

Congress of the United States
Washington, DC 20515

February 2, 2022

The Honorable Rosa DeLauro
Chairwoman
House Committee on Appropriations
H-307 The Capitol
Washington, D.C. 20515

The Honorable Kay Granger
Ranking Member
House Committee on Appropriations
1036 Longworth House Office Building
Washington, D.C. 20515

The Honorable Matt Cartwright
Chairman
Subcommittee on Commerce, Justice,
Science, and Related Agencies
House Committee on Appropriations
H-310 The Capitol
Washington, D.C. 20515

The Honorable Robert Aderholt
Ranking Member
Subcommittee on Commerce, Justice,
Science, and Related Agencies
House Committee on Appropriations
1016 Longworth House Office Building
Washington, D.C. 20515

The Honorable Lucille Roybal-Allard
Chairwoman
Subcommittee on Homeland Security
House Committee on Appropriations
2006 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Chuck Fleischmann
Ranking Member
Subcommittee on Homeland Security
House Committee on Appropriations
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairwoman DeLauro, Ranking Member Granger, Chairman Cartwright, Ranking Member Aderholt, Chairwoman Roybal-Allard, and Ranking Member Fleischmann

Taxpayer dollars should not be spent to help illegal aliens exploit loopholes in immigration law and remain in the United States. We request that you strongly oppose funding for programs to provide legal aid to illegal aliens in all future appropriations bills.

The Executive Office for Immigration Review (EOIR)'s recently announced Legal Access at the Border program is simply the latest initiative by the Biden administration that will encourage illegal immigration. Instead of spending money on this program, Congress should prioritize appropriations for apprehending, prosecuting, and removing illegal aliens from the United States as well as addressing the existing caseload of over 1.6 million pending immigration cases.

Based on the information that has been released by EOIR about the program, it appears the program is intended to help illegal aliens exploit loopholes in our immigration laws to allow the

aliens to remain in the United States.¹ This could include encouraging them to file potentially meritless—or worse, fraudulent—asylum claims.

This program is especially troubling because of the Biden administration’s refusal to faithfully execute the laws passed by Congress that mandate that illegal aliens be detained while their cases are pending before the immigration courts.² If they are unable to detain the aliens, they should enroll the aliens in the Migrant Protection Protocols (MPP) and require them to wait in Mexico while their claims are pending. However, instead of detaining aliens or enrolling them in MPP the Biden administration is simply releasing large numbers of illegal aliens into the interior of the United States. In December, DHS released more than 55,000 aliens into the interior of the United States.³ This catch and release operation encourages future surges of aliens to illegally enter the country.

The Legal Access at the Border program is part of a larger DOJ initiative, the Access EOIR initiative, to circumvent the statutory prohibition on the use of taxpayer funds for attorneys for aliens in removal proceedings.⁴ The law explicitly states that attorneys representing aliens must be “at no expense to the Government.”⁵ In announcing the initiative DOJ stated that the initiative is a “multi-faceted effort . . . to increase access to information and **raise the level of representation for individuals appearing before the immigration courts.**”⁶

Congress cannot stand by and allow DOJ and DHS to implement the Legal Access at the Border program. We request that you oppose efforts to appropriate funding for the Legal Access at the Border program, the Access EOIR initiative, or any successor programs.

Sincerely,



Andy Biggs
Member of Congress



James Comer
Member of Congress

¹ OFFICES BOARDS AND DIVISIONS, DEP’T OF JUSTICE, LEGAL ACCESS AT THE BORDER (LAB) PROGRAM, (last updated Jan. 20, 2022), <https://govtribe.com/opportunity/federal-contract-opportunity/legal-access-at-the-border-lab-program-15je1r22pr0098>.

² 8 U.S.C. § 1225.

³ Monthly Report, *Texas v. Biden*, No. 2-21-cv-00067Z (N.D. Tex. 2021), https://storage.courtlistener.com/recap/gov.uscourts.txnd.346680/gov.uscourts.txnd.346680.124.1_1.pdf.

⁴ 8 U.S.C. § 1362.

⁵ *Id.*

⁶ Press Release, Dep’t of Justice, EOIR Announces “Access EOIR” Initiative (Sept. 28, 2021), <https://www.justice.gov/eoir/pr/eoir-announces-access-eoir-initiative> (emphasis added).



Michael Cloud
Member of Congress



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Member of Congress



Bob Gibbs
Member of Congress



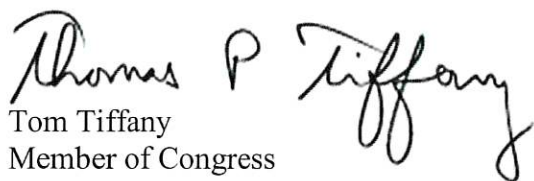
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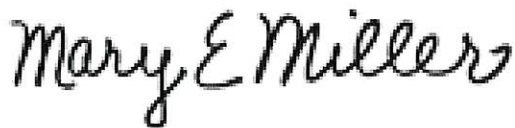
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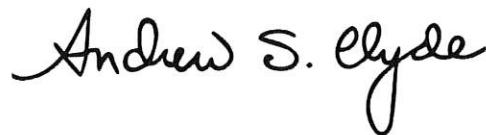
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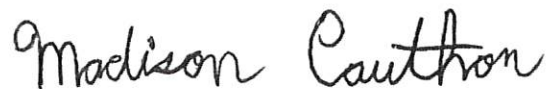
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