

**United States Senate**  
WASHINGTON, DC 20510-0309

March 22, 2021

President Joseph Biden  
The White House  
Washington, D.C. 20500

Dear Mr. President,

We write to urge you to use your full authorities to effectively respond to and successfully manage the ongoing crisis at our Southwest Border. It is critical that our nation take aggressive steps to secure our border, protect our communities and ensure migrants are treated fairly and humanely. We pledge to work with our Congressional colleagues to develop bipartisan and commonsense responses to the surge of migrants at the border, and hope to collaborate with you, Department of Homeland Security (DHS) Secretary Alejandro Mayorkas, and the rest of your Administration to tackle this challenge.

Your administration should take immediate action in two areas: ensuring there are sufficient resources and facilities at the border to manage the crisis and taking concrete steps to improve the asylum process. Both of these are critical to improving how our nation manages this situation.

The Border Patrol Sectors in our Southwest Border states have reported alarming increases of individuals seeking entry into the U.S. in recent weeks. Per Secretary Mayorkas, DHS is on pace to encounter more individuals at the border this fiscal year than in the past 20 years. As of the end of February, U.S. Customs and Border Protection (CBP) reported that it had already encountered 382,617 individuals at the border since the start of the fiscal year in October, compared to 405,036 encounters in all of Fiscal Year 2020. This highlights the need to increase appropriate resources and qualified staffing at the Southwest Border to meet this challenge. This ultimately will help secure the border and keep local communities and migrants safe. DHS's recent decision to task the Federal Emergency Management Agency (FEMA) with providing short-term assistance to CBP and the Department of Health and Human Services (HHS) to provide safe housing and care for Unaccompanied Children (UACs) is one constructive effort that we hope your Administration will replicate elsewhere.

Today's situation is very similar to other surges we have seen along the border over the past decade. Current facilities and services are insufficient to handle the present challenge. It is critical that every effort be made to improve living conditions for the individuals being held by DHS, provide sufficient transportation to allow for the efficient transfer of migrants between DHS entities, and address the challenges brought about by COVID-19. Moreover, it is clear that DHS needs to improve coordination and cooperation among its various components, other federal agencies (particularly with Department of Justice and HHS), and with local Non-Governmental Organizations (NGOs). To that end, we support DHS creating regional processing facilities. Such facilities would include personnel from all the relevant agencies – CBP, Immigration and Customs Enforcement (ICE), FEMA, U.S. Citizenship and Immigration

Services (USCIS), and HHS — and allow for effective and rapid collaboration on issues such as identity verification, medical screenings, credible fear determinations, and asylum interviews. NGOs should have full access to these facilities and migrants held there should receive full legal orientation on their rights and have fair ability to obtain and consult with legal counsel if they so choose.

Another critical initiative the Administration must pursue immediately is developing strategies to improve and streamline the asylum process, while simultaneously ensuring migrants are treated fairly and receive due process. The current immigration case backlog remained over 1.2 million cases in the first quarter of Fiscal Year 2021, and nearly half of those cases involved an asylum claim. We must start improving the asylum process now so we can better manage the ongoing and future border surges. We were pleased to hear Secretary Mayorkas address this challenge in his testimony before the House Homeland Security Committee on March 17 and look forward to getting more details on the efforts he mentioned. It is important that we improve the asylum process timeline. However, any such improvements to the process should also protect due process and ensure migrants have fair access to sufficient translation services, legal counsel, and medical services while being detained. All migrants should receive a full legal orientation briefing before beginning the asylum process.

There are other aspects of this challenge where we can find bipartisan support and agreement. We are working together now to develop ideas, such as reducing fraud in connection with UAC custody transfers; ensuring the safety of UACs awaiting immigration court hearings; improving engagement with other nations on solutions to our border challenges; providing DHS with the qualified personnel they need to manage these types of crises; and improving language access programs, legal orientations, and access to counsel for migrants.

We acknowledge and appreciate DHS's efforts to respond to the ongoing crisis at the border and look forward to working with you. Our border communities and NGOs are already rising to this challenge. It is important that the federal government do so as well. We cannot afford to be consumed by partisan battles on this critical topic. We will continue to seek bipartisan agreement with you and our colleagues to develop common-sense solutions that improve the situation on our border and keep our communities safe.

Thank you in advance for your prompt reply.

Sincerely,



Kyrsten Sinema  
U.S. Senator



John Cornyn  
U.S. Senator