



Congress of the United States
House of Representatives
Washington, DC 20515-0906

July 11, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE
Washington, D.C. 20528

The Honorable Antony Blinken
Secretary
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretaries Mayorkas and Blinken,

As you're both aware, the southern border has experienced a record-breaking number of aliens illegally crossing our border during the Biden administration. Unlike in years past, many foreign nationals appearing at the Southwest border are not just originating from Northern Triangle countries but are from nations across different continents, including the People's Republic of China (PRC).

This is concerning as China and the Chinese Communist Party (CCP) pose grave threats to the United States' economic and national security. In fact, China is one of 13 countries considered uncooperative or "recalcitrant," systematically refusing or needlessly delaying the repatriation of their citizens. Thus, I am inquiring about the status of the thousands of Chinese nationals as well as other illegal aliens from recalcitrant countries living in the U.S. today.

As of May 2024, more than 31,309 Chinese nationals were encountered at the southern border this fiscal year. With four months remaining in fiscal year 2024, the U.S. has already surpassed the record 24,314 Chinese national encounters recorded in FY 2023.¹ Indeed, from FY 2020 to FY 2023, there was a 1,800% increase in Chinese illegal alien apprehensions at the southern border.²

Further, in April 2023, it was reported that U.S. Customs and Border Protection (CPB) instructed its agents to reduce the number of interview questions to vet Chinese nationals from 40 to only five, which undoubtedly makes it more difficult for CBP officials to detect security threats, especially after they are released into the interior.³

Concerningly, in FY 2023, U.S. Immigration and Customs Enforcement (ICE) only removed 288 Chinese nationals from the U.S. while it encountered tens of thousands of Chinese illegal aliens at the southern border the same year.⁴ Additionally, roughly 100,000 Chinese nationals with final orders of removal remain in the country, as Beijing has been slow or outright refused to accept the repatriation of its citizens.⁵ On July 2, 2024, the Department of Homeland Security (DHS) announced it conducted "the first large charter flight since 2018" of returning Chinese nationals with the cooperation of the PRC but did not reveal if these aliens had criminal backgrounds, harbored ties to espionage networks, or the specific

¹ <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

² https://americafirstpolicy.com/assets/uploads/files/Fact_Sheet_-_Breaking_Down_the_Surge_of_Chinese_Nationals_Illegally_Coming_to_the_U.S._.pdf.

³ <https://dailycaller.com/2024/01/02/biden-admin-cbp-chinese-illegal-migrants/>.

⁴ <https://www.foxnews.com/us/only-288-chinese-citizens-deported-from-us-fy-23-despite-24000-encounters-border-influx-continues>.

⁵ <https://www.nytimes.com/2023/11/24/us/politics/china-migrants-us-border.html>.

reasons for removal.⁶ A news report found that DHS only expelled 116 Chinese nationals in the charter flight.⁷

Under Section 243(d) of the Immigration and Nationality Act, if DHS informs the Department of State (DOS) of a country's recalcitrant conduct, the DOS must stop granting immigrant visas or nonimmigrant visas, or both until the foreign government begins accepting its nationals from the U.S.⁸

Unfortunately, in some cases, the administration has lifted visa sanctions from recalcitrant countries such as Laos in February 2022 after reportedly facing pressure from non-governmental organizations to rescind the visa ban.⁹ Ensuring a timely return of removable aliens should be a priority for the administration. The administration should ensure every country accepts all its repatriated citizens, with no exceptions.

As of July 2020, ICE also listed Bhutan, Burundi, Cambodia, Cuba, Eritrea, Hong Kong, India, Iran, Iraq, Laos, Pakistan, and Russia as recalcitrant countries.¹⁰ Additionally, ICE considers Afghanistan, Algeria, Azerbaijan, Burma, Ethiopia, Gambia, Israel, Jordan, Mauritania, North Macedonia, Samoa, Sierra Leone, South Sudan, Tonga, Ukraine, Vietnam and Yemen at risk of non-compliance.¹¹

As such, we request answers to the following questions by July 25, 2024:

- 1) Which countries does DHS currently list as recalcitrant countries?
 - a) How many aliens does DHS estimate are in the United States from each of these countries?
 - i. How many of these aliens have final orders of removal?
 - ii. What is the status of the remaining aliens?
 - iii. How many of these aliens were F-1 visa holders?
 - b) How many of these aliens have criminal records?
 - i. Which crimes correspond with each record?
- 2) Which countries does DHS currently list as at risk of non-compliance?
 - a) How many aliens are in the U.S. from each of these countries?
 - i. How many of these aliens have final orders of removal?
 - ii. What is the status of the aliens without final orders of removal?
 - iii. How many of these aliens were F-1 visa holders?
 - b) How many of these aliens have criminal records?
 - i. Which crimes correspond with each record?
- 3) What type of visa sanctions are on China via 243(d), if any, and has the Biden administration expanded the scope of visa sanctions on China since January 20, 2021?
- 4) How many Chinese nationals have been released into the interior of the U.S. from the southern border in each of FY24, FY23, FY22, and FY21?

⁶ <https://www.dhs.gov/news/2024/07/02/dhs-conducts-removal-flight-china>.

⁷ <https://apnews.com/article/immigration-deportations-china-homeland-security-c904d72d86f6a392aa7f2ec2c5600c07>.

⁸ <https://crsreports.congress.gov/product/pdf/IF/IF11025>,

⁹ <https://www.nbcnews.com/news/amp/rcna15429>.

¹⁰ <https://crsreports.congress.gov/product/pdf/IF/IF11025>.

¹¹ Ibid.

- 5) Please answer the following about the 116 Chinese nationals who were repatriated on the flight announced by DHS on July 2, 2024:
- a) When and where did these Chinese nationals enter the U.S.?
 - b) When and where were these aliens placed into deportation proceedings?
 - c) Were any of the repatriated aliens F-1 visa holders?
 - d) Please list any criminal charges, convictions, gang affiliations, ties to terrorist organizations, or links to espionage activities to foreign governments these individuals have.
- 6) How many foreign nationals with final orders of removal have been released from ICE's custody due to their home countries' refusing to accept their repatriation since January 20, 2021? Please also include each foreign national's country of origin.
- a) Of those, please list any criminal charges, convictions, gang affiliations, ties to terrorist organizations, or links to espionage activities to foreign governments these individuals have.
- 7) Has ICE recommended DHS ask DOS to invoke 243(d) visa sanctions since January 20, 2021, and if so, for which countries and on which dates?
- 8) Has the DOS leveraged the authorities in Section 243(d) of the Immigration and Nationality Act of halting visa issuance on active recalcitrant countries to recruit their cooperation since January 2021?
- 9) Has the DOS stopped issuing visas to any recalcitrant countries as of January 20, 2021?
- 10) Has DOS lifted visa sanctions for any recalcitrant country in addition to Laos?
- a) Please explain why the administration lifted the visa sanctions on Laos.

Sincerely,



Chip Roy
Member of Congress



Guy Reschenthaler
Member of Congress




Ann Wagner
Member of Congress



Clay Higgins
Member of Congress



Ralph Norman
Member of Congress



Jeff Van Drew
Member of Congress



Randy K. Weber
Member of Congress



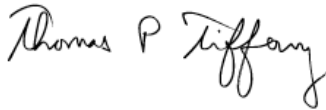
Brian Babin, D.D.S.
Member of Congress



Matt Gaetz
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Tom Tiffany
Member of Congress



Dan Crenshaw
Member of Congress



Eli Crane
Member of Congress



Brett Guthrie
Member of Congress

A stylized, cursive handwritten signature in black ink, appearing to read 'Pat Fallon'.

Pat Fallon
Member of Congress

A cursive handwritten signature in blue ink, appearing to read 'Andy Ogles'.

Andy Ogles
Member of Congress

A cursive handwritten signature in black ink, appearing to read 'Aaron Bean'.

Aaron Bean
Member of Congress