



May 11, 2022

Dear Congressional Leaders,

When the 118th Congress opens with new majorities in both chambers, it will be in large part because Americans have rejected the Biden Administration’s purposeful dismantling of our nation’s borders and our immigration enforcement infrastructure. Congress should be emboldened with the mandate to immediately legislate unflinchingly, ensuring that neither this nor any future administration is again able to weaponize loopholes in the immigration system—and defiantly refuse to follow plain law—to purposefully drive mass illegal immigration to the United States. Such weaponization has dramatically reduced the security of the border, allowing cartels to expand their operational control, which seriously jeopardizes our nation’s safety, health, and national security. The opportunity to legislate has been missed in several previous Congresses but the stakes are too high for it to be missed again.

As of the writing of this letter, over 2.8 million illegal aliens have been apprehended at our southwest border entering or attempting to enter the United States since Biden took office. The administration has admitted that at least 42 of these aliens were on the terror watchlist. Over 1.6 million illegal aliens, including known gotaways, are now in the interior of the United States—more than the population of states such as Hawaii, Maine, Montana, and New Hampshire. Moreover, these record numbers largely occurred prior to the lifting

of Title 42, the last remaining significant measure holding back even higher, crushing numbers. The worst is yet to come.

The results for the United States have been devastating. Criminal transnational cartels have increased their control. According to some reports, they are now making more money in controlling human smuggling than they make from drugs. As the border is overwhelmed, the drugs are flowing in. Fentanyl deaths are now the leading cause of death for Americans ages 18-45.

This purposeful crisis was made possible by glaring loopholes in our immigration system that have been allowed to persist for far too long. This problem is most evident with the asylum system, which Congress intended to protect a narrow category of people persecuted by their governments based on one of several enumerated grounds. In practice, economic migrants without viable claims for protection continue to flood the system by simply claiming “credible fear” and are released into the interior of the country where their likelihood of being removed when their claims are denied is minimal.

To regain our sovereignty, integrity, and security, Congress must close these loopholes and make other changes so that the Biden Administration cannot continue this self-inflicted crisis. It is not enough for the next Congress to simply restart construction of the border wall system or adjust resources at Customs and Border Protection. While those are important measures required to secure the borders, without closing the loopholes and other changes, the Biden Administration’s policies will continue to act as a powerful magnet, attracting millions of illegal aliens into our country.

To retake control of our border and properly address what is sure to be an electoral mandate, we urge you to unite behind flagship introductory legislation for the upcoming Congress. Most importantly, it must include the following components:

- Exclude amnesty of any type;
- Create an authority to immediately expel illegal aliens across the border;
- Substantially reform the asylum system, including clarifying that an alien is ineligible for asylum in the U.S. if they traversed a safe third country;
- End the disparate treatment of contiguous vs. non-contiguous unaccompanied alien children (UAC) under the Trafficking Victims Protection Reauthorization Act (TVPRA) and terminate the *Flores* settlement agreement that limits detention of family units to 20-days; and Raise the credible fear standard;
- Mandate and appropriate resources for completion of the border wall system;
- Increase CBP personnel & resources such as holding facilities and border technology, and clarify CBP’s authority to issue Notices to Appear (NTAs);

- Increase ICE resources for Deportation Officers (DO) and detention beds so they are commensurate with the mandatory detention and removal requirements in the law, and clarify DO's authority to make custodial arrests;
- End the abuse of the parole authority;
- Restrict prosecutorial discretion to remove it as the catch-all excuse for limiting immigration enforcement;
- Mandate full implementation of the Migrant Protection Protocols (MPP), otherwise known as Remain in Mexico, and appropriate funds for permanent court facilities along the border at every POE;
- Codify *Matter of A-B-*, which clarified that gang violence and domestic violence are not grounds for asylum;
- Eliminate discretionary grants of employment authorization under 8 U.S.C. 1324A(h)(3);
- Clarify that the entry into the U.S. of any alien with known or suspected ties to, or association with, a terrorist entity is prohibited until that alien has been properly vetted and the Secretary has determined that no threat exists;
- Establish further restrictions on federal court jurisdiction to review claims brought by aliens and their associations/organizations; and
- Reverse *Arizona vs. U.S.* and give states independent authority to participate in the enforcement of immigration laws.

These are the primary components that would constitute a robust border security bill. These are the fixes that, if enacted and enforced, would end the border crisis. Ending the border crisis will be a mandate from the American people. This is how you do it.

It's important to note, however, that this is only an initial step. Leadership should put additional, shovel-ready border security and immigration bills on the floor throughout the next Congress—from ending sanctuary policies to protecting American workers. Congress will also need to conduct aggressive oversight and properly control federal funding mechanisms.

All of the undersigned groups and individuals are here to help.

## **Organizations**

Advocates for Victims of Illegal Alien Crime  
America First Policy Institute  
Center for Renewing America  
Center for the American Way of Life  
Claremont Institute  
Conservative Partnership Institute  
Counterpoint Institute for Policy, Research, and Education  
Eagle Forum  
Federation for American Immigration Reform  
Heritage Action for America  
The Heritage Foundation  
Judicial Watch  
National Border Patrol Council  
NumbersUSA  
The Remembrance Project  
Texas Public Policy Foundation

## **Senior Officials (Listed with Former Title)**

Chad Wolf, *Acting Secretary of the Department of Homeland Security*  
Derek Maltz, *Director of the Drug Enforcement Administration's Special Operations Division*  
Gene Hamilton, *Counselor to the Attorney General, Senior Counselor to the Secretary of the Department of Homeland Security*  
Joseph Edlow, *Acting Director of Citizenship and Immigration Services*  
Ken Cuccinelli, *Acting Deputy Secretary of the Department of Homeland Security*  
Lamar Smith, *Chairman of the House Judiciary Committee and its Subcommittee on Immigration and Citizenship*  
Mark Morgan, *Acting Commissioner of Customs and Border Protection*  
Rodney Scott, *Chief of the Border Patrol*  
Russ Vought, *Director of the White House Office of Management and Budget*  
Tom Homan, *Acting Director, Immigration and Customs Enforcement*  
Mark Meadows, *Chief of Staff to the President of the United States*  
Christopher Landau, *United States Ambassador to Mexico*