

# United States Senate

Washington, DC 20510

September 10, 2024

The Honorable Merrick Garland, Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue  
Washington, D.C. 20530

The Honorable Alejandro Mayorkas, Secretary  
United States Department of Homeland Security  
245 Murray Lane SW  
Washington, D.C. 20528

Dear Attorney General Garland and Secretary Mayorkas,

We write to you with urgent and serious concerns regarding the Cuba-Haiti-Nicaragua-Venezuela (CHNV) Parole Program, recently administered by the Biden-Harris administration. Between January 2023 and July 2024, this program facilitated the entry of approximately 520,000 illegal aliens via commercial air travel. Eighty percent landed in Florida. Houston, Dallas, and Austin, Texas, were also among the top destinations for these aliens, accounting for 10,350 arrivals during the program's first eight months.<sup>1</sup> This program was intended to provide a pathway, not authorized by Congress, for unauthorized individuals from these four nations to enter our country. However, a new internal U.S. Citizenship and Immigration Services (USCIS) report obtained by the Federation for American Immigration Reform (FAIR) reveals severe and systemic flaws that jeopardize our national security and public safety.<sup>2</sup>

In response to mounting evidence and growing criticism, the Biden administration decided to temporarily halt the CHNV Parole Program in mid-July "out of an

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<sup>1</sup> Adam Shaw, Bill Melugin, *DHS docs reveal where paroled migrants under controversial Biden flight program are landing*, FOX NEWS (Apr. 30, 2024), <https://www.foxnews.com/politics/dhs-docs-reveal-where-migrants-under-controversial-biden-flight-program-are-landing/>.

<sup>2</sup> *Internal Homeland Security Report Proves Biden-Harris-Mayorkas CHNV Parole Program Loaded with Fraud*, FED'N FOR IMMIGR. REFORM (Jul. 31, 2024), <https://www.fairus.org/news/executive/internal-homeland-security-report-proves-biden-harris-mayorkas-chnv-parole-program>.

abundance of caution” so it could undertake a review of supporter applications.<sup>3</sup> After less than six weeks of pause, the Department of Homeland Security recently restarted the program, which now requires those who wish to sponsor illegal aliens to submit fingerprints for the vetting process.<sup>4</sup> Officials announced plans to more closely review the financial and criminal records of would-be sponsors, and increase scrutiny of repeat sponsors.

These stop-gap marginal improvements and platitudes to improve the program do not solve the fundamental fraud, failure, and illegality of the CHNV program. This fundamentally-flawed program must be permanently dismantled, and steps must be taken to ensure that future immigration policies are both lawful and effective.

### **Critical Issues with the CHNV Parole Program**

Recent findings from USCIS and other related investigations have revealed several alarming issues with the CHNV Parole Program:

- **Violates Existing Law:** The CHNV Parole Program is inherently unlawful. It violates statutory requirements under Section 212(d)(5) of the Immigration and Nationality Act (INA), which mandates that parole be granted only on a case-by-case basis for significant public benefit or urgent humanitarian need.<sup>5</sup> By establishing a categorical program based on nationality, the Biden administration created a parallel immigration system without congressional approval. Moreover, there are open questions on whether the parole will be truly temporary, or whether this is a bait-and-switch that gives individuals an indefinite time to remain in the U.S. without proper status.
- **Inadequate Vetting and Oversight:** The vetting process for applications was alarmingly deficient, allowing fraudulent submissions to be processed with minimal scrutiny. There have been many instances of crimes, such as sexual

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<sup>3</sup> Press Release, *CHNV Parole Processes*, U.S. CUSTOMS AND BORDER PROTECTION (Aug. 16, 2024), <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-july-2024-monthly-update/>.

<sup>4</sup> Camilo Montoya-Galvez, *U.S. to reopen migrant sponsor program with new vetting process aimed at curbing fraud*, CBS NEWS (Aug. 29, 2024), <https://www.cbsnews.com/news/us-migrant-sponsor-program-chnv-reopening-vetting/>.

<sup>5</sup> See 8 U.S.C. § 1182(d)(5) (stating, “[T]he Attorney General may . . . in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States”).

assault, rape, and murder committed by CHNV participants.<sup>6</sup> This pervasive failure in oversight has severely undermined the program's integrity.

- **Massive Fraud:** The program was plagued by extensive use of fraudulent Social Security Numbers, including those of deceased individuals.<sup>7</sup> An internal Homeland Security Report found that a total of 100,948 forms had been filed by 3,218 different serial sponsors.<sup>8</sup> It also notes that sponsors often did not provide their income (even though the sponsor is financially required to support the alien). Sponsors that did provide their incomes “often [did] not meet the financial threshold to support the number of parolees they intend to sponsor.” Additionally, there were numerous instances of fictitious phone numbers and non-existent physical addresses provided to the government. Furthermore, thousands of applications used identical false information, suggesting a coordinated attempt to exploit the program. Scammers have been charging up to \$5,000 for sponsorship,<sup>9</sup> which underscores the program's vulnerability to exploitation by traffickers and other malicious actors.
- **Increased National Security Risks:** The program has exposed serious security risks. Limited diplomatic relations with Cuba, Venezuela, and Nicaragua, coupled with the lack of a functional government in Haiti, impede effective vetting of applicants. The broader context of the current border crisis, exacerbated by the Biden administration's immigration policies, has resulted in a record number of illegal border crossings. This unprecedented surge has overwhelmed our border enforcement resources and heightened the risks associated with inadequate immigration controls. Given these grave concerns, it is clear that the CHNV Parole Program represents a profound failure of policy and administration. The program has not only facilitated widespread fraud, but has also exposed serious vulnerabilities in our immigration system, leading to dire consequences for public safety.

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<sup>6</sup> Charlie McKenna, *Haitian migrant accused of rape detained by feds while out on bail, DA says*, MASSLIVE (Aug. 13, 2024), <https://www.masslive.com/news/2024/08/haitian-migrant-accused-of-rape-detained-by-feds-while-out-on-bail-da-says.html>.

<sup>7</sup> Adam Shaw, *Biden Admin Freezes Controversial Migrant Flight Program After Fraud Revelations*, FOX NEWS (Aug. 2, 2024), <https://www.foxnews.com/politics/biden-admin-freezes-controversial-migrant-flight-program-after-fraud-revelations/>.

<sup>8</sup> *Supra*, fn. 1.

<sup>9</sup> *Biden-Harris Parole Program Halted as FAIR Exposes Massive Fraud*, FED'N FOR IMMIGR. REFORM (Aug. 6, 2024), <https://www.fairus.org/news/executive/biden-harris-parole-program-halted-fair-exposes-massive-fraud/>.

## Incentivizing Venezuelan Illegal Immigration and Increasing Crime

The CHNV Parole Program has also been associated with a significant increase in the number of Venezuelans entering the United States, leading to a troubling rise in crime associated with this influx.<sup>10</sup> Prior to the Biden administration's radical policy changes, Venezuelan illegal immigration was substantially lower. However, the introduction of Temporary Protected Status (TPS) for Venezuelans and the expansion of the CHNV Parole Program led to a dramatic surge in illegal entries. In Fiscal Year 2023 alone, U.S. Customs and Border Protection (CBP) encountered over 266,071 Venezuelans at the Southwest border, a stark increase from previous years.<sup>11</sup>

This dramatic rise in Venezuelan illegal aliens has been accompanied by an increase in criminal activity. One alarming trend is the presence of violent Venezuelan gangs operating within the United States. The Tren de Aragua (TdA), a notorious Venezuelan gang,<sup>12</sup> has established a significant presence in various U.S. cities, including New York, Miami, and Chicago. The gang is linked to a range of criminal activities, including drug trafficking, extortion, and violent assaults.<sup>13</sup>

The case of José Ibarra, a Venezuelan illegal alien charged with the brutal murder of 22-year-old nursing student Laken Riley in Athens, Georgia, underscores the risks associated with this influx.<sup>14</sup> Ibarra's connection to TdA, and others like him, highlights the potential for dangerous individuals to exploit the CHNV Parole Program to enter the country to commit crimes. This was not an isolated incident. More recently, the tragic sexual assault and murder of 12-year-old Jocelyn Nungaray

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<sup>10</sup> Andrew R. Arthur, *Is Venezuela Sending Violent Criminals to the United States?*, CTR. FOR IMMIGR. STUD. (Mar. 15, 2024), <https://cis.org/Arthur/Venezuela-Sending-Violent-Criminals-United-States/>.

<sup>11</sup> U.S. CUSTOMS AND BORDER PROT., NATIONWIDE ENCOUNTERS (2024), <https://www.cbp.gov/newsroom/stats/nationwide-encounters/>.

<sup>12</sup> U.S. DEP'T OF TREASURY, TREASURY SANCTIONS TREN DE ARAGUA AS A TRANSNATIONAL CRIMINAL ORGANIZATION (2024), <https://home.treasury.gov/news/press-releases/jy2459>.

<sup>13</sup> Audrey Conklin, *Violent Venezuelan Prison Gang Infiltrating U.S., Becoming More Organized and Brazen: MS-13 on Steroids*, FOX NEWS (Aug. 7, 2024), <https://www.foxnews.com/us/violent-venezuelan-prison-gang-infiltrating-us-becoming-more-organized-brazen-ms-13-steroids>.

<sup>14</sup> Ronny Reyes, *Laken Riley's Suspected Killer Linked to Bloodthirsty Venezuelan Gang Behind Terror in NYC: Court Docs*, N.Y. POST (Mar. 7, 2024), <https://nypost.com/2024/03/07/us-news/brother-of-laken-rileys-suspected-killer-has-ties-to-venezuela-gang-prosecutors/>.

by two Venezuelan illegal aliens on June 16, 2024, indicates the broad-based dangers posed by the Biden-Harris administration's immigration policies. These recent tragedies reflect government incompetence in the vetting of dangerous criminal aliens who are entering our country every day.

The surge in Venezuelan illegal immigration associated with Temporary Protected Status and the CHNV Parole Program has also led to increased scrutiny and concern about the potential for additional criminal elements entering the country. The CHNV program's design, which allows for large-scale entry without thorough individual vetting, has made it easier for criminal elements to exploit the system and to enter the interior of the United States. In tandem with the current border crisis, the CHNV program does not only pose a direct threat to public safety but also strains law enforcement resources as they work to address the rising crime rates associated with an influx of inadequately vetted aliens.

### **Call for Immediate Action**

In light of these findings, we call on the administration to take decisive action to permanently end the CHNV Parole Program and to commit to never initiating a similar program in the future. The continuation or replication of such flawed programs could only further compromise our national security and public safety.

To this end, we urge you to take the following immediate actions:

- **Terminate the CHNV Parole Program Immediately:** The program has proven ineffective, unlawful, and hazardous. It should be ended without delay, and no similar programs should be established in the future.
- **Enhance Border Security and Immigration Enforcement:** Support the enactment of H.R. 2, implement robust measures to secure our borders, enforce existing immigration laws, and prevent further exploitation of our immigration system.
- **Conduct a Comprehensive Investigation:** Investigate the failures and abuses associated with the CHNV Parole Program and hold those responsible for its implementation and oversight accountable.
- **Restore Congressional Oversight:** Ensure that any future immigration policies comply with statutory requirements and are subject to appropriate congressional review and approval.

Our nation's security and the safety of our citizens demand that we act decisively to address these critical issues. We must restore confidence in our immigration policies and ensure that our systems are both secure and effective.

Thank you for your attention to this urgent matter. We look forward to your support in taking meaningful action to address these pressing concerns and in restoring our nation's sovereignty.

Sincerely,



Ted Cruz  
United States Senator



Mike Lee  
United States Senator



Roger Marshall, M.D.  
United States Senator



Ron Johnson  
United States Senator



Bill Cassidy, M.D.  
United States Senator



Charles E. Grassley  
United States Senator



Deb Fischer  
United States Senator



Eric Schmitt  
United States Senator



Steve Daines  
United States Senator



James Lankford  
United States Senator



Tim Scott  
United States Senator



Josh Hawley  
United States Senator



Katie Boyd Britt  
United States Senator



Mike Braun  
United States Senator



John Hoeven  
United States Senator



Pete Ricketts  
United States Senator



Marsha Blackburn  
United States Senator