

# United States Senate

WASHINGTON, DC 20510

April 2, 2021

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear Mr. President:

I am writing to follow up on my February 17th and March 18th letters expressing my concern that terminating the Migrant Protection Protocols (MPP) policy would catalyze a border crisis and result in substantial numbers of migrants being released into American communities and my concern regarding the complete lack of transparency from your Administration regarding this crisis, including failing to provide adequate information concerning the migrants who are rapidly entering communities throughout the United States. I am still awaiting a response from you to either letter, but your Administration's misguided immigration policies have in fact generated a border crisis that poses a risk to American families, communities, and workers. Your Administration is not doing enough to stop this crisis, and it is critical that the Fiscal Year 2022 budget request that you are currently developing includes sufficient resources for Immigration and Customs Enforcement (ICE) detention and removal operations. I strongly urge your Administration not to cave to unfounded political pressure to defund ICE.

Your administration should instead let recent history be your guide, as record levels of funding for ICE were required—and utilized—to end the 2019 border crisis.

In his March 16 statement, Secretary of Homeland Security Mayorkas acknowledged that migrants who would otherwise be returned to Mexico are now being processed into the United States because Mexico lacks the capacity to receive them. And as a solution to this crisis, Secretary Mayorkas proposes “developing additional legal and safe pathways for children and others to reach the United States.” In other words, while everyone can now see that there is a crisis at the border, your Administration appears to be moving further away from any policy that would deter migrants from making the dangerous journey to the United States and instead embracing policies that will only compound the crisis by highlighting to the world that entry into the United States is easy and removal is unlikely. This creates incentives that will prolong and worsen this crisis, rather than end it.

My concern today is that, despite this ongoing crisis, your Fiscal Year 2022 budget request will effectively seek to defund ICE, which is the primary law enforcement agency charged with enforcing our immigration laws in the interior of the United States, by failing to seek the resources necessary for ICE personnel to enforce the law. To this end, as explained further below, we know that more resources will be needed moving forward, and knowingly refusing to request resources necessary for an agency to do its job is the definition of defunding it.

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Given the rapidly increasing number of border crossings, you must request funding levels that far exceed those provided this fiscal year if you intend to empower law enforcement personnel to secure the border and protect American communities. If, on the other hand, you fail to request the ICE enforcement and removal funding necessary to meet this crisis, you will essentially be adopting a policy of defunding, and ultimately abolishing, ICE.

The success of MPP and similar policies implemented by the previous administration ensured that the average daily population (ADP) in ICE detention was historically low when you became President. Yet your Administration's immediate reversals of these successful policies—including your termination of MPP, your decision to halt border wall construction, your reversal of policies intended to protect Americans from the pandemic, your freeze on interior enforcement, and your proposal of mass amnesty for all illegal immigrants—broadcast to the world that there would be no consequences for illegally crossing our border. This crisis of your Administration's own making was acknowledged by Secretary Mayorkas recently, who described “overwhelming numbers of migrants” pouring across the border.

How do we know that more resources will be needed for ICE in Fiscal Year 2022? Customs and Border Protection encountered more than 100,000 migrants at the southwest border in February of this year, an increase of approximately 30 percent compared to January. Recent history should guide our response. A similar pattern occurred during the last border crisis. From January to February of 2019, illegal border crossings suddenly jumped by approximately 30 percent. As a result, by August 2019, the ICE-detained population of border crossers had increased by approximately 30 percent, driving ICE ADP to a historic peak of more than 55,000. Meeting that demand required unprecedented funding for ICE, and similar funding will be needed to address the current crisis.

It is clear that a rise in border crossings should lead to a rise of border crossers in ICE custody. In such circumstances, additional funding is needed to preserve the capacity for ICE to enforce the law both at the border and elsewhere in the interior of the United States. Because we just witnessed a jump in illegal border crossings from January to February of 2021 that was eerily similar to, but at higher levels than, the jump that occurred in 2019, by the end of the summer, the need for ICE detention capacity will significantly increase. I urge you to heed these warning signs and include in your upcoming budget request a significant increase in funding for ICE enforcement and removal operations. If your Administration fails to do so, it will be demonstrating greater loyalty to far left, anti-law-enforcement politics than to enforcing the law and protecting American communities.

Please feel free to respond jointly to this letter, as well as my February 17 and March 18 letters, if doing so would expedite your response.

Sincerely,



Bill Hagerty  
United States Senator