

Congress of the United States
Washington, DC 20515

December 19, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2703 Martin Luther King Jr Avenue, SE
Washington, D.C. 20593

Dear Secretary Mayorkas:

I write to express grave concern about news emerging from a December 1 symposium hosted by Immigration and Customs Enforcement (ICE) on the Alternatives to Detention (ATD) program for illegal aliens. The symposium revealed ICE was publicly underreporting the number of illegal aliens released into the United States without tracking technology by more than 18,000%. While officials at the symposium disclosed there are 49,459 illegal aliens in the ATD program that aren't monitored with GPS tracking technology, ICE's public data at the time showed just 266 such illegal aliens as of November 19th.¹ At the same time, officials also disclosed at the symposium that there were 8,118 illegal aliens being actively monitored with GPS technology, compared to public data showing 56,805 such aliens – a figure nearly seven times greater. When asked about these egregious data discrepancies, ICE officials dismissed the findings. It was only until after being exposed by the Daily Caller that ICE formally apologized for the “miscalculation” of public illegal alien data.²

How could this be a “miscalculation of data” when ICE was announcing the correct figures at a private symposium? What was explained away as a “miscalculation of data” appears more like suppression of data. This comes at a time when our southern border is in a state of emergency. Your reckless policies have not only facilitated the border crisis but have outright encouraged it. Equally troubling is that the symposium where the correct numbers were distributed featured Peter Markowitz, who in 2019 wrote a blueprint for scrapping ICE.³ This data suppression and courting of radical “abolish ICE” activists is sadly characteristic of your dismal leadership as DHS Secretary. When questioned about this, journalists are met with hostility or obfuscation.

¹ Jennie Taer, *Exclusive: ICE Is Underreporting Illegals It Releases Into The Country Without Tracking Equipment By Over 18,000%*, The Daily Caller, December 1, 2022.

² Jennie Taer, *Exclusive: 'Regret': ICE Apologizes for 'Miscalculation' of Illegal Immigrant Data After DCNF Exposes Major Errors*, The Daily Caller, December 1, 2022.

³ Markowitz, Peter L. *Abolish ICE...and Then What?* The Yale Law Journal Forum. November 7, 2019.

This is unacceptable. The American people deserve transparency. To that end, I am requesting answers to the following by close of business, January 9, 2023:

- Who was responsible for the dissemination of ATD data in accordance with 8 USC 1378a(2), and why did they report inaccurate data?
- How frequently is the public ATD data refreshed?
- Your public reporting indicates data may fluctuate until “locked” at the end of a fiscal year.⁴ What factors result in data fluctuations? On average, how much does data reporting retroactively change once “locked?”
- The December 1 symposium featured “more than 100 stakeholders from nongovernmental organizations, academia, and private industry.”⁵ Provide the list of stakeholders that participated.
- Who was responsible for the invitation of anti-ICE activist Peter Markowitz to the December 1 symposium, and what value do you believe he brought to the event?
- What methods, if any, does ICE use to monitor aliens without any GPS tracking?
- What percentage of aliens without GPS tracking have appeared at their scheduled immigration court hearings since the ATD program was put in place?
- What factors does ICE consider when deciding to remove GPS tracking devices from ATD participants?
- What policies or rules, if any, are now being drafted or considered by your agency as a result of the December 1 symposium?

As a member of the House Oversight and Reform Committee, I demand a full review of your ATD program and what led to the posting of erroneous data, as well as your association with radical anti-ICE activists. I will be watching closely and will continue to hold you accountable for these missteps in the 118th Congress.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pat Fallon', with a stylized, looping flourish at the end.

Pat Fallon
Member of Congress

⁴ <https://www.ice.gov/detain/detention-management>

⁵ <https://www.ice.gov/news/releases/ice-hosts-alternatives-detention-program-symposium>