

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216

February 1, 2021

The Honorable David Pekoske
Acting Secretary
Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Dear Acting Secretary Pekoske:

As Members of Congress, we are extremely concerned regarding reports of planned deportations of individuals who may have been denied a full and fair opportunity to seek asylum in the United States. Several groups, including many individuals from the Democratic Republic of the Congo, Angola, and Cameroon are currently being held at the Alexandria Staging Facility in Louisiana and are reportedly scheduled for removal this week. We understand that some of these individuals have pending motions to reopen before the Board of Immigration Appeals or petitions for review before a circuit court, while others claim that they were not afforded the opportunity for a credible fear interview in a language they understand. Proceeding with the removal of individuals such as those described raises serious due process concerns. As such, we urge you to direct the appropriate personnel to immediately suspend all efforts to deport these individuals and ensure that they receive a full opportunity to have their claims for relief heard.

Further, on January 20, 2021, you issued a memorandum setting forth your Department's interim enforcement priorities, pending a full review of Department policies and practices on immigration enforcement. Those priorities include individuals who (1) present a threat to national security; (2) were apprehended while attempting to enter without inspection after November 1, 2020 or who were not physically present in the United States on November 1; or (3) were convicted of an aggravated felony and present a threat to public safety.¹ Despite a recent court ruling enjoining the "Immediate 100-Day Pause on Removals" articulated in section C of that memorandum, the interim enforcement priorities went into effect today.² To the extent that the Department is proceeding with the removal of individuals who fall outside of these interim enforcement priorities raises serious questions about the agency's commitment to adhering to its own policy directives. Until revised priorities are developed and implemented, we urge you to ensure that all current and future planned removals fit well within the interim enforcement priorities.

¹ Acting Secretary David Pekoske, *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities*, Department of Homeland Security (Jan. 20, 2021), https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf.

² *Id.*

Thank you for your urgent attention to this matter.

Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary



Zoe Lofgren
Most Recent Chair
Subcommittee on Immigration and Citizenship

cc: Tae D. Johnson, Acting Director, Immigration and Customs Enforcement, Department of Homeland Security
Joseph V. Cuffari, Inspector General, Department of Homeland Security
Patricia Nation, Office of Civil Rights and Civil Liberties, Department of Homeland Security
The Honorable Jim Jordan, Ranking Member, House Committee on the Judiciary