

Congress of the United States
Washington, DC 20515

January 23, 2023

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
301 7th Street SW
Washington, DC 20528

Secretary Mayorkas,

I'm writing today to address reports of illegal immigrants and asylum seekers being permitted to board commercial aircraft within United States airports without the forms of identification and photographic verification that are required of U.S. citizens. This policy change follows reports that over 225,000 illegal immigrants were apprehended last month, a record monthly high, and U.S. Customs and Border Patrol data that shows 169 individuals on the terrorist watchlist were apprehended in Fiscal Year 2023.¹ This raises valid concerns over the security of our nation's airports.

A recent photograph from the Miami International Airport shared on social media shows that instructions are placed ahead of the Transportation Security Administration's (TSA) security line for non-U.S. citizens who do not otherwise have an acceptable form of identification.²

Additionally, separate lines at other airports with TSA checkpoints for non-U.S. citizens without passports have been seen.³ The instructions state that there is a test pilot of the CBP One app in partnership with the TSA to utilize the app as validation of alien identification information. They go on further to advise migrants that a TSA photo is in fact optional, so no photo identification is required other than what has already been provided through the CBP One app.

The Administration's desire to broadly expand the use of the CBP One app has major flaws when it comes to security. The data acquired by the app can be considered dubious when many of the individuals who cross our border come with no identifying material to begin with. If no

¹ Montoya-Galvez, Camilo. "Migrant Crossings at U.S. Southern Border Reach Record Monthly High in December." CBS News, December 28, 2023. <https://www.cbsnews.com/news/migrant-crossings-u-s-southern-border-record-monthly-high-december/>. ; "CBP Enforcement Statistics - U.S. Border Patrol TSDS Encounters Between Ports of Entry of Non-U.S. Citizens," U.S. Customs and Border Protection, accessed January 23, 2024, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

² Megan Palin, "US Travelers Outraged by Airport Signs Appearing to Allow Migrants onto Flights without Id: 'I'm Quite Offended,'" New York Post, January 20, 2024, <https://nypost.com/2024/01/19/news/are-migrants-allowed-to-board-us-flights-without-id/>.

³ Bill Melugin, "This Was the Sign at the 'Immigration Line' I Saw at Tucson Airport Last Night Where Airport Personnel Were Directing Illegal Immigrants Who Had Been Released w/ Their DHS Paperwork. Non Citizens w/ No Passports Only. This Was at TSA Security for Domestic Flight - Not at Customs,... Pic.Twitter.Com/H2spyxhu9j," Twitter, December 23, 2023, https://twitter.com/BillMelugin_/status/1738634471770075184.

passport or other certified information is available, a migrant routinely is allowed to provide a name, date of birth, and take a photo.⁴ This means that whatever information is provided at a point of entry, be it at a border immigration check point or upon being apprehended trying to slip through unnoticed, is taken as verified data within the CBP One app.

This alone should create serious concerns over the possibility of false identities being used to board a commercial airplane. However, in the past year, there have also been numerous functionality concerns with the CBP One app. The app has had a history of crashing and giving error messages and has issues with acquiring photos.⁵ It is deeply disturbing that DHS and TSA are promoting an unreliable application that regularly registers unverifiable information to remove the first layer of security within our airports. This is important, as when the DHS Office of Inspector General conducted covert tests of the TSA's checked baggage screening procedures in 2022, it found "vulnerabilities with TSA's screener performance, associated procedures, and screening equipment."⁶ This is a problem that has plagued the agency, and we should not be removing layers of security before individuals enter baggage claim.

This test pilot is also a brazen example of the Administration's lax border policies. Every day, almost 3 million people with valid identification fly in the United States, with a majority being American citizens. Our citizens are required to provide verifiable forms of state or federal identification and, most recently, have their photos taken before going through security. Many of the security obligations, and the very Department that you lead, were established in response to the events of September 11th, 2001. Allowing migrants who broke our laws to enter this country to bypass these protocols with unverifiable information should be considered an affront to the mission of the Department of Homeland Security.

I request answers to the following questions regarding this TSA CBP One test program:

1. How many illegal immigrants have been able to board U.S. commercial aircraft using this test program?
2. How many illegal immigrants using this test program have declined to have their photo taken and were permitted to board U.S. commercial aircraft?
3. As part of this test program, what are the guidelines or recommended steps to be taken by TSA agents when the CBP One app cannot provide information or otherwise fails?

⁴ Adam Shaw and Fox News, "Cruz Quizzes DHS on TSA Screening of Migrants Boarding Flights: 'This Is Alarming,'" Fox News, December 22, 2023, <https://www.foxnews.com/politics/cruz-quizzes-dhs-tsa-screening-migrants-boarding-flights-alarming>.

⁵ Abigail F. Kolker and Kristin Finklea, "CBP One Application: Evolution and Functionality," Congressional Research Service, May 30, 2023.

⁶ "Report Number OIG-22-61, Vulnerabilities Continue to Exist in TSA's Checked Baggage Screening," Office of Inspector General US Department of Homeland Security, accessed January 23, 2024, <https://www.oig.dhs.gov/reports/2022/u-vulnerabilities-continue-exist-tsas-checked-baggage-screening/oig-22-61-sep22>.

4. As part of this test program, what are the guidelines or recommended steps to be taken by TSA agents when the information provided on the CBP One app appears to be incomplete or false?

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Feenstra". The signature is stylized with a large, looping initial "R" and a series of horizontal strokes for the surname.

Randy Feenstra
Member of Congress

CC: David P. Pekoske, Administrator, Transportation Security Administration