

United States Senate

WASHINGTON, DC 20510-2509

June 4, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Dear Secretary Mayorkas,

I write with alarm that your Department once again appears to be circumventing its duty to enforce immigration laws—this time by granting *de facto* amnesty to hundreds of thousands of illegal migrants. According to recent reports, since 2022, the Biden Administration has closed the asylum cases of more than 350,000 migrants without a decision on the merits.¹ These migrants are then no longer required to check in with authorities and can pursue other avenues to obtain legal status and remain in the country. Let's be clear: granting mass amnesty to illegal migrants contradicts any Biden Administration claim that it is now somehow getting “tough” on the border. You must immediately reverse course and put an end to your covert mass amnesty program.

According to data gathered by Syracuse University's Transactional Record Access Clearinghouse (TRAC), the Biden Administration has closed more than 350,000 asylum cases since the beginning of 2022, an unparalleled abuse compared to recent years. Individuals whose asylum cases are terminated are no longer tracked by U.S. Immigration and Customs Enforcement (ICE) and can pursue potential pathways to gain legal status. Effectively, you have allowed hundreds of thousands of migrants to remain in the United States indefinitely—for no other reason than the fact that their immigration case was not heard. In other words, you have created a mass *de facto* amnesty program that shields migrants from deportation.

This maneuver poses grave threats to the safety and security of the American people. The closed cases pertain to migrants who did not have a criminal record, but ICE officers have reported to news outlets an increase in cases of migrants committing crimes *after* their asylum cases have been closed.² Just recently, reports indicated that a Venezuelan illegal alien accused of shooting of multiple New York Police Department officers had his immigration case closed in early May 2024.³ Migrant crime continues to be a major program in this country. Of course, Jose Ibarra, the alleged murderer of Laken Riley, was

¹ <https://nypost.com/2024/06/02/us-news/biden-admin-offers-mass-amnesty-to-migrants-as-it-quietly-terminates-350000-asylum-cases-sources/>

² <https://nypost.com/2024/06/02/us-news/biden-admin-offers-mass-amnesty-to-migrants-as-it-quietly-terminates-350000-asylum-cases-sources/>

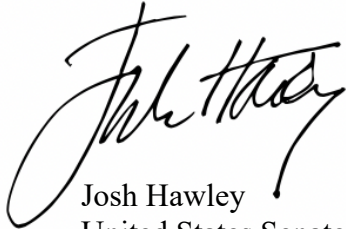
³ <https://nypost.com/2024/06/03/us-news/bernardo-castro-matas-immigration-case-closed-before-cop-shooting/>

illegally paroled into the United States by the Biden Administration. Your failure of leadership and complete unwillingness to uphold the law continues to imperil the well-being and lives of American citizens.

The American people deserve answers about the Biden Administration's attempts to create a mass amnesty program for illegal migrants. Please provide answers to the following questions by June 17, 2024:

1. What, if anything, is your Department doing to track the hundreds of thousands of migrants who have had their asylum cases closed without a merits decision?
2. How many migrants who have had their asylum cases closed have submitted applications for the following:
 - a. Family-based visas
 - b. Employment-based visas
 - c. Temporary Protected Status
 - d. Deferred Action for Childhood Arrivals
3. How many of migrants who have had their asylum cases closed have then committed crimes in the United States? Please provide all responsive internal documents and break this data down by NCIC code.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is stylized and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley
United States Senator