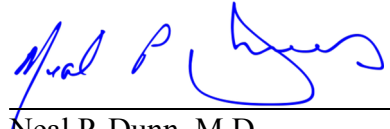
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Max L. Miller  
Member of Congress



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Neal P. Dunn, M.D.  
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