

United States Senate

November 8, 2021

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

Dear Secretary Mayorkas:

On September 21, 2021, during your testimony before the Senate Homeland Security and Governmental Affairs Committee hearing on “Threats to the Homeland: Evaluating the Landscape 20 Years After 9/11,” you lied under oath that America’s southern border is “closed”. In that same hearing you also said, “DHS continues enforcing our immigration laws and responsibly managing our border...” and “The Biden-Harris Administration is committed to stemming the flow of irregular migration and comprehensively addressing the long-standing challenges that drive this migration.”¹ Furthermore, when asked about details or data related to border security and immigration enforcement you evaded answering questions. These false statements and evasive answers are unacceptable. The American people deserve honesty, full transparency and to know what is happening at the border. Month after month, data released by U.S. Customs and Border Protection (CBP) prove your assertions of a secure border are completely false. Nearly 1.7 million crossings have occurred throughout the 2021 fiscal year – the highest number of crossings in history. I believe it is time to admit your inability to properly execute the duties required of your position and immediately resign your post as Secretary of the Department of Homeland Security (DHS).

President Biden inherited the most secure southern border the United States has seen in decades. During your confirmation hearing in January, I asked if you would follow and enforce all immigration laws to ensure the security of the border was not compromised. Although you committed to do so at the time, this has clearly not been the case. During your brief tenure to date as DHS Secretary, you have dismantled and obstructed the enforcement of our immigration laws. As a result, our southern border is being overrun. Rather than working to arrest and deter illegal border crossings, your policies have promoted illegal immigration by eliminating the consequences for unlawfully crossing our nation’s southern border. These include the Migrant Protection

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Protocols program (MPP) and Asylum Cooperation Agreements (ACAs) with Northern Triangle countries. You reinstated the dangerous policy of “catch and release,” have halted all border wall construction and directed the department to not fully enforce Title 42 during a pandemic, which is an important authority to help contain the spread of COVID-19. All of these policies worked and had proven to help keep American families and communities safe by controlling the flow of illegal immigration, human trafficking and drug smuggling across our southern border.

Your refusal to continue these policies not only defies logic, it has resulted in true harm to the American people. Over the last nine months, an unprecedented amount of illegal drugs, including massive amounts of extremely deadly fentanyl, have poured into the U.S., 600,000 illegal aliens have been released into the interior, and there have been an estimated 400,000 more illegal border crossings that evaded arrest and detention. Through your purposeful disregard for border security and lack of immigration enforcement, you have failed to faithfully execute your oath of office. You have facilitated and strengthened the savage cartels that smuggle and traffic vulnerable migrants and threaten the lives of women and children.

Regardless of politics or ideology, above all, you work for the American people first. Now, the American people can no longer afford to wait for you to do your job. Your total lack of transparency and inability to follow basic protocols to secure the border and keep families safe is astonishing and it’s time for new leadership at DHS.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Scott". The signature is stylized and written in a cursive-like font.

Rick Scott
United States Senator

ⁱ <https://www.hsgac.senate.gov/hearings/threats-to-the-homeland-evaluating-the-landscape-20-years-after-9/11>