July 20, 2021

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

Dear Secretary Mayorkas:

We write to you today to inquire into the Biden Administration’s policies which have led to the release of tens of thousands of illegal border crossers in recent months, as well as how the Biden Administration is facilitating onward travel of those illegal aliens into the interior of the United States, particularly on domestic commercial flights.

Despite the Biden Administration’s repeated assertions that the border is closed and not open,1 thousands of recent illegal border crossers have been permitted to remain in the United States and travel into the interior of the country to await Immigration Court proceedings – if they are issued Notices to Appear in Immigration Court at all. In fact, tens of thousands of illegal border crossers have been released by the Department of Homeland Security (DHS) into the United States in recent months without even a Notice to Appear in Immigration Court.2 Immigration and Customs Enforcement (ICE) even ceased detaining families in their custody, reframing their family detention centers as family staging centers, and contracting with a nonprofit to temporarily house and process families in hotels, all to facilitate onward travel of those individuals into the United States.3

We are concerned about the vetting requirements for recent illegal border crossers that have been and will continue to be released into the interior of the country, as well as whether those individuals possess adequate credentials to permit them to board domestic flights in the United States. As you know, federal law requires individuals over the age of 18 to present

adequate identification at the security checkpoint to board domestic flights. Yet it is unclear what documents or other credentials are provided to recent illegal border crossers who are released by the DHS who may go on to board domestic flights, particularly when they are not issued a Notice to Appear in Immigration Court. This is particularly troubling considering that it is not uncommon for DHS personnel to encounter and apprehend sex offenders, gang members, and terrorists.

To assist the Committee in exercising oversight over the Biden Administration’s policies of releasing thousands of illegal border crossers into the United States as well as policies governing illegal aliens travelling on domestic flights, please provide the following information no later than August 3, 2021:

1. An explanation of any possible identification documents passengers are required to present prior to being permitted to enter the secure area by TSA screening officials, as well as an explanation of whether those same standards are applied for those illegally present in the country who intend to board domestic flights;

2. An accounting of the documentation and any identification credentials provided to recent illegal border crossers prior to release from DHS custody, as well as the vetting requirements required to be satisfied prior to issuing such documentation or credentials;

3. An explanation of any documents or other credentials issued by DHS to recent illegal border crossers who are released from DHS custody that would satisfy TSA screening requirements;

4. An answer to whether individuals without an I-862 are cleared by DHS to board domestic flights;

5. The total number of individuals who were apprehended after illegally crossing the southwest border and who were released from DHS custody – whether on recognizance or on Alternatives to Detention – into the interior of the United States since January 20, 2021;

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7 See Ainsley, Julia, CBP stopped two men on terrorism watchlist at border, says such incidents are rare, NBC NEWS, (Apr. 6, 2021), available at https://www.nbcnews.com/politics/immigration/cbp-stopped-two-men-terror-watchlist-border-says-such-incidents-n1263167.
6. Is DHS expending any taxpayer resources for plane tickets to send recent illegal border crossers to their final destinations in the interior of the country?

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

_________________________               _________________________
Michael Cloud       James Comer
Ranking Member       Ranking Member
Subcommittee on Economic and
Consumer Policy

_________________________               _________________________
Jody Hice                  Glenn Grothman
Ranking Member                             Ranking Member
Subcommittee on Government Operations

__________________________    __________________________
Ralph Norman       Clay Higgins
Ranking Member      Member of Congress
Subcommittee on Environment

_________________________    _________________________
Bob Gibbs       Clay Higgins
Member of Congress      Member of Congress
Fred Keller
Member of Congress

Andy Biggs
Member of Congress

Andrew Clyde
Member of Congress

Nancy Mace
Member of Congress

Scott Franklin
Member of Congress

Jake LaTurner
Member of Congress

Pat Fallon
Member of Congress

Yvette Herrell
Member of Congress

Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Ro Khanna, Chairman
Subcommittee on Environment