

Congress of the United States
Washington, DC 20515

December 15, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, DC 20016

Dear Secretary Mayorkas:

We write to express our serious concern about Title 42 expulsions being discontinued on December 21st. This action will have devastating consequences on border communities, law enforcement, and, ultimately, our national security.

Under Title 42, migrants were expelled at rates 40 percent or higher for nearly every month in FY22¹, which considerably alleviated congestion along our borders. As this policy approaches its deadline next week, it is no surprise that illegal crossings are skyrocketing.

This week alone, the El Paso Border Patrol Sector encountered an average of more than 2,400 migrants in the span of 24 hours.² At one point, there were more than 5,100 individuals in Customs and Border Protection's (CBP) custody, and 6,900 community releases were reported—the highest numbers seen yet by the City of El Paso.³ As a result, a majority of Border Patrol agents in El Paso have been pulled off the front lines to process migrants, leaving cartels and smugglers with free reign over many entry points.

These statistics, though alarming and dangerous, are not unexpected. Your agency has systematically dismantled successful border security measures such as the Remain in Mexico policy, and severely restricted the ability of Immigration and Customs Enforcement (ICE) to deport illegal immigrants. In the absence of these enforcement tools, Title 42 has served as the

¹ U.S. Customs and Border Protection, *Nationwide enforcement encounters: Title 8 enforcement actions and Title 42 expulsions fiscal year 2022*, Nov. 14, 2022. Available at: <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy22>.

² Casiano, L. "El Paso official says illegal border crossing numbers 'are unsustainable' days before Title 42 expires" Fox News, Dec. 12, 2022. Available at: <https://www.foxnews.com/politics/southern-border-sector-sees-massive-spike-illegal-migrant-crossings-title-42s-end-approaches>.

³ City of El Paso, "Migrant crisis, City of El Paso, Texas. Available at: <https://www.elpasotexas.gov/migrant-crisis/>

last effective deterrent against illegal border crossings. Without it, federal, state, and local law enforcement will be stretched beyond their limits, and threats to our national security will inevitably multiply.

Already, CBP recorded an unprecedented level of Terrorist Screening Dataset encounters (TSDS) in FY22⁴. That number pales in comparison to the 600,000 “gotaways” that were reported last fiscal year. Without Title 42, maintaining operational control at our border will be increasingly difficult. In this scenario, there is no telling who else will slip into our country undetected.

We must also consider the immense physical and mental toll that the chaos at our southern border has inflicted on our law enforcement agents, officers and troopers. A staggering 14 suicides have occurred at CBP this year alone⁵, with multiple others recorded at Texas National Guard. That is nothing to say of the lives lost during migrant pursuits in the line of duty.

Rolling back Title 42 will only exacerbate each of these pressure points. Therefore, we strongly urge you to do everything in your power to extend the use of Title 42 expulsions. We also request that you provide us with an update on any contingency plans that you have in place for a lapse in Title 42. We look forward to your response.

Sincerely,



Tony Gonzales
Member of Congress



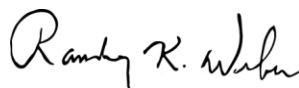
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⁴U.S. Customs and Border Protection. “CBP Enforcement Statistics Fiscal Year 2023. Available at <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

⁵Martinez, M.A. “Three border patrol agents die by suicide in three weeks”. New York Post. Available at: <https://nypost.com/2022/11/30/three-border-patrol-agents-die-by-suicide-in-three-weeks/>



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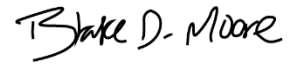
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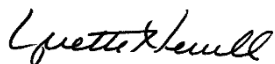
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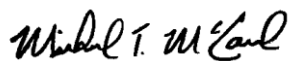
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