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The Honorable Alejandro Mayorkas
Secretary
United States Department of Homeland Security
3801 Nebraska Ave NW
Washington, DC 20016

Dear Secretary Mayorkas:

I write to request information about the Department of Homeland Security's (DHS) plan to address the surge of attempted terrorist infiltrations along the U.S. southern border. Recent reports have shown an increase of terrorist apprehensions in recent months. This concern is compounded by the understaffing of border patrol agents, the lack of coordination between federal agencies, and the administration's continued and further incentivization of illegal immigration. It is simple statistics. The higher the number of illegal immigrants, the higher the likelihood of a terrorist slipping through the cracks. DHS' current trajectory is putting all Americans at risk and must be addressed immediately.

According to U.S. Customs and Border Protection (CBP) statistics, there have been over 1,746,000 encounters at the southern border in FY2022, with nearly 240,000 occurring in May alone—14,699 being unaccompanied children.¹ These staggering numbers come as we learn that throughout the tenure of the Biden Administration, 66 people in the Terrorist Screening Database have been apprehended attempting to illegally cross our southern border.² Border Patrol Agents apprehended 15 individuals in the database in May alone, further proof that the U.S.-Mexico border is compromised.³

Encounters with individuals on the watchlist are typically very uncommon, but it would seem that is no longer the case, considering encounters have increased exponentially in the previous two years. There were only three encounters with terrorists on the watchlist in FY2020 and none in FY2019. I find this dramatic increase extremely troubling and question what is being done to address this threat to our national security.

The Biden Administration's policies are fostering illegal immigration, and CBP agents are too understaffed and under resourced, and lack the proper tools to coordinate with other federal agencies, to take on this surplus. This was evidenced in April by the release of Isnardo Garcia-Amado, a man on the watchlist in the Terrorist Screening Database.⁴ Mr. Garcia-Amado was eventually flagged by the Federal Bureau of Investigation's (FBI) Terrorist Screening Center but was not apprehended for 13 days.⁵ The risks this type of error and lack of oversight impose are both vast and distressing.

¹ CBP Enforcement Statistics Fiscal Year 2022, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

² *Id.*

³ Stephen Dinan, *Border Patrol catches record number on terrorist list*, WASHINGTON TIMES (June 16, 2022), <https://www.washingtontimes.com/news/2022/jun/16/15-people-terror-watch-list-were-captured-sneaking/>.

⁴ Adam Sabes & Bill Melugin, *Border Patrol released suspected terrorist who crossed into U.S. illegally, ICE took weeks to rearrest him*, FOX NEWS (May 23, 2022), <https://www.foxnews.com/us/border-patrol-released-suspected-terrorist-ice-rearrest-weeks>.

⁵ *Id.*

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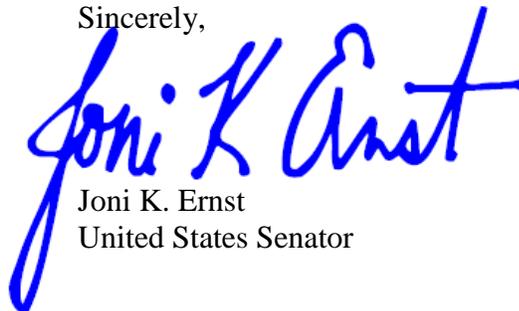
Secretary Mayorkas, your office has outlined threats to national security as the first priority for immigration enforcement,⁶ but the Biden Administration's reimplementations of catch and release and our country's broken asylum system speak to the contrary. Furthermore, the Biden DHS announced a pilot program that would provide ID cards to unauthorized immigrants awaiting a final decision on their respective cases.⁷ The ICE Secure Docket Program would give illegal migrants a legal way to identify themselves. Furthermore, these ID cards will provide benefits to illegal immigrants, such as housing, transportation, and healthcare,⁸ all at the expense of U.S. taxpayers. Providing ID cards to illegal migrants will make it easier to travel through the United States and further incentivize unlawful immigration, all paid for by working Americans—including those who have come to the U.S. through lawful immigration channels. Considering the upsurge of terrorists encounters at our southern border and our short-staffed border patrol, implementing a program that encourages and incites unlawful immigration is not in the best interest of our country's national security.

As an American and a lawmaker, I am concerned by this administration's failure to enforce our country's immigration laws. Therefore, I seek answers to the following questions:

1. What is the current protocol for identifying individuals in the Terrorist Screening Database, and how long does this process typically take? How does DHS coordinate with other agencies, such as the FBI, to ensure this screening is done in an expedited fashion?
2. How was Isnardo Garcia-Amado's entry missed in the system, and what has DHS done to ensure this error does not happen again?
3. Have any more terrorists been apprehended at the border since May 2022?
4. What is the nationality of the terrorists that have been apprehended, and what are their known terrorist affiliations?
5. Are any of the apprehended terrorists affiliated with al-Qaeda?
6. Does the Administration believe the ICE Secure Docket Program will increase illegal immigration? If not, why?
7. How much will the ICE Secure Docket Program cost U.S. taxpayers?

Our national security is paramount. DHS is only making its job harder by continuing to fuel illegal immigration, putting a further strain on our CBP agents, and making it more difficult to catch terrorists due to the sheer volume of illegal immigrants crossing our borders. The more illegal immigrations, the more difficult it is to apprehend those who want to cause harm to Americans. Thank you for your attention to this important matter. I look forward to a response by September 30, 2022.

Sincerely,



Joni K. Ernst
United States Senator

⁶ Guidelines for the Enforcement of Civil Immigration Laws, U.S. DEPARTMENT OF HOMELAND SECURITY, <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>.

⁷ Biden Administration Proposes National ID Cards for Undocumented Immigrants, BOUNDLESS (Aug. 1, 2022), <https://www.boundless.com/blog/undocumented-national-id-cards/>.

⁸ *Id.*