

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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November 1, 2024

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave. S.E.
Washington, D.C. 20528-0525

Dear Secretary Mayorkas:

I write today to raise concerns about a recent billboard from the Office of Immigration Detention Ombudsman (OIDO).¹ The U.S. Department of Homeland Security (DHS) has consistently told Congress that it has limited funding and resources for immigration enforcement, and this billboard raises serious concerns around an already-troubled office's use of taxpayer resources. This matter highlights the Biden-Harris Administration's continued efforts to handcuff the DHS's interior enforcement mission and U.S. Immigration and Customs Enforcement's (ICE) efforts to carry out that mission. To better understand OIDO's work right now, I ask that DHS brief my staff on OIDO's budget and work.

Since the Biden-Harris Administration took office, CBP has encountered over 8.7 million migrants at the southern border. This number does not include the hundreds of thousands of got-aways the CBP has seen but has not apprehended. ICE has only removed fewer than 500,000 aliens from the United States under this Administration. Rather than focusing on bolstering this interior enforcement mission, the Biden-Harris Administration has sought to handcuff ICE by implementing enforcement priorities that prevent the arrest of illegal aliens who are unlawfully present in the U.S., by quietly canceling thousands of cases through the Doyle Memorandum, and by regularly asking Congress every year to cut ICE's detention beds. These policies further cripple our interior enforcement and tell the world there are no consequences for overstaying a visa or being unlawfully present in the United States.

The Homeland Security Act requires that the Immigration Detention Ombudsman carry out its work through "independent, neutral, and confidential process[es]" and centers the Ombudsman's work on addressing misconduct that may arise in DHS detention facilities.² The current Ombudsman has previously spoken out against ICE's detention of illegal aliens, and the Ombudsman has previously worked for organizations that have raised questions around how

¹ Bill Melugin and Greg Wehner, "DHS uses taxpayer money to fund Texas billboards countering immigration enforcement efforts," *FoxNews.Com*, Oct. 29, 2024: <https://www.foxnews.com/us/dhs-taxpayer-money-fund-texas-billboards-countering-immigration-enforcement-efforts>.

² 6 U.S.C. 205(b).

many detention beds ICE operates and raised concerns around the “intrusiveness” of ICE detention and the Intensive Supervision Appearance Program.³

The recent billboards DHS funded for OIDO raise serious concerns about whether the office is operating in an “independent” and “neutral” manner. No one wants the constitutional rights of any individual violated. However, these billboards can easily be read as undercutting ICE enforcement efforts and creating a mechanism for illegal immigrants in ICE custody to be released through OIDO’s advocacy. As noted above, OIDO’s mission under the HSA is one of monitoring, not of advocacy and release from detention. Given this, I ask that OIDO brief our staff on its work. In addition, I ask following questions:

1. Please provide any personnel-related documents relating to the Ombudsman’s appointment and prior engagement with ICE.
2. Has OIDO’s work resulted in the release of any illegal immigrants from ICE custody? If so, please provide reporting justifying each release from ICE custody.
3. How many billboards has OIDO funded, and where are they located? How were these billboards funded? Please provide a copy of each billboard that OIDO has posted.
4. How did OIDO determine the location of each billboard?
5. Did the content for these billboards go through an interagency review and clearance process? If so, please provide a description of each agency which reviewed the billboards and its concurrence/non-concurrence.

Thank you for your attention to this matter. I look forward to receiving your response by not later than November 15, 2024.

In God We Trust,



James Lankford
Ranking Member
Subcommittee on Government Operations and Border Management

³ “Ms. Brane: ‘Are we a country that wants to detain families? There’s no good model for detaining families.’” Available in: Tell Me More, “Immigrant Families Face Stress of Detention,” National Public Radio, Apr. 10, 2008: <https://www.npr.org/2008/04/10/89523630/immigrant-families-face-stress-of-detention>; See also: Frank Bajak, “ICE Shuttters Detention Alternative for Asylum Seekers,” Associated Press, June 9, 2017, available at: <https://www.lexisnexis.com/community/insights/legal/immigration/b/outsidenews/posts/ice-shuttters-detention-alternative-for-asylum-seekers?srltid=AfmBOorgsy2UAualJksltkf1EHOofuY4cQgyUw8j3RZmwsuEQR8y1Rm>.