

January XX, 2023

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

Dear Secretary Mayorkas,

The Department of Homeland Security (DHS) announced an expansion of its purported parole authority to include the monthly parole of more than 30,000 illegal migrants from Cuba, Nicaragua, Haiti and Venezuela into the United States.¹ You testified before the House Judiciary Committee that parole “is judged on an individualized case-by-case basis.”² Therefore, in your own words, the new mass-parole of 30,000 migrants is unlawful. Additionally, DHS and the Department of Justice announced a forthcoming proposed rule that seeks to address the “unprecedented surge ... [and] encounters at our border” by “incentiviz[ing] the use of new and existing lawful processes.”³ While admitting the significance of the crisis at the border, the Biden Administration is again forgoing real solutions by encouraging more migration that will assuredly worsen the untenable border crisis.

In the first year under your leadership, this administration created the worst border crisis in the history of the United States, and this historic crisis worsened in this administration’s second year. A 30,000 monthly increase in paroles under the policy announced today would mark a 33% increase over the concerning parole totals available in December. Under your leadership, this administration has continued to double-down on policies that act as pull factors for illegal immigration rather than addressing the historic border crisis. In the wake of its own failures to effectively address the border crisis, the Biden Administration has also prohibited states from

¹ *DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes*, DHS (Jan. 5, 2023), <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>; Cleve R. Wootson Jr., Nick Miroff, and Maria Sacchetti, *Biden’s new immigration plan would restrict illegal border crossings*, THE WASHINGTON POST (Jan. 5, 2023), <https://www.washingtonpost.com/politics/2023/01/05/biden-border-security-immigration/>.

² *Oversight of the Department of Homeland Security: Hearing Before the H. Comm. on the Judiciary, 117th Cong.*, April 28, 2022 (Statement of Alejandro Mayorkas).

³ *DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes*, DHS (Jan. 5, 2023), <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.

implementing policies to deal with illegal immigration themselves and limited the tools available to Border Patrol agents.

This administration cannot continue its erosion of the southern border and its mass-parole of migrants into our country. A secure country demands secure borders.

Please provide these answers and other requested information no later than **January 21, 2023**.

1. From what source does DHS derive its legal authority to parole more than 30,000 monthly migrants into the United States?
2. From what source does DHS derive its legal authority to parole migrants before they reach the United States border?
3. Will the migrants paroled pursuant to this policy be transported into the United States using federal funds?
4. How does this policy “enhance border security”?⁴
5. Under what criteria were the countries Cuba, Haiti, and Nicaragua selected for this program?

Sincerely,

SENATORS

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⁴ *DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes*, DHS (Jan. 5, 2023), <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.

