



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

October 25, 2021

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

Dear Secretary Mayorkas,

Earlier this summer, I wrote to President Biden to express my concerns with his reported intentions to end Title 42 at our southern border. I was pleased to hear shortly thereafter that your Administration reversed course on this decision and appeared to defend the policy in federal court. Even this month, White House Principal Deputy Press Secretary Karine Jean-Pierre stated that *"we're going to continue to enforce Title 42 at the border."*

However, a recent Washington Post article noted that *"From January to August, as the number of migrants crossing the border climbed, the percentage ejected under Title 42 fell from 82% to 45%."* This stunning report confirmed that while your Administration's official policy may be to support Title 42, that is not what is happening. As a result, more migrants who cross illegally are being released into the heartland of our nation – an incentive that is encouraging additional migrant crossings.

Title 42 was implemented by the previous Administration so that the pandemic would not be exacerbated by a mass influx of migrants from all over the world, who would add to the United States' COVID-19 cases. Your Administration has continually claimed that battling COVID 19 must be our priority, yet it is releasing thousands of COVID-19 positive migrants into our communities.

There is a significant disconnect between reality and rhetoric here. I urge you to launch an immediate investigation into this matter, to ensure that all federal employees are indeed following your policy and enforcing Title 42 to protect the health and safety of Arizonans and Americans.

I would appreciate a confirmation of your enforcement of Title 42 along the Arizona border by Tuesday, November 12.

Respectfully,

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

Mark Brnovich