

August 24, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

Dear Secretary Mayorkas:

While the world is rightly focused on the crisis in Afghanistan, the humanitarian crisis at our southern border continues to worsen. The number of individuals attempting to cross the southern border is surging and is directly attributable to the words and actions of this administration. I support your decision not to repeal the Title 42 authority to expel migrants crossing the southern border due to the ongoing pandemic, which is clearly made worse by releasing thousands of migrants into the United States without testing or requiring proof of vaccination.

However, I am concerned that this administration is failing to take necessary steps to protect the health of the American public as well as from potentially dangerous individuals crossing the southern border. In July, according to the U.S. Customs and Border Protection (CBP),¹ the number of migrants detained at the southern border exceeded 200,000 for the first time in more than two decades. The number of migrants detained at the southern border has increased every month since President Biden took office.² This is a threat to public safety from a health perspective due to the administration's failure to test migrants for COVID-19 before releasing them from custody. This is especially concerning because President Biden repealed the Safe Third Country Agreement, which mandated that individuals making asylum claims remain in Mexico while their claim is processed. Instead, you are releasing these individuals into the United States, sometimes without a notice to appear.

The current alarming and unsustainable crisis in Afghanistan also gives me significant concerns about the increased risk of dangerous individuals crossing from Mexico into the United States due to your track record of failing to secure our southern border. According to public

¹ <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters/usbp-sw-border-apprehensions>

² <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

reports, this year, CBP stopped at least two individuals who were on the terrorist watch list.³ Now, there are numerous reports of Islamic State and al Qaeda fighters being released from prison by the Taliban as it has retaken Kabul.⁴ It is impossible to know where these terrorists are now.

The disastrous situation in Afghanistan is a threat to national security, especially given the failure of the administration to address or acknowledge that the situation at the southern border is a crisis. Accordingly, please respond to the following questions by August 31, 2021.

1. What steps has the Department of Homeland Security taken in the last seven days to secure the southern border and ensure that terrorists released by the Taliban are not able to cross the U.S.-Mexico border?
2. CBP stated that it does not release overall number of immigrants stopped at the southern border who are on the terrorist watch list. Will you commit to providing a written classified report within 120 days that outlines the number of individuals encountered at the southern border with a connection to a designated Foreign Terrorist Organization?

There is no issue more pressing than ensuring Americans' safety from foreign threats. I appreciate your prompt attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Rubio', written in a cursive style.

Marco Rubio

U.S. Senator

³ <https://www.nbcnews.com/politics/immigration/cbp-stopped-two-men-terror-watchlist-border-says-such-incidents-n1263167>

⁴ <https://www.businessinsider.com/watch-afghan-prisoners-isis-al-qaeda-fighters-freed-by-taliban-2021-8>