

United States Senate

WASHINGTON, DC 20510

June 6, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528

The Honorable Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Secretary Mayorkas and Attorney General Garland:

As the Biden administration attempts to sell American voters on the idea that it has finally gotten tough on illegal immigration despite nearly 3.5 years of inaction and nearly 10 million illegal border crossings, it is simultaneously diverting attention away from recent reports that over 350,000 individuals have had their pending asylum cases terminated without either approval or denial since 2022.¹ This is in addition to the unknown number of cases that were effectively shelved via administrative closure. We believe that this amounts to a de facto policy of mass amnesty that not only flouts federal immigration law, but may serve as yet another “pull factor” that continues to energize illegal immigration across our borders and fuel the humanitarian and national security crisis that continues to unfold under your watch.

As secretary of homeland security and attorney general, you are responsible for enforcing the nation’s immigration laws and preserving the integrity of lawful immigration pathways, while playing an integral role in protecting America’s national security. By removing over 350,000 individuals from what should be a thorough asylum process that is seen to completion for each distinct case, you are sending a troubling signal to would-be migrants that the asylum program is so dysfunctional that the mere filing of an asylum claim, legitimate or not, may enable remaining in the country.

We therefore seek your timely response to the following questions within 14 days of receipt of this letter and request that you immediately pause any processing of additional amnesty cases:

1. According to Syracuse University’s Transactional Records Access Clearinghouse, only 22 percent of fully adjudicated cases involving illegal entry resulted in final removal orders. Does this number exclude cases that were dismissed, administratively closed, or otherwise shelved, which would give the appearance of a higher rate of deportation?²
2. What percentage of individuals who had their asylum cases terminated or administratively closed entered the country illegally between lawful ports of entry, how many used the CBP One application, and what was the average time each individual’s case was pending before termination?

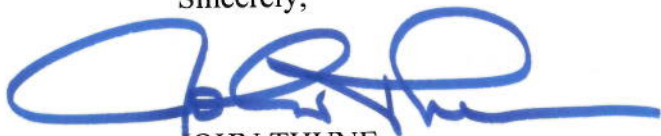
¹ <https://www.foxnews.com/media/biden-admin-criticized-reports-amnesty-asylum-seekers-know-exactly-theyre-doing>

² <https://trac.syr.edu/reports/742/>

3. When did the administration begin evaluating this mass amnesty, and what federal agencies outside of DHS and DOJ influenced, facilitated, or opposed this decision? Who were the DHS and DOJ officials and employees that oversaw or implemented this policy to shelve cases?
4. What was the vetting process for these individuals?
 - a. How did you confirm their identities?
 - b. Were they fingerprinted or documented with other biometric data?
 - c. What criminal records were checked to determine their history?
 - d. How did you vet these individuals to determine if they had committed crimes in their home countries?
5. Will individuals not selected for amnesty, including those who were removed from consideration as a result of their criminal history, face expedited removal or other enforcement consequences?
6. Following the termination of these cases, where did individuals travel within the country, did the department facilitate their travel, and will they be eligible for any federal support programs?
7. Do you have a way of ensuring that these individuals will not commit crimes in the U.S. following your administrative amnesty? Will they be subject to deportation if they commit a crime under their immigration status?
8. What is the department's ability to locate any of these individuals should any derogatory information be realized at a later time?

We look forward to your timely response and urge you to take swift action to restore operational control over the southern border, empower the men and under your command to fully and faithfully execute our nation's laws, and refrain from any action that will reinforce the global perception that the southern border under this administration is an open one.

Sincerely,



JOHN THUNE
United States Senator



JD VANCE
United States Senator