

United States Senate
WASHINGTON, DC 20510

March 18, 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 letter to you 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. I am still awaiting a response from you, but your Administration's misguided immigration policies have indeed generated a border crisis that is not only a humanitarian disaster, but also a risk to American families, communities, and workers.

In recent weeks, your Administration has demonstrated a complete lack of transparency regarding this crisis, including failing to provide adequate information concerning the migrants who are entering communities throughout the United States as a result of your policies and repeatedly refusing to even acknowledge that a crisis exists.

This lack of transparency is especially troubling given that we are still in the midst of a global pandemic. Americans have agreed to lockdowns in their own communities to slow the spread of this virus, only to watch your Administration deliberately refuse to lock down our national borders. You criticize American state and local leaders for relaxing pandemic mandates on Americans to allow businesses to open and Americans to return to work, while simultaneously releasing unknown numbers of non-Americans—some of whom are currently COVID-positive—into American communities.

The average daily population in ICE detention was historically low when you became President. Yet your Administration's immediate reversals of successful policies by the previous Administration that alleviated the border crisis—including terminating MPP, halting border wall construction, reversing immigration policies intended to protect Americans from the pandemic, freezing interior enforcement, and proposing mass amnesty for illegal immigrants—broadcast to the world that there would be no consequences for illegally crossing our border. This is a crisis of your own making.

It is not humane to advance an immigration agenda that encourages migrants to take an incredibly dangerous journey north, sparks a humanitarian disaster within our own country, and

forces struggling American workers to compete with an influx of foreign labor when we need to be focused on helping our own citizens get back to work following this pandemic-driven recession.

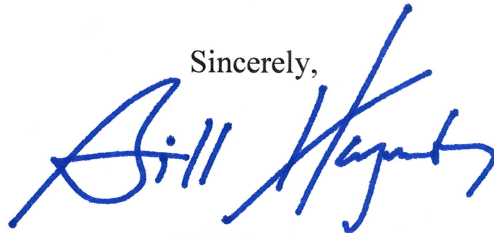
Most fundamentally, it is time to level with the American people regarding the nature of this crisis. Americans deserve to know what is actually happening with regard to border and interior enforcement, the numbers of migrants entering their communities, and whether adequate precautions are being taken to prevent this influx of migrants from leading to another surge of pandemic spread. As such, I am requesting your Administration provide the public with the following critical and basic information by no later than April 1, 2021:

- Since you took office, how many migrants have encountered CBP or ICE personnel only to be released into the United States?
 - How many of these migrants are currently in Tennessee?
- Since you took office, what percentage of migrants that have arrived at our border have been required to remain in Mexico pending adjudication of their immigration claims?
- What percentage of migrants currently enrolled in Alternatives to Detention are you unable to actively track?
- Reports last week indicated that the number of migrant children being held in CBP holding facilities has more than tripled in the past two weeks to reach a new record, and according to a March 10 *Washington Post* report, these children are spending an average of 107 hours awaiting transfer to an HHS-run shelter, which significantly exceeds the 72-hour legal limit. Secretary Mayorkas even admitted on March 17 that “the 72-hour timeframe for the transfer of children from the Border Patrol to HHS is not always met.” Since you took office, how many migrant children have spent more than 72 hours awaiting transfer to an HHS facility?
- According to the City of Brownsville, Texas, roughly 185 migrants who tested positive for COVID-19 were released into that city alone in recent weeks and are now free to travel anywhere in the United States. In total, how many COVID-positive migrants have been released into the United States since you took office?
- What percentage of migrants apprehended at the border are tested for COVID-19?
 - What portion of those migrants have tested positive for COVID-19?
 - How many ICE, CBP, or USCIS employees tested positive for COVID-19 in recent weeks as a result of their exposure to COVID-positive migrants?
- Since you took office, how many migrants have been admitted into the interior of the United States who would not have been admitted under the Title 42 pandemic prevention policies that were in effect at the time you took office?
- Given recent data showing a more-than-60-percent decrease in ICE arrests from January to February, what are the criminal offenses for which ICE was arresting illegal immigrants at the time you took office and for which ICE is no longer arresting illegal immigrants?
- Since you took office, do CBP and ICE continue to monitor for fraud those who claim to be family units using DNA tests?
 - How many purported families encountered at the southwest border have you found not to be actual families?

- Please provide the number of minors ages 14-17 encountered by CBP, by age, and the number of single adults ages 18-21 encountered by CBP, by age, during your time in office.
- Will you be issuing an emergency declaration for the southwest border pursuant to the Stafford Act given that you are deploying Federal Emergency Management Agency personnel there to respond to the ongoing crisis?
 - Is the situation on the border an emergency?
- Have you considered reinstating any of the successful policies implemented by the previous administration that alleviated the 2019 border crisis?

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

Sincerely,



Bill Hagerty
United States Senator