



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

August 9, 2021

VIA EMAIL AND CERTIFIED MAIL

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, D.C. 20528
Alejandro.mayorkas@hq.dhs.gov

Dear Secretary Mayorkas,

Late last month, a high-ranking official with the National Border Patrol Council admitted that the Border Patrol is “releasing people out of the door day in and day out with actual positive tests for COVID.”

This is a stunning admission that has serious implication for border communities and states. As the Biden administration is ramping up pressure campaigns for COVID-related mandates, this revelation shows incredible hypocrisy and disdain for the health of everyday Americans. If this is true, I call on your Department to cease these actions immediately. I would also like an accounting of COVID-positive people who have been released by Customs and Border Protection (CBP) agents in Arizona sectors since President Joe Biden was sworn into office on January 20, 2021.

Illegal immigration into this nation has compromised the security and safety of countless American communities. Since the start of the 2021 fiscal year, CBP has apprehended over 1.1 million migrants at our southern border. We also know that there are (at least) tens of thousands of migrants (or “gotaways”) who escape detection and blend into our communities. With these “gotaways” and the return of “catch and release” for the migrants we apprehend, we have few, if any, mechanisms in place for the enforcement of our immigration laws.

As I have stated for months, this border crisis is much more than the migrants who are apprehended; we know that drug, human, and sex traffickers operate with near impunity on both sides of the border. These cartels are creating many diversions for our border agents every day in order to run drugs and “gotaways” through gaps in the border. While I am grateful for the

vigilance of CBP officials who have seized more fentanyl this fiscal year at the border than in recent years, I am worried that the fentanyl seizures are only the tip of the iceberg of drugs making it past the border and into American communities.

Secretary Mayorkas, we have no higher calling as members of the executive branch – whether federal or state – to faithfully enforce the laws of our jurisdiction and to provide for the safety and security of our citizens. Unfortunately, under the Biden administration our immigration laws are not being enforced, and our citizens are not safe and secure. I call on your Department to reverse course before it is too late for our nation, and to ensure that CBP is no longer releasing COVID-positive migrants into Arizona communities.

I request an answer to this letter by Friday, August 13, 2021.

Sincerely,

A handwritten signature in blue ink that reads "Mark Brnovich". The signature is stylized and includes a long horizontal flourish extending to the right.

Mark Brnovich
Arizona Attorney General