

Congress of the United States
Washington, DC 20515

November 3, 2016

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Nebraska Avenue Center, NW
Washington, DC 20528

The Honorable Gil Kerlikowski
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

The Honorable Sarah Saldana
Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

Dear Secretary Johnson, Commissioner Kerlikowski, and Director Saldana:

We write to you regarding the recent surge of Haitians that are seeking entry at our nation's southwest border. We appreciate the briefing your respective agencies held on this matter for interested congressional staff on October 25, 2016. However, several questions and concerns remain.

As you know, Congress requires U.S. Immigration and Customs Enforcement (ICE) to maintain an average daily population of 34,000 detainees. At the briefing, it was revealed that the agency is currently detaining approximately 41,000 aliens of whom approximately 3,100 are of Haitian descent. According to an August 2014 Department of Homeland Security (DHS) Office of Inspector General (IG) report, "Congressional appropriations cover approximately 31,300 of those beds. ICE secures the remaining funding from fluctuating revenue sources or by transferring funding from other programs. This funding structure leaves ICE with inadequate resources when there is an increase in detainees."¹

At the briefing, it was revealed that most of the Haitians currently seeking entry at our nation's southwest border are coming from Brazil where they had received lawful status and been working following their migration after a large-scale earthquake occurred in Haiti in January of 2010. Officials at the briefing estimated that approximately 80,000 Haitians received this status and were allowed to reside in Brazil.

¹ [1] https://www.oig.dhs.gov/assets/Mgmt/2014/OIG_14-116_Aug14.pdf

Officials at the briefing identified a “push factor” and a “pull factor” that have contributed to the mass Haitian immigration to the U.S. from Brazil that we have seen in recent months. The “push factor” was stated to be the recent collapse of the Brazilian economy and need for jobs. The “pull factor” was stated to be the policy implemented by the Obama Administration following the 2010 earthquake that suspended removals for all Haitians without criminal records. This policy was in effect from 2011 until September 22, 2016 when Secretary Johnson announced that his department would commence removal proceedings against Haitian nationals who fall within the administration’s “priorities.”

However, no deportation flights actually occurred before Hurricane Matthew hit the island on October 4, 2016. Officials at the briefing indicated they will only deport Haitian criminals at this time and will not deport other Haitian detainees as a result of this hurricane and current elections in Haiti.

Given that officials at the briefing indicated that our detention “system is stressed,” we insist that you immediately resume deporting unlawful Haitians. Given also that officials at the briefing stated that the Haitian problem currently facing our southwestern border stems primarily from Haitians migrating from Brazil in search of jobs, we request that your respective agencies work with Brazil and consider commencing deportation removals to Brazil for all Haitian nationals that have lawful status in Brazil.

We ask that you provide the follow-up answers and statistics that members of your staff promised at the briefing by November 8, 2016. Finally, we request that your agencies respond to the enclosed questions by November 30, 2016.

Should any of your agencies wish to seek clarity regarding any of the below questions, please do not hesitate to contact us. We look forward to your timely response.

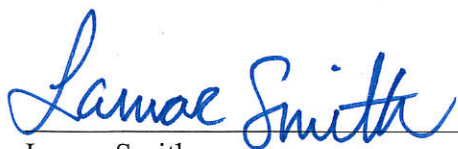
Sincerely,

A handwritten signature in blue ink that reads "Paul A. Gosar, D.D.S." with a stylized flourish at the end.

Paul A. Gosar, D.D.S.
Member of Congress

A handwritten signature in blue ink that reads "Mo Brooks" in a cursive style.

Mo Brooks
Member of Congress

A handwritten signature in blue ink that reads "Lamar Smith" in a cursive style.

Lamar Smith
Member of Congress

A handwritten signature in blue ink that reads "Trent Franks" in a cursive style.

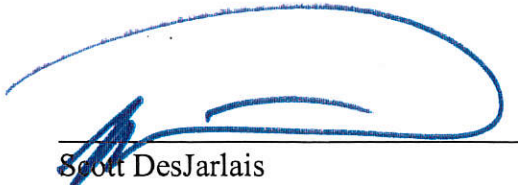
Trent Franks
Member of Congress



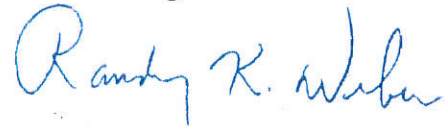
Bradley Byrne
Member of Congress



Dave Brat
Member of Congress



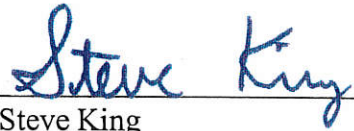
Scott DesJarlais
Member of Congress



Randy Weber
Member of Congress



John Fleming, M.D.
Member of Congress



Steve King
Member of Congress



Louie Gohmert
Member of Congress



Dana Rohrabacher
Member of Congress



Sam Johnson
Member of Congress



Tom McClintock
Member of Congress



Walter Jones
Member of Congress

cc: House Committee on Oversight and Government Reform
House Judiciary Committee
House Committee on Homeland Security
Enclosure

Attached questions to be answered by any and all relevant agencies, sub-agencies and personnel

1. First and foremost, do your agencies have the necessary resources and personnel to adequately address this situation? If not, what can Congress provide to ensure DHS can adequately address the Haitian problem?
2. How long does ICE anticipate detaining the 3,100 unlawful Haitian nationals currently in detention?
3. What is the expected cost to cover these 3,100 unlawful nationals for this period of time?
4. What other revenue sources does ICE anticipate tapping for funding for the approximate 9,700 detainees not covered by Congressional appropriations?
5. What are the countries of origin and approximate population for the rest of the approximately 37,900 non-Haitian detainees?
6. Please describe the process and monitoring procedures for all unlawful Haitian nationals currently being released into the United States.
7. Please describe the health screening procedures for all unlawful Haitian nationals currently being released into the United States and list all diseases that are screened prior to release.
8. Media reports indicate anywhere from a few thousand to approximately 40,000 Haitian nationals are currently making their way to the U.S. Based on your best estimates, what is the approximate number of Haitian nationals currently migrating to the U.S?
9. How many future Haitian nationals are expected to be detained?
10. How many are expected to be released into our communities?
11. How many Haitians have been admitted and allowed to remain in the United States since the January 2010 earthquake?
12. How many adult male Haitian nationals have been released into the U.S. since the January 2010 earthquake?
13. How many Haitian nationals have claimed "credible fear" at the southwest border since the January 2010 earthquake?
14. How many of these "credible fear" claims have been approved and referred for a full asylum hearing?

15. How many Haitian nationals have been granted asylum since the January 2010 earthquake?
16. At the briefing it was stated that private facilities provide the greatest ability for ICE to negotiate the highest standards for detainees? Please elaborate on why this is the case.
17. Please describe in detail how your respective agencies are working with local governments to address these challenges.
18. Why did officials at the briefing say removals to Haiti are also being delayed because of their elections and why is that relevant? In [Secretary Johnson's official statement](#) on the Haiti flight freeze there was no mention of elections being a factor.
19. The Haitian nationals appear to be claiming to come to the U.S. in search of work. There is clean up and construction work taking place in Haiti now post-hurricane. Why are deportation flights still being delayed as a result of Hurricane Matthew and when will they resume, especially when these jobs are currently available in Haiti?
20. Of the approximately 80,000 Haitians that lawfully resided in Brazil following the 2010 earthquake, how many have come to the U.S. to date?
21. What is the U.S. doing to get Mexico's cooperation in detaining and removing Haitians to either Brazil or Haiti?