

Congress of the United States
House of Representatives
Washington, DC 20515-0305

March 29, 2021

The Honorable Alejandro Mayorkas
Department of Homeland Security
Washington, D.C. 20528

Troy Miller
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, D.C. 20229

John Modlin
U.S. Border Patrol
2430 S. Swan Road
Tucson, AZ 85711

Dear Secretary Mayorkas, Acting Commissioner Miller, and Interim Chief Patrol Agent Modlin:

Thanks to Chief Modlin for taking the time to speak with me last week about the crisis at the border and its impact on Arizona communities. I am grateful to you and the men and women of the Border Patrol for all you do to keep our Nation secure.

However, following my conversation with Chief Modlin, I remain concerned about the decision to release aliens into communities in Arizona and the Department of Homeland Security's (DHS) failure to provide Members of Congress with answers to basic questions about the decision to release aliens without issuing Notices to Appear (NTA). I request that DHS refrain from releasing aliens into communities without first coordinating with local elected officials and stop releasing aliens without NTAs.

Recently, the mayor of Gila Bend, Arizona, declared a state of emergency after 16 aliens were released in the town. Gila Bend is a small community of nearly 2,000 residents that lacks the necessary resources to care for an influx of aliens. Unfortunately, because DHS has refused to reinstate policies that would actually address the pull factors that are fueling the border crisis, I fear that other towns and cities may soon face the same difficulties that Gila Bend recently faced.

I am especially concerned about the potential of future releases of aliens into Arizona communities because DHS has yet to explain its legal authority for releasing aliens without issuing NTAs. Last week, I along with 13 of my colleagues sent you a letter asking questions about reports of aliens being released without being issued NTAs. Unfortunately, we have not received responses to our questions.

During President Biden's press conference on March 25, 2021, he spoke at length about plans to streamline the processing of aliens to ensure that they are not held in DHS custody longer than necessary. While I applaud President Biden's determination to address the inhumane conditions currently being endured by aliens in DHS custody, I am dismayed at his inability to understand that the current crisis is the direct result of policy decisions made by his administration.

If the Biden Administration is serious about solving the border crisis, it would immediately restart the Migrant Protection Protocols (MPP), reinstate the Asylum Cooperative Agreements (ACA) with Honduras, Guatemala, and El Salvador, and apply CDC's Title 42 authority to all eligible aliens. These common-sense solutions would send the message to aliens seeking to enter the United States illegally that DHS will enforce the law.

If the Biden Administration is unwilling to restart MPP, reinstate the ACAs, and apply Title 42 to all eligible aliens, DHS should, at a minimum, begin placing aliens in expedited removal so that only aliens who establish a credible fear of persecution are allowed to remain in the United States to receive a hearing in front of an immigration judge.

I look forward to receiving your answers to my previous letters and to working with you to ensure that aliens are not released into communities without proper coordination with local officials.

Sincerely,

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy Biggs". The signature is stylized and cursive.

Andy Biggs
Member of Congress