

# United States Senate

WASHINGTON, DC 20510

## VIA ELECTRONIC TRANSMISSION

September 20, 2022

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Mayorkas:

We write today regarding dangerous sanctuary city policies that shelter criminal illegal immigrants from federal law enforcement. We are concerned that the Biden Administration's border crisis is being made worse because of states and communities who adopt or perpetuate sanctuary policies. To better understand the impact of sanctuary policies on illegal immigration, we request additional information about where illegal immigrants are choosing to go once they receive a Notice to Appear (NTA).

Sanctuary city policies are dangerous and threaten public safety. Sanctuary cities and jurisdictions simply release dangerous, criminal aliens instead of complying with U.S. Immigration and Customs Enforcement (ICE) detainer requests. These policies prevent law enforcement officials from cooperating with federal immigration officials and allow dangerous, violent criminal aliens to walk free without fear of deportation.

This issue is as important as ever given the ongoing surge of illegal immigrants arriving at our southern border. Since President Biden took office, CBP has had nearly 3.5 million encounters with illegal immigrants crossing our southern border.<sup>1</sup> Meanwhile, U.S. Border Patrol Chief Raul Ortiz recently announced that agents caught ten illegal immigrant sex offenders, four gang members, and a murderer in just three days.<sup>2</sup> In those same three days, agents seized one hundred fentanyl pills and seventy-one pounds of methamphetamine.<sup>3</sup>

We are deeply concerned that sanctuary jurisdictions are serving as a pull factor for illegal immigrants and for criminal aliens. This failure to comply with federal law creates an incentive

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<sup>1</sup> Mark Krikorian, *Biden's border policies ignore the reality of illegal immigration*, N.Y. POST (Aug. 30, 2022 9:07 PM), <https://nypost.com/2022/08/30/bidens-border-policies-ignore-the-reality-of-illegal-immigration/>.

<sup>2</sup> Adam Shaw, *Border Patrol chief says agents caught 10 illegal immigrant sex offenders in 3 days: 'The dangers are real'*, FOX NEWS (Sept. 6, 2022 2:36 PM), <https://www.foxnews.com/politics/border-patrol-chief-says-agents-caught-10-illegal-immigrant-sex-offenders-3-days-dangers-real>.

<sup>3</sup> *Id.*

for illegal immigrants to travel to the United States and avoid accountability by moving to sanctuary jurisdictions.

When the Department of Homeland Security (DHS), or one of its components, issues an NTA, the illegal immigrant must list a “current address.” This is defined under the law as “a written record of an address . . . at which the alien may be contacted . . .” regarding their immigration proceedings.<sup>4</sup> In order to better understand the impact of sanctuary policies as a pull factor for illegal immigrants, we are requesting information about which cities illegal immigrants are listing as their “current address” when they are issued an NTA.

We ask that you provide answers to the following questions no later than October XX, 2022:

1. Please provide a list of each city or municipality which was been listed as the “current address” for illegal immigrants who were issued an NTA during FY21 and FY22.
2. Please list the number of times each city or municipality was listed as the “current address” for illegal immigrants who were issued an NTA during FY21 and FY22.
3. In how many cases did anyone fail to list a “current address” on their NTA? Of these cases, how many times was DHS able to follow up with an illegal immigrant and confirm their address at a later date?
4. For cases where no address was initially provided, please provide a list of each city or municipality which illegal immigrants ultimately arrived in FY21 and FY22.
5. For cases where no address was initially provided, please list the number of times each city or municipality was determined to be the destination for individuals who arrived in FY21 and FY22.
6. What steps does DHS and its components take to ensure that illegal immigrants do in fact travel to the address listed on their NTA?
7. What steps does DHS take to ensure that it continues to maintain up-to-date addresses for illegal immigrants, as required by law?
8. According to a recent DHS Office of Inspector General (OIG) report, ICE reported that CBP did not record addresses for illegal immigrants 35% percent of the time between March and June 2021.<sup>5</sup> What is the current rate at which CBP is recording addresses on NTAs? How is CBP working to resolve and address this concern?
9. Does DHS retain records of NTA data, including target destinations, for law enforcement purposes?

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<sup>4</sup> 8 U.S.C. § 1229 (a)(1)(F)(i) (2018).

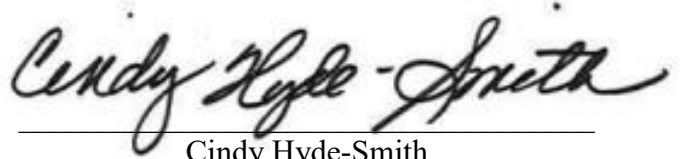
<sup>5</sup> DEP’T OF HOMELAND SEC., OFFICE OF THE INSPECTOR GEN., DHS TECHNOLOGY SYSTEMS DO NOT EFFECTIVELY SUPPORT MIGRANT TRACKING AT THE SOUTHWEST BORDER 6 (2022).

Thank you for your prompt attention to this serious matter. This information will be useful to help us better respond to the challenges faced because of dangerous sanctuary city policies.


Sincerely,



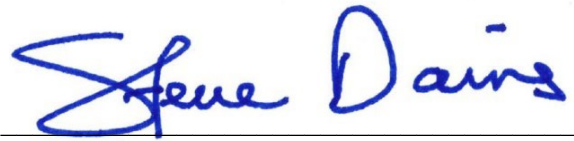
Thom Tillis  
United States Senator



Cindy Hyde-Smith  
United States Senator



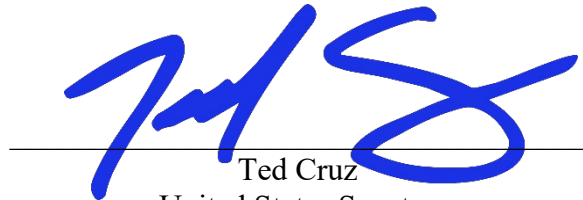
Marsha Blackburn  
United States Senator



Steve Daines  
United States Senator



Mike Braun  
United States Senator



Ted Cruz  
United States Senator