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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<https://appropriations.senate.gov>

May 12, 2021

The Honorable Alejandro N. Mayorkas  
Secretary  
United States Department of Homeland Security  
2707 Martin Luther King Jr. Avenue, SE  
Washington, DC 20528

Secretary Mayorkas,

Thank you for you appearing before the Senate Committee on Appropriations this morning. I write seeking clarification of the testimony you provided.

You recall that I asked a question about illegal immigrants who have been caught this year by Border Patrol and released into the interior of the country without a Notice to Appear before a federal judge to adjudicate their illegal entry into the United States. This practice has been well documented in the press and has been condemned on a bipartisan basis.<sup>1</sup>

In response to my question, however, you testified that persons who are caught and “who are not able to be expelled are placed in immigration proceedings in accordance with the law” and that it “is indeed the case [that] they do have a court date.”

According to information provided to the Committee by your Department, in just the last 2 months, at least 19,000 illegal immigrants have been caught and released by the Border Patrol without a Notice to Appear. While I understand that some of these illegal immigrants may have been asked to voluntarily report to an Immigration and Customs Enforcement (ICE) office (after they were allowed to travel anywhere in the country), such a request is not the same as being given a court date and being “placed into immigration proceedings in accordance with the law.” Some number of these 19,000 have apparently been released without even that request, or any other paperwork directing the next steps in their processing.

Please clarify the discrepancy between your testimony at this morning’s hearing and the information provided to the Committee by your Department. In particular, please provide an update on how many migrants have been released from CBP custody without a Notice to Appear,

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<sup>1</sup> See Elliot Spagat, *Migrants Freed Without Court Notice – Sometimes No Paperwork*, AP, <https://apnews.com/article/migrants-freed-without-court-notice-paperwork-9ace3e41e0acadac7cece17c83a8f7ff> (April 1, 2021); Anna Giaritelli, 15,000 Migrants Released into US Without Notices to Appear in Court, Congressman Says, WASHINGTON EXAMINER, <https://www.washingtonexaminer.com/news/15-000-migrants-released-without-notices-court> (April 19, 2021).

how many have been released with no direction or paperwork at all, and how many of these migrants have complied with the request to voluntarily report to ICE. And, to reiterate my question from this morning, of the ones who do not voluntarily report, what is the plan to track and adjudicate their illegal entry into the country?

I appreciate your prompt response to this inquiry and look forward to you clarifying the record.

Regards,



Richard C. Shelby  
Vice Chairman  
Senate Committee on Appropriations