

Congress of the United States

Washington, DC 20515

October 13, 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 you today to express our deep concern over your recent announcement to terminate the Migrant Protection Protocols (MPP), also known as the “Remain in Mexico Policy.”¹ MPP was issued in 2018 to provide an orderly process for asylum cases and curb the flow of illegal immigrants being released into the United States.² Section 235 of the Immigration and Nationality Act gives your Department the authority to implement procedures for the inspection of those seeking asylum, specifically detailing that the Secretary “may return the alien to that territory pending a [removal] proceeding under § 240” of the Act.³ Full implementation of MPP provides asylum-seekers the opportunity to be properly vetted while no longer blindly releasing an individual into the country, with no accountability to ensure they return for their immigration court hearing. Additionally, policies like MPP were successful at reducing the number of illegal crossings during the Trump Administration.⁴

Unfortunately, under your leadership, it appears that the Biden Administration refuses to use all available tools, resources and policies proven to maintain control over our immigration system and instead, has created a substantial and ongoing crisis at our Southern Border. It was reported that your Department is preparing for an estimated 350,000 to 400,000 border crossings this month. This would nearly double the 21-year high of crossings recorded for July this year.⁵

However, on June 21, 2021, your Department announced its intention to end MPP.⁶ More recently, the Department doubled down on this announcement by stating your intent to craft a new memorandum to replace MPP entirely.⁷ The United States Court of Appeals for the 5th Circuit ruled that the Administration must implement MPP “in good faith,” and the Supreme

¹ <https://www.dhs.gov/news/2021/09/29/dhs-announces-intention-issue-new-memo-terminating-mpp>.

² <https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration>.

³ <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.

⁴ <https://www.reuters.com/article/us-usa-immigration-mexico/trumps-remain-in-mexico-immigration-policy-allowed-to-proceed-temporarily-idUSKCN20M2SC>.

⁵ <https://www.nbcnews.com/politics/immigration/u-s-officials-think-massive-surge-southern-border-possible-if-n1280378>.

⁶ https://www.dhs.gov/sites/default/files/publications/21_0601_termination_of_mpp_program.pdf.

⁷ <https://www.dhs.gov/news/2021/09/29/dhs-announces-intention-issue-new-memo-terminating-mpp>.

Court denied the Administration's request for a stay. Therefore, your memorandum terminating MPP is circumventing the courts' decisions.⁸

If the Department abandons the tools needed to secure our border, it is a dereliction of duty and an insult to the officials on the ground who have been on hand to implement MPP, despite partisan leaders at the top constantly working to undermine its success.

The men and women working under the Department of Homeland Security face immense challenges every day, and they deserve clear guidance as they enforce our immigration laws. They should never be subjected to misguided political directives that make their jobs more difficult. We strongly urge you to uphold the decisions of the court by implementing MPP and performing your duty to secure our border. We look forward to a timely response.

Sincerely,



Rick W. Allen
Member of Congress



Dan Crenshaw
Member of Congress



Ann Wagner
Member of Congress



Virginia Foxx
Member of Congress



Matthew Rosendale, Sr.
Member of Congress

⁸ <https://www.scotusblog.com/2021/08/court-wont-block-order-requiring-reinstatement-of-remain-in-mexico-policy/>.

Elise Stefanik
Member of Congress

Carlos Gimenez
Member of Congress

Ted Budd
Member of Congress

Bill Posey
Member of Congress

Thomas P. Tiffany
Member of Congress

Garret Graves
Member of Congress

Scott DesJarlais
Member of Congress

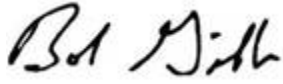
Brian Babin, D.D.S.
Member of Congress

Glenn Grothman
Member of Congress

Jody Hice
Member of Congress

Michael Waltz
Member of Congress

Ralph Norman
Member of Congress



Bob Gibbs
Member of Congress



Michael C. Burgess, M.D.
Member of Congress



Brett Guthrie
Member of Congress



Eric A. "Rick" Crawford
Member of Congress



Fred Keller
Member of Congress



Glenn 'GT' Thompson
Member of Congress



Liz Cheney
Member of Congress



Austin Scott
Member of Congress



Fred Upton
Member of Congress



Robert E. Latta
Member of Congress



Mike Bost
Member of Congress



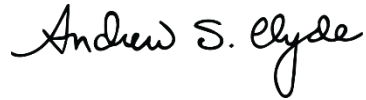
David Kustoff
Member of Congress



Randy Feenstra
Member of Congress



Richard Hudson
Member of Congress



Andrew S. Clyde
Member of Congress



Earl L. 'Buddy' Carter
Member of Congress



Barry Moore
Member of Congress



Kevin Hern
Member of Congress



Dan Bishop
Member of Congress



Stephanie Bice
Member of Congress



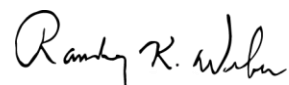
W. Gregory Steube
Member of Congress



Jeff Duncan
Member of Congress



Ken Calvert
Member of Congress



Randy K. Weber
Member of Congress

Pete Sessions

Pete Sessions
Member of Congress

Madison Cawthorn

Madison Cawthorn
Member of Congress