

United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC TRANSMISSION

July 01, 2021

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

We write today to express our serious concern over actions taken by the Biden Administration and your Department of Justice (DOJ) to open our borders and encourage illegal immigration in the midst of an ongoing crisis at the southern border. Since January, U.S. Border Patrol has encountered over 700,000 illegal immigrants, not including the massive number likely encountered in June. This record-breaking flood of illegal immigrants to our southern border has been prompted by the Biden Administration's reversal of effective enforcement and deterrence policies, as well as the promise of mass amnesty for 12 million illegal immigrants already in the U.S.

In recent years, our asylum laws have been abused and misused by illegal immigrants who are primarily economic migrants and are not otherwise eligible to immigrate to the United States. The cartels and human smugglers have learned how to manipulate our asylum laws, and to profit from abusing asylum by bringing illegal immigrants to the border. Instead of doing more to secure our border and discourage illegal immigration, the Biden Administration is now making it easier for economic migrants to make dubious and fraudulent asylum claims, to the delight of the cartels.

This misguided embrace of open borders comes from the very top. In his first month in office, President Biden issued an executive order which directed you to review our asylum laws and to issue regulations to allow more asylum claims, regardless of merit. In response, you vacated two immigration rulings, *Matter of L-E-A-* and *Matter of A-B-*, which prevented general economic migrants from abusing the asylum system and making fraudulent claims.

We are sympathetic to the plight of those seeking to come to the United States to better their lives, escape harsh conditions in their home countries, and flee general violence. Many are manipulated by the cartels, who profit from hopes and dreams, but in exchange for a dangerous and potentially deadly journey to the U.S.

Our nation's border and immigration laws should not be ignored simply due to difficult circumstances in foreign nations. By opening the door to more fraudulent asylum claims, the Biden Administration is enabling and energizing the cartels and inviting another wave of economic migrants to illegally immigrate to our southern border.

To better understand and respond to the Biden Administration's misguided asylum policies, we ask that you respond to the following questions no later than August 2, 2021:

- (1) Did DOJ or the Biden Administration conduct an analysis of the impact of vacating *Matter of L-E-A-* and *Matter of A-B-* on illegal economic migration before taking this course of action? If so, did this analysis consider the pull factor of drawing more illegal immigrants to the border and enabling the cartels who profit from asylum abuse?
- (2) How many asylum seekers currently request asylum based on private criminal activity, and are being denied as a result? How many more asylum seekers would qualify due to the Biden Administration's actions?
- (3) In light of a historic immigration backlog, DOJ requested an additional 100 immigration judges in its FY2022 budget request. If the Biden Administration's promotion of asylum fraud goes through, will DOJ request additional judges to help process the inevitable wave of claims based on private criminal activity?
- (4) Has DOJ or the Biden Administration conducted a cost review to determine how much encouraging fraudulent asylum claims will cost the American taxpayer? What resources may be diverted from DOJ which could otherwise be directed towards protecting public safety and prosecuting dangerous criminals?

We are extremely skeptical of the changes proposed by the Biden Administration, and remain concerned that these changes will encourage more economic migrants to illegally immigrate when our border is already in crisis. We look forward to your timely and detailed response to our questions on this very serious issue.

Sincerely,



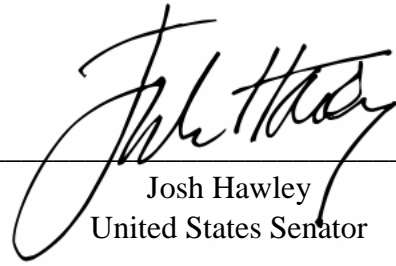
Thom Tillis
United States Senator



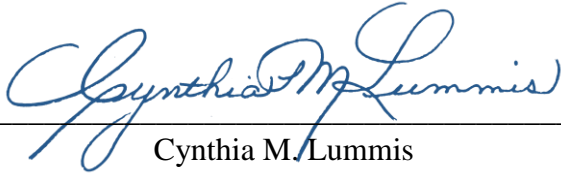
Mike Braun
United States Senator



Kevin Cramer
United States Senator



Josh Hawley
United States Senator



Cynthia M. Lummis
United States Senator



Tom Cotton
United States Senator



James M. Inhofe
United States Senator



James Lankford
United States Senator