

# Congress of the United States

## Washington, DC 20515

October 17, 2022

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

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2703 Martin Luther King Jr. Avenue, Southeast  
Washington, DC 20593

Dear Secretary Blinken and Secretary Mayorkas,

We write to address the recent changes in the Biden Administration's enforcement process for Venezuelans seeking admission into the United States. As you are aware, we are experiencing historic levels of illegal immigration at our Southwest border, with no end in sight. According to statements made and briefings provided to Congress, the Department of State (State), in coordination with the Department of Homeland Security (DHS), is instituting a series of "joint actions" with Mexico, the precise nature and origins of which remain unclear. On that basis, we are exercising our Constitutional oversight responsibility to ensure transparency into what changes were made regarding Venezuelans, why they were made, and what effects they may have on migration flows.

The announced reforms will require Venezuelans, who enter the United States between ports of entry without authorization, to be returned to Mexico. The so-called "comprehensive effort" will grant 24,000 Venezuelans lawful status to reside in the United States. Incomprehensibly, the Biden Administration has claimed that this latter step will "reduce" illegal migration, even though it seems more likely to serve as a magnet for additional migrants, from Venezuela and elsewhere. Additionally, this new policy has the potential to push Venezuelan migrants to cross the border into the United States between ports of entry in areas that are known to have a small or overwhelmed Border Patrol presence, increasing their probability of successfully entering the United States with no screening or vetting.

To address confusion engendered by the rollout of this new immigration policy for Venezuelans and amidst the lack of detail and communication provided to Congress, we request answers to the following questions no later than October 28, 2022:

1. Why is this program being implemented for Venezuelans but not nationals of other countries who illegally cross the U.S.-Mexico Border including those who have similar—if not higher—migrant encounter numbers? Does the Biden Administration intend to expand this program beyond Venezuelans?
2. There are indications that the new changes are modeled after the Uniting for Ukraine program. Given significant geopolitical, geographic, and economic dissimilarities between Venezuela and Ukraine, why and how was the determination made that one program provided a useful template for the other?
3. The National Border Patrol Council has stated that there will be a daily cap on the number of Venezuelans that Mexico will receive as part of this new initiative. What is that daily total cap? What will happen once that cap is exceeded, and to what countries – other than Mexico – will additional Venezuelans be removed?
4. DHS’s Customs and Border Protection (CBP) has claimed that normal vetting procedures will apply to Venezuelans who are subject to these new policies. Are DHS or State coordinating with the corrupt Maduro regime to verify nationality, either directly or via an intermediary government? If not, how will CBP ensure the correct identity of those without documents?
5. Given the known nexus between Venezuela and Iran, as well as the history of Venezuelan regime diplomats selling passports to individuals with suspected terrorism ties<sup>1</sup>, how is the Administration mitigating fraud risks through what DHS calls “rigorous biometric and biographic national security and public safety screening and vetting”?
6. During a recent Congressional briefing, the Director of the State Department Bureau of Western Hemisphere Affairs (WHA) Migration Working Group said DHS is “handling” the bulk of these changes.<sup>2</sup> Which agency negotiated an agreement with Mexican government in the first place? Did State at any point grant C-175 negotiating authority to DHS for this or related agreements with regional governments? Please provide copies of any current or future such agreements in writing, pursuant to the Case Zablocki Act.
7. How is this policy being coordinated with Mexico? Are there humanitarian exemptions for Title 42? Did Mexico require additional humanitarian exemptions? Did Mexico request anything in return for accepting Venezuelans under this new U.S. policy? Under what, if any, conditions will Venezuelan family units and unaccompanied children be exempted under this new policy?
8. Is State’s Bureau of Population, Refugees, and Migration (PRM) planning to directly or indirectly (through the International Organization for Migration and/or U.N. High Commissioner on Refugees) fund shelters, services, travel, and/or vaccinations to Venezuelans that are returned to Mexico?
9. How will the U.S., Mexico, and Panama reinforce their coordinated enforcement operations to target human smuggling organizations and bring them to justice?
10. According to a recent Congressional staff briefing<sup>3</sup>, there will be a media campaign to alert Venezuelans throughout Mexico, South and Central America of this new policy.

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<sup>1</sup> Venezuela may have given passports to people with ties to terrorism accessed at <https://www.cnn.com/2017/02/08/world/venezuela-passports-investigation>, October 14, 2022.

<sup>2</sup> Information provided to Committee staff on October 13, 2022.


<sup>3</sup> *Id.*

Who is responsible for the media campaign? Who is in the working group for it? And when did the media campaign roll out?

11. For the Venezuelans who will be processed under this new policy, which agency and specifically which component will be responsible for screening and vetting? Where is said screening and vetting occurring, and will all Venezuelans have to undergo an in-person interview? How many personnel and from what entities will be assigned to work on this policy?
12. Will a valid Venezuelan passport be required for participation in this program? If so, how will DHS handle Venezuelans who do not possess a valid passport? Is that the only form of identification that will be accepted?
13. How does DHS plan to address the potential increase of the number of Venezuelan gotaways so they are returned to Mexico?
14. For the 24,000 Venezuelans who are enrolled in this policy, who will be financially or otherwise responsible for their transportation and other needs prior to their arrival at their final destination in the United States? Will the Venezuelan migrants be granted the same benefits as other migrants who illegally cross the border between ports of entry?
15. How will the Venezuelan migrants who are returned to Mexico be processed by CBP? What will happen to the Venezuelans who are returned to Mexico and what measures are in place to ensure they will not simply attempt reentry into the United States?
16. Please explain what will happen if the sponsor of a Venezuelan who was admitted under this process is placed in removal proceedings. If a sponsor is placed in removal proceedings, will this have any bearing on a Venezuelan national's status under this policy?

We look forward to your prompt responses to these inquiries.

Sincerely,



MICHAEL T. McCAUL  
Ranking Member  
House Foreign Affairs Committee



JOHN KATKO  
Ranking Member  
House Homeland Security Committee