

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>

January 12, 2022

Mr. Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street, S.W.
Washington, DC 20536

Dear Acting Director Johnson:

We write to request documents and information on the concerning trend of declining interior immigration enforcement being conducted by U.S. Immigration and Customs Enforcement (ICE) as measured by decreasing interior arrests and removals from the United States. We are concerned ICE personnel are being directed to ignore the law and no longer aggressively enforce the immigration laws of the United States in the interior of the country. Meanwhile, the Biden Administration's policies have created an unprecedented crisis on the southwest border which negatively impacts border communities and the entire United States while enriching criminal cartels who profit from human smuggling and drug trafficking.

As radical, left-wing activists recklessly call to abolish ICE, it appears the Biden Administration is abolishing its mission by memorandum. On January 20, 2021, the Department of Homeland Security (DHS) issued interim guidance restricting interior immigration enforcement by its component agencies, including ICE.¹ After implementation of the interim guidance, arrests and removals plummeted by more than 60 percent.² Removals during the first five months after issuance of that memorandum are estimated to have fallen by 90 percent compared to the same period in 2019.³

¹ See Memorandum from Acting Secretary David Pekoske to Troy Miller, et. al., Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities (Jan. 20, 2021), *available at* https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf.

² Miroff, Nick & Maria Sacchetti, Immigration arrests have fallen sharply under Biden, ICE data show, WASH. POST (Mar. 9, 2021).

³ Vaughan, Jessica M., *Deportations Plummet Under Biden Enforcement Policies*, CENTER FOR IMMIGRATION STUDIES, *available at* <https://cis.org/sites/default/files/2021-12/vaughan-deportations-12-21.pdf>.

Secretary Mayorkas then issued an updated “final” memorandum to ICE on September 30, 2021 which went into effect on November 29, 2021.⁴ These guidelines are even more restrictive than the interim guidance, and will likely lead to an even steeper decrease in interior enforcement actions by ICE. Criminal activity on its own is not enough to make an illegal alien a priority. Only “current” threats are considered an enforcement priority, and only then generally because of “serious” criminal conduct. Moreover, only those who attempt to unlawfully enter the United States after November 1, 2020 are considered border security priorities: it appears those who overstay visas and who initially entered lawfully are no longer priorities for enforcement at all.

This dramatic drawdown of interior enforcement is particularly alarming in light of the security crisis along our southwest border. During Fiscal Year 2021, there were over 1.7 million encounters along the southwest land border—the highest total ever recorded.⁵ And this number only represents actual apprehensions. It does not account for the hundreds of thousands of illegal aliens who have evaded detection and made it into the interior of the United States.⁶

To assist the Republicans on the Committee on Oversight and Reform in better understanding the consequences of the final DHS priorities memorandum and how ICE is interpreting it, please provide the following documents and information, covering the time period January 20, 2021, to the present unless otherwise noted, no later than January 26, 2022:

1. Statistics regarding the number of aliens removed under Title 8 from the United States after an interior immigration enforcement arrest by ICE officials disaggregated by area of apprehension, nationality, and legal predicate forming the basis for the removal action.
2. Statistics regarding the number of criminal aliens apprehended by ICE disaggregated by type of crime, whether the alien was arrested and/or convicted, and whether the alien was removed from the United States.
3. All documents and communications from DHS to ICE referencing or interpreting the September 30, 2021 memorandum.
4. All documents and communications containing any analysis conducted by ICE or any other DHS component regarding the impact that the September 30, 2021 memorandum will have on interior enforcement operations.

⁴ Memorandum to Tae D. Johnson, Acting Director, U.S. Immigration and Customs Enforcement from Alejandro N. Mayorkas, Secretary, Department of Homeland Security, Guidelines for the Enforcement of Civil Immigration Law (Sept. 30, 2021), available at <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>.

⁵ Miroff, Nick, Border arrests have soared to all-time high, new CBP data shows, WASH. POST (Oct. 20, 2021).

⁶ See Giaritelli, Anna, More than 400,000 sneaked over southern border and got away in past year, former Border Patrol head says, WASH. EXAMINER (Oct. 5, 2021).

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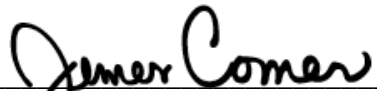
5. All guidance or training materials provided to ICE Enforcement and Removal Operations officers or ICE Office of the Principal Legal Advisor attorneys interpreting the September 30, 2021 memorandum.
6. All documents and communications containing any analysis of the factors contributing to historically low apprehension and removal actions.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



James Comer
Ranking Member
Committee on Oversight and Reform



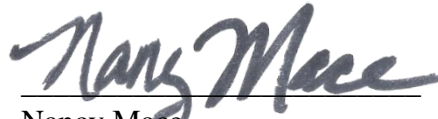
Jody Hice
Ranking Member
Subcommittee on Government
Operations



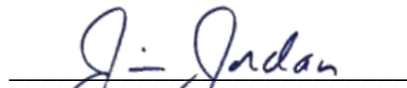
Glenn S. Grothman
Ranking Member
Subcommittee on National Security

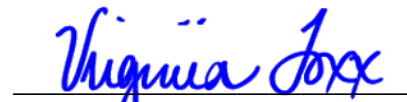


Ralph Norman
Ranking Member
Subcommittee on Environment

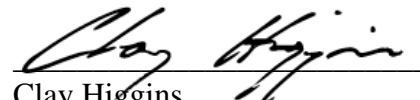


Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Jim Jordan
Member of Congress

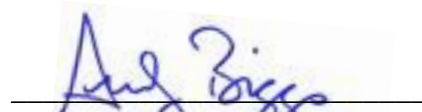

Virginia A. Foxx
Member of Congress

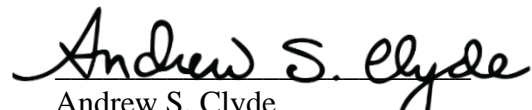

Bob Gibbs
Member of Congress

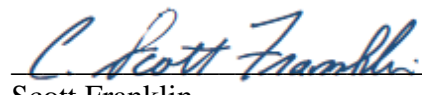

Clay Higgins
Member of Congress

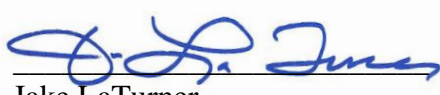

Pete Sessions
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Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

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cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties