

April 21, 2021

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

CC:

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Kevin McCarthy  
House Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Chuck Schumer  
Senate Majority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Senate Minority Leader  
U.S. Senate  
Washington, DC 20510

RE: Crisis on the Southern Border

Dear Mr. President:

The United States is currently experiencing a national security and humanitarian crisis on the southern border as a consequence of your administration's immigration policies. Just last month, the U.S. Customs and Border Protection (CBP) apprehended more than 172,000 illegal aliens, the highest monthly total in fifteen years.

As CBP is increasingly overwhelmed with illegal crossings, the number of "got aways" who elude apprehension is also increasing at an alarming rate, and individuals posing a direct threat to our national security may be among those getting through. On Monday, April 5<sup>th</sup>, CBP announced the arrest of two Yemeni men on a terrorism watch list attempting to illegally enter California. Unfortunately, there is no way of knowing how many terrorists CBP are unable to apprehend.

Along with these security threats, the overflow of illegal aliens at the border is creating a humanitarian crisis as border detention facilities are overwhelmed with migrants, many of them unaccompanied children. For example, reports earlier this month revealed a facility in Donna, Texas designed to hold 250 people contained over 4,000 families and children crammed together, even as the COVID-19 pandemic continues.

One of the most obvious and consequential failures of the current immigration policy has been its failure to recognize that America's asylum system is vulnerable to massive abuse, coupled with its failure to take the steps necessary to stop that abuse. Instead, the current policy plays directly into the hands of human traffickers and organized crime by deliberately fomenting and facilitating misuse of the U.S. asylum system by hundreds of thousands, and potentially millions, of people from all over the world. This will undoubtedly lead to an increase in human trafficking,

the sexual abuse of children especially young girls and the increased flow of illegal drugs across the southern border.

Your administration has either fully or partially reversed multiple measures that were effectively used by the previous administration to end a similar humanitarian crisis, secure the southern border and stop massive waves of migrants with invalid asylum claims from flooding into the US. This includes:

1. Withholding funds previously allocated to finishing construction of the modern border wall system, even as your own DHS Secretary recognizes the need to fill “gaps” in the border wall.
2. Ending the Migrant Protection Protocols with Mexico, which allowed DHS to send asylum seekers back to Mexico to await their asylum hearings.
3. Reinstating the catch and release policy, coupled with law enforcement guidelines that limit the ability of ICE to remove and return to their home countries people with invalid asylum claims.
4. Moving to rescind previous administration rules that sought to tighten eligibility standards for asylum claims. In fact, your administration has announced its intention to potentially expand asylum eligibility to include victims of domestic violence and gang violence.
5. Providing minors from non-bordering countries unrestricted access to the United States, even lifting previous pandemic-based (Title 42) restrictions on their entry.

As civic leaders who share a commitment to securing the southern border, we urge you to reinstate the effective policies of the previous administration and work with members of the House and Senate to pass necessary legislation to end this border crisis. These actions should include the following:

1. Complete the modern border wall system, that integrates the latest security technology, in needed areas along the border.
2. Uphold rules that crack down on invalid asylum claims.
3. End catch and release. Foreign nationals of all ages who enter the country without authorization should be detained and their cases should be resolved expeditiously.
4. Work with neighboring countries, as the previous administration did, to provide asylum as close to an asylee’s country of origin as safely possible.
5. Authorize ICE to deport all foreign nationals who have recently crossed the border and are unlawfully present in the United States.
6. Eliminate the loophole in the Trafficking Victims Reauthorization Act of 2008 that treats minors from non-bordering countries differently than minors from Mexico and Canada, and that specifically requires the U.S. to take custody of these minors instead of being able to routinely return them to their home countries, as is done with minors from Mexico and Canada.
7. End the Flores Settlement Agreement through congressional legislation that permits unlawfully present foreign nationals of all ages to be detained until their cases are resolved.

8. Work with Congress to enact anti-sanctuary legislation that prevents state and local governments from failing to cooperate with detainer requests from ICE.

We stand ready to work with your administration and any member of Congress to help secure the southern border and end this crisis.

Sincerely,

Kevin Roberts  
Chief Executive Officer  
Texas Public Policy Foundation

Hon. Ken Cuccinelli II  
Former Acting Deputy Secretary  
Department of Homeland Security

Hon. Mark Morgan  
Former Acting Commissioner  
U.S. Customs and Border Protection

Hon. Tom Homan  
Former Director  
U.S. Immigration and Customs Enforcement

Hon. Jim DeMint  
Former Chairman  
Senate Steering Committee

Hon. Lamar Smith  
Former Chairman, Judiciary Committee  
U.S. House of Representatives

Hon. John N. Hostettler  
Former Chairman, Subcommittee on  
Immigration, Border Security and Claims  
U.S. House of Representatives

Bob McEwen  
Former Member, Select Committee on  
Intelligence  
U.S. House of Representatives

Hon. Dave Brat  
Former Member, House Freedom Caucus  
U.S. House of Representatives

Hon. J. Kenneth Blackwell  
Former, U.S. Ambassador  
United Nations Human Rights Commission

Gene Hamilton  
Former Counselor to the Attorney General  
and Senior Counselor to the Secretary of  
Homeland Security

Brandon Judd  
President  
National Border Patrol Council

Ed Corrigan  
Executive Director  
Conservative Partnership Institute

Garrett Bess  
VP of Government Relations &  
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Heritage Action for America

Terry Schilling  
President  
American Principles Project

Jenny Beth Martin  
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Tea Party Patriots Action

Sandy Rios  
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David A. Bozell  
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Frontiers of Freedom