



**One Hundred Seventeenth Congress**  
**Committee on Homeland Security**  
**U.S. House of Representatives**  
**Washington, DC 20515**

June 22, 2021

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

Dear Secretary Mayorkas:

On behalf of the Committee on Homeland Security, I am writing to request information pertaining to the Department of Homeland Security's (Department) abrupt decision to suspend the Migrant Protection Protocols (MPP). As you know, on January 20, 2021 – President Biden's first day in office – the Department issued a two sentence press release announcing the suspension of MPP, to take effect *the very next day*.<sup>1</sup>

The Department's seemingly impulsive announcement lacked explanation, justification, or any other indicia that the decision had been made only after the careful deliberations and consultations that are both appropriate and lawfully required of Executive Branch agencies by the Administrative Procedures Act (APA).<sup>2</sup> It further appears, based on a lawsuit filed by several states, that those states who stood to bear the largest and most immediate burden from the Department's suspension of MPP were not consulted or even notified prior to the announcement.<sup>3</sup> Given that MPP provided major relief to the strain on border states, immigration courts, and Department resources, it is imperative that the Department provide a fulsome and transparent justification of its decision to suspend MPP.

The apparent failure of the Department to engage in any analysis of costs, benefits, and alternatives prior to the Department's announcement is deeply troubling. It also raises concerns that the Department used the discretion afforded to it by Congress in the Immigration and Naturalization Act (INA) to make this hasty decision for political purposes. Therefore, it is necessary that Congress exercises our constitutionally vested oversight authority to examine the facts and circumstances surrounding the Department's MPP decision. Accordingly, we ask that the Department expeditiously furnish the following documents and information:

1. Any memoranda, communications, or other contemporaneous documents originating prior to the Department's announcement on January 20<sup>th</sup> that provide general insight into the Department's decision to suspend MPP.
2. Any memoranda, communications, or other contemporaneous documents originating prior to the Department's announcement on January 20<sup>th</sup> that evidence that the Department considered alternatives to suspension of MPP.

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<sup>1</sup><https://www.dhs.gov/news/2021/01/20/dhs-statement-suspension-new-enrollments-migrant-protection-protocols-program>

<sup>2</sup> See 5 U.S.C. 551

<sup>3</sup> <https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2021/Press/Complaint.pdf>

3. Any memoranda, communications, or other contemporaneous documents originating prior to the Department's announcement on January 20<sup>th</sup> that evidence the Department's justification for suspending MPP.
4. Any memoranda, communications, or other contemporaneous documents originating prior to the Department's announcement on January 20<sup>th</sup> that evidence the Department's justification for finalizing its decision less than 24 hours into President Biden's term in office.
5. Any memoranda, communications, or other contemporaneous documents originating prior to the Department's announcement on January 20<sup>th</sup> that evidence that the Department considered the impact that suspension of MPP would have on immigration enforcement at the southern border.
6. Any memoranda, communications, or other contemporaneous documents originating prior to the Department's announcement on January 20<sup>th</sup> that evidence that the Department considered the impact that suspension of MPP would have on states at the southern border.
7. Any memoranda, communications, or other contemporaneous documents originating prior to the Department's announcement on January 20<sup>th</sup> that indicate which departments, agencies, and officials within the federal government were consulted about the impending decision to suspend MPP.
8. Any memoranda, communications, or other contemporaneous documents originating prior to the Department's announcement on January 20<sup>th</sup> that indicate which state officials and agencies were consulted about the impending decision to suspend MPP.

To be clear, we are not seeking any post-hoc justifications that the Department might have for the seemingly capricious decision to suspend MPP. Instead, we are seeking contemporaneous evidence and analysis to shed light on how the Department arrived at its decision.

Thank you for your attention to this matter.

A handwritten signature in black ink that reads "Michael Guest". The signature is written in a cursive, slightly stylized font.

Michael Guest  
Vice Ranking Member  
Committee on Homeland Security