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

October 13, 2021

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.” 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. 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. 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.

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.

However, on June 21, 2021, your Department announced its intention to end MPP. More recently, the Department doubled down on this announcement by stating your intent to craft a new memorandum to replace MPP entirely. The United States Court of Appeals for the 5th Circuit ruled that the Administration must implement MPP “in good faith,” and the Supreme Court of the United States has issued a stay of the termination of MPP pending certiorari. We refer you to the cited sources for further information.

We urge you to reverse your current course of action. The Administration has the authority and responsibility to stem the flow of illegal immigration into the United States. The United States has a profound and moral duty to reduce the numbers of those crossing our border to seek refuge. It is crucial that we continue to provide an orderly process to vet asylum seekers and ensure that individuals who are permitted to remain in the United States return for their immigration court hearing.

Thank you for your attention to this matter. We look forward to hearing from you on this important issue.

Sincerely,

[Your Name]
[Your Title]
Court denied the Administration’s request for a stay. Therefore, your memorandum terminating MPP is circumventing the courts’ decisions.  

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

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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  
Member of Congress

Madison Cawthorn  
Member of Congress