



TOM HORNE
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

June 12, 2014

The Honorable Jeh Johnson
Secretary, United States Department of Homeland Security
Washington, D.C. 20528

Re: Formal Request for Immediate Agency Action

Dear Mr. Secretary,

This letter constitutes a formal demand to immediately cease and desist from transporting adult aliens and alien families from other states to Arizona. The action is a derogation of DHS's "duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens" under 8 U.S.C. § 1103(a)(5), and it harms Arizona.

In the past two weeks, the Department of Homeland Security has transported, and continues to transport, a significant number of illegal aliens from other states into Arizona. DHS did not notify Arizona officials before it undertook this inadvisable and irresponsible action. Federal Border Patrol agents have been apprehending illegal aliens in Texas, and then Immigration and Customs Enforcement and/or Customs and Border Protection have been bringing them to Arizona. The adult aliens brought to Arizona include women accompanied by young children. ICE or CBP leaves them at commercial bus terminals with nothing more than instructions to report to the nearest ICE office within 15 days. DHS's actions pose significant health and safety risks both for the people DHS abandons and the communities in which they abandon them.

DHS has yet to explain why it is apprehending aliens in Texas and releasing them in Arizona. There does not appear to be any lawful authority for such arbitrary and injurious actions. To the contrary, given that transporting an alien under these circumstances would be a federal crime under 8 U.S.C. § 1324(a)(1)(A)(ii) if done by a citizen, it is far beyond the federal government's discretionary authority to detain or release a removable alien under Title 8 of the United States Code. These aliens are not being transported for purposes of detaining them in a federal facility located in Arizona. Rather, DHS is inexplicably moving them some 1200 miles and simply releasing them here (outdoors in temperatures exceeding 100 degrees) rather than in Texas.

Additionally, I request that DHS furnish me with the following information as soon as possible in order to alleviate community and law enforcement concerns that DHS's actions have created:

1. The number of aliens transported to Arizona from Texas and left at bus stations since May 1, 2014;
2. The steps DHS took to ensure that none of these aliens were in need of medical treatment and that all of them were inoculated against communicable diseases;
3. The steps DHS took to ensure that none of these aliens were convicted criminals or engaged in smuggling or human trafficking at the time of their apprehension;
4. The steps DHS took to ensure that these aliens had sufficient financial and other means to avoid exploitation or the need for intervention by Arizona public officials in order to protect their safety and welfare; and
5. The steps DHS is taking to monitor their whereabouts and/or ensure that they will report to ICE offices for processing as instructed before they were released.

I trust that you are already well aware of the situation DHS has created in Arizona through its actions, and that you will respond quickly to remedy this serious problem.

Very truly yours,



Thomas C. Horne