

United States Senate

WASHINGTON, DC 20510

July 19, 2021

Mr. Troy A. Miller
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Acting Commissioner Miller:

I am writing regarding the U.S. Customs and Border Protection's (CBP) data on apprehensions of criminals, including confirmed gang members, at the southern border.

Under this administration, there has been an unprecedented surge of migrants at the southern border. Average apprehensions are over 6,000 per day. Along with this influx of migrants, there has also been an increase of arrests of criminal noncitizens. According to CBP data, from October 2020 to June 2021, U.S. Border Patrol has arrested 7,830 noncitizens with criminal convictions—a total that is already higher than fiscal years 2019 and 2020 combined.¹ From October 2020 to June 2021, apprehensions of individuals convicted of murder or homicide are up more than ten times from the previous fiscal year; illegal weapons possession, transport, or trafficking are up more than five times from the previous fiscal year; assault, battery, and domestic violence are up more than four times from the previous fiscal year; and sexual offenses are up more than two times from the previous fiscal year.² CBP also reported that in this current fiscal year there have been 249 apprehensions of individuals with gang affiliations.³

According to Matthew Hudak, Laredo Sector Chief Patrol Agent, gang members “attempt to evade arrest by exploiting the influx of migrants attempting to enter our country.”⁴ For example, in April, San Diego Sector Border Patrol agents arrested a confirmed MS-13 member traveling with five men near the border wall.⁵ On June 16, Border Patrol encountered a “MS-13 gang member among a group of 53 migrants, mainly families, entering the U.S. near Hidalgo, Texas.”⁶ On July 4, Border Patrol agents apprehended two Salvadorian members of MS-13, one of whom was part of “a group of 89 migrants composed mostly of families.”⁷

¹ *Criminal Noncitizen Statistics Fiscal Year 2021*, U.S. Customs and Border Protection, accessed July 19, 2021, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics>.

² *Id.*

³ *CBP Enforcement Statistics Fiscal Year 2021*, U.S. Customs and Border Protection, accessed July 19, 2021, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

⁴ Isabel Vincent, *MS-13, other gang members exploit migrant wave to cross into US*, New York Post, May 1, 2021, <https://nypost.com/2021/05/01/ms-13-other-gang-members-exploit-migrant-wave-to-cross-into-us/>.

⁵ *USBP Arrests MS-13 Gang Member, U.S. Customs and Border Protection*, Apr. 7, 2021, <https://www.cbp.gov/newsroom/local-media-release/usbp-arrests-ms-13-gang-member>.

⁶ Adam Shaw, *Border agents arrest more MS-13 gang members, sex offenders trying to illegally enter US*, Fox News, June 18, 2021, <https://www.foxnews.com/politics/border-agents-ms-13-gang-members-sex-offenders>.

⁷ Adam Shaw, *Border Patrol arrests sex offenders, MS-13 gang members over July 4 weekend in Rio Grande Valley*, Fox News, July 7, 2021, <https://www.foxnews.com/politics/border-patrol-sex-offenders-ms-13-gang-members-july-4-weekend-rio-grande-valley>.

Other recent arrests of violent gang members underscore the urgency needed to address the border crisis. On May 8, a reported MS-13 gang member with two ICE detainees was arrested for attempting to rape and assault a 15-year-old girl whom he lured into an apartment in Montgomery County, Maryland.⁸ In June, Border Patrol agents arrested a MS-13 member in Kingsville, Texas who had been previously arrested in 2007 and sentenced to 10 years in prison for “conspiracy to commit murder and aid racketeering.”⁹ On June 18, agents arrested a member of the Tango Blast gang with an “extensive criminal history” in the United States.¹⁰

This administration’s failure to enact policies to address the crisis at the border has emboldened gang members to exploit these lax security measures, enter this country illegally, and threaten the safety of all Americans. With this concern in mind, and based on CBP’s most recent data on apprehensions at the southwest border, I ask that you provide the following information:

1. CBP publishes yearly Border Patrol apprehensions of gang members filtered by gang affiliation dating back to FY 2015.¹¹ For each year, please provide the following information broken down by gang:
 - a. How many apprehended individuals had previous criminal convictions? Please provide the types of criminal convictions and the amount of individuals who received each conviction.
 - b. How many apprehended individuals had previously attempted to cross the border?
 - c. How many apprehended individuals attempted to cross the border in a group of five or more people?
 - d. How many apprehended individuals entered the country as unaccompanied alien children?
2. Please provide the countries of origin of “criminal noncitizens” arrested by U.S. Border Patrol and the number of criminal noncitizens from each country per year from FY 2016 to the present.¹²
3. How does CBP track or otherwise become aware of home-country criminal or gang activity of migrants it apprehends?

⁸ Kevin Lewis, *FaceTime saves girl, 15, from rape after MS-13 member lures her into home, police say*, KPIC, June 30, 2021, <https://www.kpic.com/news/nation-world/face-time-saves-girl-15-from-rape-after-ms-13-member-lures-her-into-home-police-say>; John Binder, *Sanctuary County Twice Freed Illegal Accused of Trying to Rape Teen Girl*, Breitbart, July 2, 2021, <https://www.breitbart.com/politics/2021/07/02/maryland-sanctuary-county-twice-freed-illegal-alien-ms-13-gang-member-accused-of-trying-to-rape-15-year-old>.

⁹ Adam Shaw, *Border agents arrest more MS-13 gang members, sex offenders trying to illegally enter US*, Fox News, June 18, 2021, <https://www.foxnews.com/politics/border-agents-ms-13-gang-members-sex-offenders>.

¹⁰ *Id.*

¹¹ *CBP Enforcement Statistics Fiscal Year 2021*, U.S. Customs and Border Protection, accessed July 19, 2021, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

¹² *Criminal Noncitizen Statistics Fiscal Year 2021*, U.S. Customs and Border Protection, accessed July 19, 2021, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-noncitizen-statistics>.

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Please provide this information as soon as possible but no later than 5:00 p.m. on August 2, 2021. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations