

United States Senate  
WASHINGTON, DC 20510

March 31, 2022

Hon. Alejandro Mayorkas  
Secretary of Homeland Security  
Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528

Dear Secretary Mayorkas:

We continue to hear concerns from local stakeholders about the impact of ending the use of Title 42 public health authority on the border. Small communities, including local law enforcement officers, have largely been left out of any planning for post-Title 42 migrant surges, and their input is vital to ensure an orderly and safe process at the border. We have both recently expressed our concerns that DHS has not implemented an acceptable plan to ensure that the rescission of Title 42 does not exacerbate the ongoing crisis at the border. As one element of planning for a post-Title 42 landscape, we urge you to take all necessary measures to ensure the Department of Homeland Security (DHS) engages in sufficient, meaningful, and consistent communication and coordination with all affected stakeholders, including small local governments, tribal officials, and other small community stakeholders.

Local communities across Arizona and Texas already struggle to manage high numbers of migrants, even while DHS uses Title 42 to expel around half of encountered migrants. As you are aware, current and historical trends forecast a significant increase in migrants coming to the Southwest Border, with CBP encountering nearly 320,000 migrants during the first two months of this year, a 78 percent increase from the same time frame in 2021. These numbers will certainly further increase if Title 42 ends on May 23, 2022, as current reports suggest. Many of our small communities do not have the necessary infrastructure, transportation options, or support networks to deal with the potential for direct releases of migrants. Such releases threaten the safety and health of migrants and local communities, and a lack of communication between DHS and these communities erodes trust and causes avoidable issues.

Productive and consistent coordination and communication between stakeholders is a vital part of maintaining an orderly, safe, and humane environment in the border region. In Arizona, coordination between DHS, communities, and nonprofits has helped solve some transportation and logistics issues, providing further evidence of the value of cooperation. However, overall coordination in both Arizona and Texas has been deficient, and local government officials have conveyed serious concerns that migrants are overwhelming facilities. DHS has released migrants into small towns that lack transportation infrastructure, and even in larger cities non-governmental organizations and city infrastructure, such as parks and airports, cannot accommodate the migrants who have been released. Actions taken by one government agency or non-governmental stakeholder can easily impact communities across the region. Therefore, it is

important that DHS consult with local communities to better understand the local environment and prevent unintended consequences of agency actions in the region. DHS needs community partners, and the Department must make every possible effort to maintain and invest in those cooperative relationships.

We are concerned that DHS has not adequately prepared and developed a plan to ensure the safety of migrants, officers, and our communities post-Title 42. To date, we have not seen sufficient steps to avoid a humanitarian and security crisis. We have proposed a plan, the *Bipartisan Border Solutions Act*, to address the record-setting flow of migrants across the southwest border, and we would welcome the opportunity to work with you to put our plan into action. As we work together on broader changes, however, DHS must take steps to improve collaboration with border communities.

Consistent coordination and communication with State and local governments along the border, including small communities, is one necessary element in a successful strategy to secure the border, protect border communities, and ensure migrants are treated fairly and humanely. We request that DHS brief our offices on their plan to engage small communities no later than April 8, 2022.

Sincerely,



Kyrsten Sinema  
U.S. Senator



John Cornyn  
U.S. Senator