

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

December 13, 2022

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
245 Murray Lane, SW  
Washington, DC 20528

Dear Secretary Mayorkas:

During your testimony before the House Judiciary Committee earlier this year you testified that parole “is judged on an individualized case-by-case basis.”<sup>1</sup> The recent report on parole that your department provided Congress contradicts that statement. Your department’s recent report on parole belies that statement.

On November 1, 2022, I received a report from your department that purported to satisfy the reporting requirements regarding parole requests that was included in the fiscal year 2022 Consolidated Appropriations Act. The report I received was, at best, a half-hearted attempt to satisfy the reporting requirements. It was incomplete and the information that was included did not meet the report requirements.

The Explanatory Statement that accompanied the Act required that beginning within 60 days of enactment of Act that “the Department shall provide quarterly reports on the number of parole requests received and granted, and for those granted, the rationale for each grant and its duration.”<sup>2</sup>

The report I received failed to comply with every portion of this requirement.

First, you not only failed to meet the required deadline for the initial report, but you also failed to deliver the second report on time. The initial report was due to Congress within 60 days of enactment of the Act. It took over 220 days to provide the report.

Second, the report was required to include the number of parole requests received and granted. The report did include some data for parole requests received and granted by U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE), but it did not include any data for parole requests received and granted by U.S. Customs and Border

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<sup>1</sup> *Oversight of the Department of Homeland Security*: Hearing Before the H. Comm. on the Judiciary, 118<sup>th</sup> Cong, April 28, 2022 (Statement of Alejandro Mayorkas).

<sup>2</sup> Joint Explanatory Statement, Division F to Accompany the Senate Amendment to H.R. 2471, Consolidated Appropriations Act, 2022, <https://docs.house.gov/billsthisweek/20220307/BILLS-117RCP35-JES-DIVISION-F.pdf>.

Protection (CBP) despite the fact that based on court filings and data on CBP's website I know that between March 2022 and September 2022 CBP granted parole to more than 300,000 aliens.<sup>3</sup> The lack of CBP data is either a mistake or a blatant attempt by your department to hide the extent of your use of parole.

Third, the report did not include any information regarding the duration of each grant of parole that was identified in the report.

And finally, the report did not include the rationale for each grant of parole. USCIS's grants of parole were broadly identified as "based on urgent humanitarian reasons" and ICE's grants of parole were broadly identified as "based on a significant public benefit," but neither of these broad categories provides the "rationale for each grant" of parole as required.

There is no excuse for your department's failure to provide an accurate report to Congress in a timely manner. If your department is truly granting parole on an individualized, case-by-case basis then your report should be able to provide all of the required information. Your failure to provide all the required information can only be interpreted as an admission that you are not keeping accurate records and that you are abusing the narrowly prescribed parole authority.

Please provide a complete and accurate report no later than January 6, 2023.

Sincerely,



Andy Biggs  
Member of Congress

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<sup>3</sup> Compl., *Texas v. Biden*, ECF 2:21-cv-00067 (N.D. Tex.), <https://www.courtlistener.com/docket/59815977/state-of-texas-v-joseph-r-biden/>; U.S. Customs and Border Protection, Custody and Transfer Statistics FY2023, <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics>.