

**Congress of the United States**  
**Washington, DC 20515**

October 8, 2021

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear President Biden:

The recent surge of illegal aliens entering the United States in Del Rio, Texas, demands that you finally give the border crisis that you created the attention it deserves. The American people are fed up with false reassurances that the border is closed.

There is one main driver for the current surge of illegal immigration: your policies have left the border open. Your weak border policies and your obsession with undoing President Trump's successful border security policies, such as the Migrant Protection Protocols (MPP), created the humanitarian crisis.

In August, U.S. District Judge for the Northern District of Texas Matthew Kacsmaryk ordered you to "enforce and implement MPP *in good faith* until such time as it has been lawfully rescinded in compliance with the APA **and** until such time as the federal government has sufficient detention capacity to detain all aliens subject to mandatory detention under Section 1255 without releasing any aliens *because of* lack of detention resources."<sup>1</sup> Your administration has yet to comply with the order to restart MPP or taken the steps necessary to expand detention capacity. In fact, instead of restarting MPP, the Department of Homeland Security (DHS) has announced that it is still working to terminate MPP. The obsession with terminating MPP is evidence that your Administration has no desire to secure our border and stop illegal immigration.

The surge of aliens into Del Rio and the accompanying lawlessness that developed because of the surge is directly linked to your refusal to comply with Judge Kacsmaryk's order. If DHS was implementing MPP as ordered, the aliens entering the United States in Texas would be returned to Mexico instead of being released into the interior of the United States.

To comply with the court's order, you must restart MPP and you must begin expanding detention capacity so that all aliens subject to mandatory detention by the Immigration and Nationality Act who are not placed in MPP are detained as required by the law. Further delay in restarting MPP is harmful to the safety and sovereignty of our nation.

Until you begin implementing policies to discourage illegal immigration, aliens will continue to surge across our border. Restarting MPP, as required by Judge Kacsmaryk's order, will send a strong message to aliens seeking to enter the United States illegally that illegal immigration will not be tolerated.

Please provide the following information by October 22, 2021.

1. Has DHS begun conversations with the Government of Mexico about MPP?

---

<sup>1</sup> *Texas et al. v. Biden*, 2:21-CV-067-Z, 2021, (N.D. Tex. Aug. 13, 2021) [https://ago.mo.gov/docs/default-source/press-releases/mpp.pdf?sfvrsn=f2722fb5\\_2](https://ago.mo.gov/docs/default-source/press-releases/mpp.pdf?sfvrsn=f2722fb5_2).

2. If so, what is the status of the conversations?
3. When will DHS begin enrolling aliens in MPP?
4. How many illegal aliens who entered the United States in or around Del Rio, Texas, since September 1, 2021:
  - a. Expressed an intent to apply for asylum or a fear of persecution?
  - b. Were referred for a credible fear screening?
  - c. Received a positive credible fear determination?
  - d. Received a negative credible fear determination?
  - e. Had previously been granted an immigration status or other form of relief in a third country?
  - f. Have been deported?
  - g. Are being detained by DHS while their asylum claim is pending?
  - h. Have been granted parole?
  - i. Were issued a Notice to Appear?
  - j. Were issued a Notice to Report?
5. How many aliens encountered by U.S. Customs and Border Protection since January 20, 2021:
  - a. Expressed an intent to apply for asylum or a fear of persecution?
  - b. Were referred for a credible fear screening?
  - c. Received a positive credible fear determination?
  - d. Received a negative credible fear determination?
  - e. Had previously been granted an immigration status or other form of relief in a third country?
  - f. Have been deported?
  - g. Are being detained by DHS while their asylum claim is pending?
  - h. Have been granted parole?
  - i. Were issued a Notice to Appear?
  - j. Were issued a Notice to Report?
  - k. Have reported to an Immigrations and Customs Enforcement (ICE) office as required by the Notice to Report?

We look forward to your responses.

Sincerely,



Andy Biggs  
Member of Congress



Michael Cloud  
Member of Congress



Bill Posey  
Member of Congress



Lauren Boebert  
Member of Congress



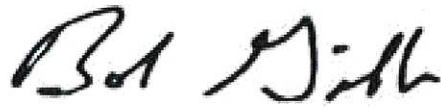
Bill Johnson  
Member of Congress



Vicky Hartzler  
Member of Congress



Scott Fitzgerald  
Member of Congress



Bob Gibbs  
Member of Congress



W. Gregory Steube  
Member of Congress



Andy Harris, M.D.  
Member of Congress



Glenn Grothman  
Member of Congress



Brian Mast  
Member of Congress



Tom McClintock  
Member of Congress



Jody Hice  
Member of Congress



Matthew Rosendale, Sr.  
Member of Congress



Markwayne Mullin  
Member of Congress



Louie Gohmert  
Member of Congress



Ted Budd  
Member of Congress

Matt Gaetz  
Member of Congress

Andrew S. Clyde  
Member of Congress

Mo Brooks  
Member of Congress

Brian Babin, D.D.S.  
Member of Congress

Marjorie Taylor Greene  
Member of Congress

Robert Aderholt  
Member of Congress

Dan Bishop  
Member of Congress

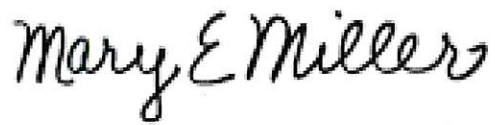
Bob Good  
Member of Congress

Chip Roy  
Member of Congress

Scott DesJarlais, M.D.  
Member of Congress

Randy K. Weber  
Member of Congress

Debbie Lesko  
Member of Congress



Mary E. Miller  
Member of Congress



John H. Rutherford  
Member of Congress



Russ Fulcher  
Member of Congress



Yvette Herrell  
Member of Congress