

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

March 10, 2021

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

Dear Secretary Mayorkas:

We wrote to you on February 19, 2021 to express our concern about the crisis brewing on the southwest border. As a direct result of President Biden's decision to unravel the former administration's deterrent-focused policies, we are witnessing a dramatic increase in the number of unaccompanied alien children (UACs) and family units seeking to come to the United States. The situation has only gotten worse over the last two weeks. Not only has the Biden Administration released COVID-19 positive alien adults into Texas,¹ but now there are reports that the container facilities housing the children are near maximum capacity.²

Unfortunately, the Department of Homeland Security (DHS) failed to provide the requested documents and information or answer our questions by the March 5, 2021, deadline. The previously requested information is essential for the Committee to conduct important oversight. Instead of a fulsome response, we received only an interim response from DHS acknowledging receipt of our letter. Our questions remain unanswered.

We still do not know what the administration's plan is, if any, to reduce illegal border crossings by UACs and family units along the southwest border. We still do not know what, if anything, the administration is doing to prevent the spread of COVID-19 in custodial facilities along the southwest border, to protect government personnel from exposure to COVID-19, and to prevent the spread of COVID-19 into border communities and the interior of the United States upon release of an alien from DHS custody.

The administration's silence in this matter can only be understood as confirmation that the administration does *not* have a coherent plan to respond to this crisis. In fact, on March 1,

¹ Greg Norman and Griff Jenkins, *108 illegal immigrants released by Border Patrol in Texas test positive for coronavirus, officials say*, FOX NEWS (Mar. 3, 2021), available at <https://www.foxnews.com/us/108-migrants-released-border-patrol-texas-positive-coronavirus>.

² Camilo Montoya-Galvez, *U.S. shelters for migrant children near maximum capacity as border crossings increase*, CBS NEWS (Feb. 22, 2021), available at <https://www.cbsnews.com/news/u-s-shelters-for-migrant-children-near-maximum-capacity-as-border-crossings-increase/>.

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you denied there was a crisis on the border,³ even as reports continue to surface on a daily basis the administration is preparing for unprecedented numbers of UACs and family units to arrive in the United States this year.⁴ An ICE official has stated arrivals “are expected to be the highest numbers observed in over 20 years.”⁵ The U.S. Centers for Disease Control and Prevention has also issued guidance allowing shelters housing UACs to operate at 100 percent capacity, even as the Biden Administration refuses to reopen schools nationwide to America’s public school students.⁶ We have learned that one Texas community has identified over a hundred migrants released by DHS who have tested positive for COVID-19 upon release into the community.⁷

As we reiterated in our letter on February 19, the increasing number of UACs and family units illegally crossing the border will overwhelm border facilities in the middle of a global pandemic, presenting a risk to DHS personnel and potentially leading to widespread COVID-19 infection and fatalities in border communities and within the interior of the country. The situation is becoming untenable every day that passes without a coherent plan to address this crisis.

We therefore reiterate our February 19, 2021 request and urge your prompt response. Please do not hesitate to contact Committee minority staff with any questions.

Sincerely,



James Comer

Ranking Member

Committee on Oversight and Reform



Jody Hice

Ranking Member

Subcommittee on Government
Operations

³ White House Briefing Room, *Press Briefing by Press Secretary Jen Psaki and Secretary of Homeland Security Alejandro Mayorkas* (Mar. 1, 2021) available at <https://www.whitehouse.gov/briefing-room/press-briefings/2021/03/01/press-briefing-by-press-secretary-jen-psaki-and-secretary-of-homeland-security-alejandro-mayorkas/>. (“Q: Thank you, Mr. Secretary. Do you believe that right now there is a crisis at the border?, SECRETARY MAYORKAS: I think that the – the answer is no. I think there is a challenge at the border that we are managing, and we have our resources dedicated to managing it.”).

⁴ Sacchetti, Maria, Nick Miroff & Silvia Foster-Frau, *Texas family detention centers expected to transform into rapid-processing hubs*, WASH. POST (Mar. 4, 2021), available at https://www.washingtonpost.com/immigration/texas-family-detention-centers-changed/2021/03/04/6a0bfa8a-7b6f-11eb-b3d1-9e5aa3d5220c_story.html.

⁵ *Id.*

⁶ Kight, Stef W, *CDC lets child migrant shelters fill to 100% despite COVID concern*, AXIOS NEWS (Mar. 5, 2021), available at <https://www.axios.com/cdc-child-migrant-shelter-full-capacity-coronavirus-41d1ae80-1ecf-4815-a755-7b01fac5850b.html>.

⁷ Norman, Greg & Griff Jenkins, *108 illegal immigrants released by Border Patrol in Texas test positive for coronavirus, officials say*, FOX NEWS (Mar. 3, 2021) available at <https://www.foxnews.com/us/108-migrants-released-border-patrol-texas-positive-coronavirus>.

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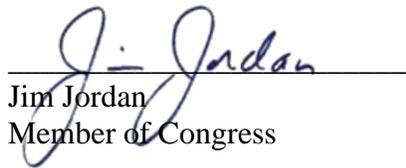
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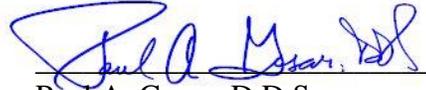
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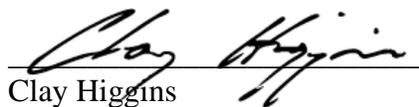
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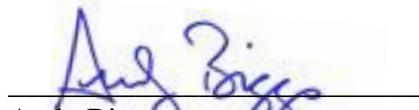
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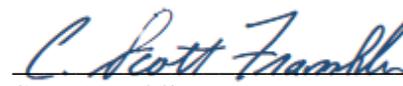
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cc: The Honorable Carolyn Maloney, Chairwoman
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The Honorable Stephen F. Lynch, Chairman
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