

Congress of the United States
Washington, DC 20515

November 4, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue, SE
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write to express our strong opposition to recent memoranda you issued to dismantle U.S. Immigration and Customs Enforcement (ICE) and disempower the agency from fulfilling their statutory responsibility to enforce our nation's immigration laws.

On October 27, 2021, you issued a memorandum to the Acting Director of ICE and heads of other Department of Homeland Security (DHS) components, directing them to halt a broad array of enforcement actions at or near numerous "protected areas," including postsecondary educational institutions, medical facilities, recreation centers, social services establishments, parades, demonstrations, and rallies.¹ This makes it impossible for ICE to conduct effective enforcement operations and will create sanctuary spaces for illegal aliens across our nation.

On October 12, 2021, you issued a memorandum to the Acting Director of ICE and heads of other DHS components, directing them to halt worksite immigration enforcement raids and favorably exercise prosecutorial discretion for aliens who work illegally.² This is an attack on American workers and undermines existing law that explicitly prohibits the employment of illegal aliens.³

On September 30, 2021, you issued a memorandum to ICE establishing guidelines restricting criteria for which ICE may apprehend and remove aliens—prioritizing only "noncitizens who are a threat to our national security, public safety, and border security."⁴ Further, in this memorandum you state, "the fact an individual is a removable noncitizen will not alone be the basis of an enforcement action against them." This bewildering statement articulates the dangerous policy being implemented by DHS that the criminal acts of entering our country illegally or overstaying a nonimmigrant visa do not warrant deportation.

¹ https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf

² https://www.dhs.gov/sites/default/files/publications/memo_from_secretary_mayorkas_on_worksite_enforcement.pdf

³ <https://www.congress.gov/bill/99th-congress/senate-bill/1200>

⁴ <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>

These are hardly the first actions the Biden Administration has taken to disempower and dismantle ICE. On President Biden's very first day in office, DHS Acting Secretary David Pekoske issued a memorandum implementing a 100-day moratorium on deportations, rescinding six Trump-era DHS memoranda that fortified immigration enforcement, and establishing interim enforcement priorities that restricted the apprehension and removal of illegal aliens.⁵

These recent memoranda will inevitably serve as additional pull factors to incentivize illegal aliens to come to America—at a time when 1,734,686 encounters with illegal aliens were reported by U.S. Customs and Border Protection at the southern border during Fiscal Year 2021⁶—the highest level of any year on record. Now more than ever, we simply cannot afford to implement policies that will act as a magnet for illegal aliens to make the treacherous journey to this country.

While not directly giving in to the radical Left's calls to abolish ICE, by halting immigration enforcement actions conducted by the agency it is clear you are seeking to in effect abolish ICE from within. Your recent actions will further exacerbate the ongoing humanitarian, public health, and national security crisis taking place at our southern border and further incentivize lawlessness. We strongly urge you rescind these misguided memoranda, faithfully enforce our nation's immigration laws, and empower ICE personnel to continue the critical work they do.

Sincerely,



Matthew Rosendale, Sr.
Member of Congress



Andy Biggs
Member of Congress



Dan Crenshaw
Member of Congress



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



Lauren Boebert
Member of Congress



Mike Johnson
Member of Congress

⁵ https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf

⁶ <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

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