

United States Senate
WASHINGTON, DC 20510-0609

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

November 16, 2022

Dear Secretary Mayorkas, Acting Director Johnson, and SOPD Officer for CRCL Peter Mina:

We write to you today with grave concerns regarding the governance and functions of the Alternatives to Detention Case Management Pilot Program (CMPP). While the Department of Homeland Security (DHS) never misses an opportunity to tout the program as “congressionally directed,” reports now suggest that the program has been mismanaged and control has been ceded to open-borders advocates. It is appalling, though not surprising from the current administration, that a program designed to augment Alternatives to Detention (ATDs) would be used as a ploy to further leftist ideology instead of enhancing the critical mission tasked to the Department.

Last year, DHS announced that it was seeking members to serve on the National Board of the Case Management Pilot Program. Earlier this year, DHS announced that Church World Service (CWS) would act as the Board’s Secretariat and Fiscal Agent. CWS has been at the forefront of pro-open border and anti-enforcement activities for years, going as far as advocating for the diverting of funds away from U.S. Immigrations and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) enforcement activities and even ultimately supporting the “Abolish ICE” movement. That organization now has a fiduciary responsibility directly tied to ICE, detention matters, and the immigration enforcement process overall.

This questionable governance only gets worse, as a recent contract solicitation makes it clear that CWS would be primarily responsible in determining which local government or non-governmental organizations (NGOs) would be awarded portions of the contract. With core beliefs so fervently against the existence of ICE and the enforcement of our laws, we cannot trust that this process will be transparent and that CWS will not simply select solicitations from those that politically and ideologically align with its own warped world-view. Departmental leadership is derelict in its duty to allow this blatant conflict to continue unchecked.

Beyond the clear impropriety in management, we are also curious as to the functions and targeted population for the Case Management Pilot Program. While the statutory language does not specify, the DHS website suggests that the National Board is comprised of experienced nonprofits in “programs for asylees and refugees,” yet the litany of offered services suggests that it’s available to a much wider array of aliens. We would posit that the Department only seeks those nonprofits with experience in protection matters because it believes that everyone entering the United States should be allowed to stay and is eligible for asylum. This has been the crux of several actions, including rulemakings, undertaken by DHS

in the past two years. And if the Department opens with that premise, it stands to reason that the services offered are aligned accordingly and likewise providing services to that end. Without more transparency, Congress cannot evaluate the Case Management Pilot Program, and, given its National Board, Congress certainly cannot rely on internal governance to police the program.

The lack of public information regarding this program is troubling and Congress, as its authorizer and appropriator, has an interest in better understanding each facet of it. Accordingly, please provide a written response to each of these questions to our offices within 15 days.

1. Who are the members of the National Board of the DHS Case Management Pilot Program?
2. How was each board member selected?
3. What was the process under which Church World Services was selected as the Secretariat/Fiscal Agent?
4. Please provide a copy of all governance documents for the National Board (charter, bylaws, etc.).
5. What is the role of the Secretariat/Fiscal Agent?
6. To what extent, will Church World Services award the contracts in the most recent solicitation?
7. How many aliens are presently enrolled in the Case Management Pilot Program?
8. Please provide a detailed list of the services provided to each alien presently within program including which organization is providing each service.
9. Please detail the legal orientation program that is offered and provide information on the nonprofits involved in that program.
10. What are the criteria for an alien to be considered for the Case Management Pilot Program?
11. What operational objective is accomplished by the Case Management Pilot Program?
12. How does the Case Management Pilot Program supplement the existing Alternatives to Detention Program?
13. How does the Case Management Pilot Program provide best practices to ICE on Alternatives to Detention?
14. The Intensive Supervision Appearance Program (ISAP) offers the services listed under the Case Management Pilot Program. Has ICE conducted any studies on the impact of these services on compliance with final orders of removal?

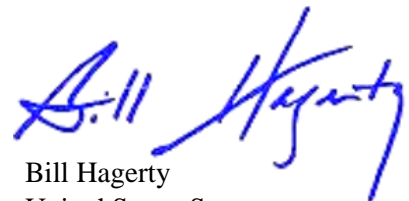
It is well-past time that the Case Management Pilot Program be subject to the oversight that it so sorely needs. Congress has a duty, including a fiduciary duty, to ensure that taxpayer money is spent correctly and that a congressionally directed pilot program has not been usurped as a means of funneling money to NGOs espousing rhetoric aimed at frustrating and dismantling immigration enforcement and our nation's borders.

We look forward to your response.

Sincerely,



Roger Marshall, M.D.
United States Senator



Bill Hagerty
United States Senator

CC: Acting Director Johnson
SOPD Officer for CRCL Peter Mina