



RON DESANTIS
GOVERNOR

August 26, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, D.C. 20528

Re: Resettlement of Illegal Aliens in Florida

Dear Secretary Mayorkas:

In April, I wrote to you requesting that U.S. Immigration and Customs Enforcement (ICE) take into custody and ultimately remove all illegal alien felons who have completed their prison sentences in Florida. I further requested that ICE notify the Florida Department of Law Enforcement (FDLE), as well as local law enforcement agencies, of all such felons released from ICE custody in Florida. But despite Florida's added efforts to transport certain illegal alien felons to ICE facilities and monitor those released at your direction, we have seen no action by your administration to enforce federal immigration laws or protect Floridians from the continued release of dangerous criminal aliens.

Today, I write regarding a related issue of serious concern to my state. While Floridians are working to ensure that criminal aliens are not released back into our communities, the Department of Homeland Security (DHS) appears to be hard at work resettling ever larger numbers of illegal aliens who have no lawful status under federal immigration law from the southwest border to Florida. I ask that DHS immediately cease any further resettlement of illegal aliens in Florida and that the aliens instead be removed from the United States or resettled in states that support the administration's continued flouting of our immigration laws. Floridians welcome responsible immigration that serves the interests of Florida and the American people, but we cannot abide the lawlessness that your department is aiding and abetting on the southwest border.

The Constitution charges the President with the duty to faithfully execute the laws, and with respect to immigration enforcement, the federal government, with the Supreme Court's blessing, has assumed near exclusive responsibility. Unfortunately, President Biden and this administration refuse to fulfill their responsibility to enforce the immigration laws enacted by Congress. As you know, the administration has dismantled the highly successful immigration enforcement policies of the previous administration by, among other things, terminating the "Remain in Mexico" program, reinstating a "catch and release" policy, ending further border wall construction, declining to remove certain criminal aliens, and failing to make full use of public health authorities to expel inadmissible aliens, specifically unaccompanied minors, due to the pandemic. It is clear that the crisis on the border is entirely of this administration's own making.

The administration's reversal or weakening of the prior administration's enforcement policies has amounted to an open invitation for mass illegal migration to the United States, and the results have been predictably catastrophic. Since this administration took office, the number of illegal aliens encountered at the southwest border has skyrocketed, increasing each month at an unrelenting pace. In January, when President Biden was inaugurated, the number of encounters was 78,417. That number increased markedly in February to 101,098, and then to 173,283 in March, 178,797 in April, 180,569 in May, and 188,934 in June.¹ Recently, you announced that the number of encounters at the southwest border reached an astounding 212,672 in July, the highest in more than 20 years.² Those numbers are equivalent to a mid-size U.S. city every month. The total number of encounters for this fiscal year, which does not end until September, now exceeds 1.3 million. To put that number in context, the total number of encounters for the entire fiscal year of the previous administration's last year in office was 458,088.³ (Of course, the number of encounters does not include the number of illegal border crossers who evade detection and are never encountered by the Border Patrol.) You have even acknowledged that the number of migrants at the border is "unprecedented."

But instead of reversing course and reimplementing the prior administration's prudent, deterrence-based policies, your department has opted to abuse the federal government's authority and release large numbers of illegal aliens into the interior of the United States. It is beyond reasonable dispute that this administration's lawless policies are incentivizing mass illegal immigration to our country. Indeed, it appears that the number of incoming aliens is so large and has so overwhelmed your department that it has failed to issue notices to appear for removal proceedings to a sizeable number of illegal aliens. According to a recent news report, approximately 50,000 illegal aliens who were apprehended at the border were released into the United States without being given a court date. They were instructed to report to an ICE office within 60 days to receive their notice to appear. Of those who were apprehended and released between mid-March and mid-July, only 6,700 aliens (just 13%) reported to ICE as directed, while 16,000 did not—a rate of 2.4 no-shows for every alien who reported. (The 60-day window has not yet expired for the remainder.)⁴

Although it is unclear exactly how many illegal aliens your department has released and will continue to release into the United States and where they are being resettled, the available evidence indicates that the number is shockingly large. According to U.S. Border Patrol statistics, the number of illegal aliens who were issued a notice to appear or order of recognizance and subsequently released by the Border Patrol in July alone was a staggering 59,691, a massive increase from the 1,324 in this category who were released in January. (This number does not include releases by ICE or other federal agencies, so we know the total number of releases is even larger.) By contrast, in the last full month of the previous

¹ U.S. Customs and Border Protection, Southwest Land Border Encounters, FY Southwest Land Border Encounters by Month, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (as of Aug. 25, 2021).

² See <https://www.krgv.com/news/watch-live-dhs-secretary-alejandro-mayorkas-holds-press-conference-in-brownsville/>; see also Elliot Spagat, Associated Press, *Children Stopped at Border Likely Hit Record-High in July* (Aug. 2, 2021), <https://apnews.com/article/health-immigration-coronavirus-pandemic-a361bb903e71011432012d11ac33f9fc>.

³ U.S. Customs and Border Protection, Southwest Land Border Encounters, FY Southwest Land Border Encounters by Month, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (as of Aug. 25, 2021).

⁴ Stef W. Kight, Axios, *Scoop: 50,000 Migrants Released; Few Report to ICE* (July 27, 2021), <https://www.axios.com/migrant-release-no-court-date-ice-dhs-immigration-33d258ea-2419-418d-abe8-2a8b60e3c070.html>.

administration, only 17 persons in this category were released.⁵ The number of illegal aliens released by this administration is so large that it is inconceivable that most or even many of them will ever complete their removal proceedings and be removed. The truth is that many will never appear for their proceedings and instead will hide in the shadows and remain permanently in the United States.⁶ Because the administration surely knows this, I can only conclude that this is the result that the administration intends. Mass illegal immigration is the administration's policy.

I have been to the border and observed firsthand the chaos that this administration's policies have created, and I am aware of reports indicating that federal agencies, or federal contractors and non-governmental organizations, are transporting illegal aliens to various locations around the country.⁷ According to reporting I have received from Florida law enforcement who are on the border assisting Texas authorities, many of these illegal aliens are headed for Florida. Indeed, as of June, 6,254 unaccompanied alien minors had been released to sponsors in Florida during the fiscal year. Except for Texas, that number is greater than any other state (including California, which is much larger than Florida).⁸ In addition, my office has received information indicating that ICE, sometimes with the U.S. Department of Health and Human Services, has chartered flights transporting illegal alien adults and children to Florida. Given the overall lack of transparency, I am concerned that the federal government is running its own massive human smuggling operation, surreptitiously resettling illegal aliens in the various states without consultation or even advance notice to state leadership. This is intolerable and unacceptable.

I am under no illusion that this administration will grant my request and voluntarily cease resettling illegal aliens in Florida. But it is important to emphasize that the states, not the federal government, bear the brunt of this administration's lawless immigration policies. The states hold the police powers in our system of government and are responsible for the health, safety, and welfare of our people. By releasing illegal aliens, including unaccompanied minors, into the United States on such a massive scale, the federal government is saddling states and local governments with the resulting health, financial, economic, and public safety costs. Massive illegal immigration unnecessarily increases the spread of the coronavirus,⁹ consumes

⁵ U.S. Customs and Border Protection, USBP Monthly Southwest Border Apprehensions by Processing Disposition, <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics> (as of Aug. 25, 2021).

⁶ "Between Fiscal Year 2008 and Fiscal Year 2019, 32 percent of aliens referred to [the Executive Office for Immigration Review] absconded into the United States and were ordered removed *in absentia*." Memorandum Opinion and Order, *Texas v. Biden*, 2:21-CV-067-Z, at 7-8 (Aug. 13, 2021) (internal quotation marks omitted).

⁷ Marie Banks, 'Not Enough Seats': Buses Leaving Texas Border Town Packed with Illegal Migrants, *New York Post* (July 22, 2021), <https://nypost.com/2021/07/22/buses-leaving-texas-border-town-packed-with-illegal-migrants/>; Guillermo Contreras, *ICE Says 780 Undocumented Immigrants Flown Out of Military Base in Del Rio*, *San Antonio Express-News* (July 16, 2021), <https://www.expressnews.com/news/local/article/ICE-says-780-undocumented-immigrants-flown-out-of-16320451.php>; Todd Bensman, Center for Immigration Studies, *Catch-and-Bus: Thousands of Freed Border-Crossing Immigrants Are Dispersing Across America* (Mar. 31, 2021), <https://cis.org/Bensman/CatchandBus-Thousands-Freed-Border-Crossing-Immigrants-Are-Dispersing-Across-America>.

⁸ Office of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state> (as of Aug. 25, 2021).

⁹ News reports indicate that the City of Laredo, Texas has refused to accept any further incoming aliens transported from other sections of the border after discovering that 40% of them tested positive for the coronavirus. The City of McAllen, Texas reported that 15% of the aliens released from custody there tested positive for the coronavirus. Anna

taxpayer money and burdens governmental services (including the education system, which must take in illegal alien children), suppresses wages and economic opportunities for working class Americans (including minorities and legal immigrants), and contributes to crime and a culture of lawbreaking and lawlessness. Too often, these costs are borne by the states and local communities.

Therefore, to the extent that the federal government continues its policy of facilitating the resettlement of illegal aliens throughout the United States, I ask that DHS, at a minimum, provide advance notice to and consultation with the State of Florida, specifically with FDLE, before any illegal aliens apprehended at the border are resettled in Florida. Furthermore, in the interest of greater transparency, I request that DHS provide the following information to FDLE as soon as possible but no later than September 30, 2021:

- the number of aliens without lawful status, including unaccompanied minors, apprehended at the southwest border whom DHS knows has resettled in Florida since January 2021 until the date of this letter;
- the names and destination addresses (or destination cities) of those persons, including the names and addresses (or cities) of their sponsors (if applicable), and the dates and locations of their removal proceedings;
- of the aliens whom DHS knows has resettled in Florida, the number who were tested for the coronavirus, the number who were not tested for the coronavirus, the number who tested positive for the coronavirus, the number who received the vaccine, and the number who refused the vaccine;
- of the aliens whom DHS knows has resettled in Florida, the number and identity of those who have a criminal record (including the nature of their crimes) and those who have previously entered the United States illegally;
- of the aliens whom DHS knows has resettled in Florida, the number and identity of those who have failed to appear for their removal proceedings;
- going forward, the number, names, and destination addresses (or destination cities) of all aliens apprehended at the southwest border without lawful status whom DHS knows are resettling in Florida, including the anticipated dates and locations of their arrival (and the names and addresses (or cities) of their sponsors (if applicable));
- if chartered aircraft or buses are employed to transport illegal aliens for resettlement in Florida, the anticipated arrival date, time, and location of each charter and the identity of the charter company; and
- the identity and role of all federal contractors, including any non-governmental organizations, that since January 2021 have assisted or are assisting DHS with the resettlement of aliens from the southwest border to Florida.

Finally, pursuant to 8 U.S.C. § 1226(d)(3), I request that DHS provide assistance in the identification of aliens unlawfully present in the United States who are pending criminal prosecution in Florida. I will instruct relevant state officials to collect and provide DHS with the names of individuals currently pending charges whom we believe may be unlawfully present in

Giaritelli, *Forty Percent of Migrants Released in Texas Border City Test Positive for COVID-19, Officials Say*, Washington Examiner (Aug. 11, 2021), <https://www.washingtonexaminer.com/news/texas-city-officials-40-of-migrants-test-positive-for-covid-19>.

the United States, with the expectation that DHS, consistent with its statutory obligations, will confirm the immigration status of the individuals so identified.

To date, the federal government has fallen woefully short of enforcing our nation's immigration laws and providing full transparency on DHS's efforts to facilitate the resettlement into the United States of illegal aliens apprehended at the southwest border. Although I seek an immediate end to the resettlement of illegal aliens in Florida, at the very least, DHS should provide the requested information in the interest of greater transparency. The State of Florida is entitled to this information to protect the health, safety, and welfare of its people. If, indeed, the administration's policy of mass illegal immigration is as salutary as you must surely believe, then you should have no objection to this request and should welcome the opportunity to provide Floridians and the American people with the transparency they deserve.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ron DeSantis', is positioned above the printed name.

Ron DeSantis
Governor

cc: Commissioner Rick Swearingen, Florida Department of Law Enforcement