

1 Office on Impeachment for, and Conviction of, Treason,
2 Bribery, or other high Crimes and Misdemeanors”. In his
3 conduct while Secretary of Homeland Security, Alejandro
4 N. Mayorkas, in violation of his oath to support and de-
5 fend the Constitution of the United States against all en-
6 emies, foreign and domestic, to bear true faith and alle-
7 giance to the same, and to well and faithfully discharge
8 the duties of his office, has willfully and systemically re-
9 fused to comply with Federal immigration laws, in that:

10 Throughout his tenure as Secretary of Homeland Se-
11 curity, Alejandro N. Mayorkas has repeatedly violated
12 laws enacted by Congress regarding immigration and bor-
13 der security. In large part because of his unlawful conduct,
14 millions of aliens have illegally entered the United States
15 on an annual basis with many unlawfully remaining in the
16 United States. His refusal to obey the law is not only an
17 offense against the separation of powers in the Constitu-
18 tion of the United States, it also threatens our national
19 security and has had a dire impact on communities across
20 the country. Despite clear evidence that his willful and
21 systemic refusal to comply with the law has significantly
22 contributed to unprecedented levels of illegal entrants, the
23 increased control of the Southwest border by drug cartels,
24 and the imposition of enormous costs on States and local-
25 ities affected by the influx of aliens, Alejandro N.

1 Mayorkas has continued in his refusal to comply with the
2 law, and thereby acted to the grave detriment of the inter-
3 ests of the United States.

4 Alejandro N. Mayorkas engaged in this scheme or
5 course of conduct through the following means:

6 (1) Alejandro N. Mayorkas willfully refused to
7 comply with the detention mandate set forth in sec-
8 tion 235(b)(2)(A) of the Immigration and Nation-
9 ality Act, requiring that all applicants for admission
10 who are “not clearly and beyond a doubt entitled to
11 be admitted...shall be detained for a [removal] pro-
12 ceeding...”. Instead of complying with this require-
13 ment, Alejandro N. Mayorkas implemented a catch
14 and release scheme, whereby such aliens are unlaw-
15 fully released, even without effective mechanisms to
16 ensure appearances before the immigration courts
17 for removal proceedings or to ensure removal in the
18 case of aliens ordered removed.

19 (2) Alejandro N. Mayorkas willfully refused to
20 comply with the detention mandate set forth in sec-
21 tion 235(b)(1)(B)(ii) of such Act, requiring that an
22 alien who is placed into expedited removal pro-
23 ceedings and determined to have a credible fear of
24 persecution “shall be detained for further consider-
25 ation of the application for asylum”. Instead of com-

1 plying with this requirement, Alejandro N. Mayorkas
2 implemented a catch and release scheme, whereby
3 such aliens are unlawfully released, even without ef-
4 fective mechanisms to ensure appearances before the
5 immigration courts for removal proceedings or to en-
6 sure removal in the case of aliens ordered removed.

7 (3) Alejandro N. Mayorkas willfully refused to
8 comply with the detention set forth in section
9 235(b)(1)(B)(iii)(IV) of such Act, requiring that an
10 alien who is placed into expedited removal pro-
11 ceedings and determined not to have a credible fear
12 of persecution “shall be detained...until removed”.
13 Instead of complying with this requirement,
14 Alejandro N. Mayorkas has implemented a catch
15 and release scheme, whereby such aliens are unlaw-
16 fully released, even without effective mechanisms to
17 ensure appearances before the immigration courts
18 for removal proceedings or to ensure removal in the
19 case of aliens ordered removed.

20 (4) Alejandro N. Mayorkas willfully refused to
21 comply with the detention mandate set forth in sec-
22 tion 236(c) of such Act, requiring that a criminal
23 alien who is inadmissible or deportable on certain
24 criminal and terrorism-related grounds “shall [be]
25 take[n] into custody” when the alien is released

1 from law enforcement custody. Instead of complying
2 with this requirement, Alejandro N. Mayorkas issued
3 “Guidelines for the Enforcement of Civil Immigra-
4 tion Laws”, which instructs Department of Home-
5 land Security (hereinafter referred to as “DHS”) of-
6 ficials that the “fact an individual is a removable
7 noncitizen...should not alone be the basis of an en-
8 forcement action against them” and that DHS “per-
9 sonnel should not rely on the fact of convic-
10 tion...alone”, even with respect to aliens subject to
11 mandatory arrest and detention pursuant to section
12 236(c) of such Act, to take them into custody. In
13 *Texas v. United States*, 40 F.4th 205 (2022), the
14 United States Court of Appeals for the Fifth Circuit
15 concluded that these guidelines had “every indica-
16 tion of being ‘a general policy that is so extreme as
17 to amount to an abdication of...statutory responsibil-
18 ities’” and that its “replacement of Congress’s stat-
19 utory mandates with concerns of equity and race is
20 extralegal...[and] plainly outside the bounds of the
21 power conferred by the INA”.

22 (5) Alejandro N. Mayorkas willfully refused to
23 comply with the detention mandate set forth in sec-
24 tion 241(a)(2) of such Act, requiring that an alien
25 ordered removed “shall [be] detain[ed]” during “the

1 removal period”. Instead of complying with this
2 mandate, Alejandro N. Mayorkas issued “Guidelines
3 for the Enforcement of Civil Immigration Laws”,
4 which instructs DHS officials that the “fact an indi-
5 vidual is a removable noncitizen...should not alone be
6 the basis of an enforcement action against them”
7 and that DHS “personnel should not rely on the
8 fact of conviction...alone”, even with respect to
9 aliens subject to mandatory detention and removal
10 pursuant to section 241(a) of such Act.

11 (6) Alejandro N. Mayorkas willfully exceeded
12 his parole authority set forth in section 212(d)(5)(A)
13 of such Act that permits parole to be granted “only
14 on a case-by-case basis”, temporarily, and “for ur-
15 gent humanitarian reasons or significant public ben-
16 efit”, in that:

17 (A) Alejandro N. Mayorkas paroled aliens
18 *en masse* in order to release them from manda-
19 tory detention, despite the fact that, as the
20 United States Court of Appeals for the Fifth
21 Circuit concluded in *Texas v. Biden*, 20 F.4th
22 928 (2021), “parol[ing] every alien [DHS] can-
23 not detain is the opposite of the ‘case-by-case
24 basis’ determinations required by law” and
25 “DHS’s pretended power to parole aliens while

1 ignoring the limitations Congress imposed on
2 the parole power [is] not *nonenforcement*; it's
3 *misenforcement*, suspension of the INA, or
4 both''.

5 (B) Alejandro N. Mayorkas created, re-
6 opened, or expanded a series of categorical pa-
7 role programs never authorized by Congress for
8 foreign nationals outside of the United States,
9 including for certain Central American minors,
10 Ukrainians, Venezuelans, Cubans, Haitians,
11 Nicaraguans, Colombians, Salvadorans, Guate-
12 malans, and Hondurans, which enabled hun-
13 dreds of thousands of inadmissible aliens to
14 enter the United States in violation of the laws
15 enacted by Congress.

16 (7) Alejandro N. Mayorkas willfully exceeded
17 his release authority set forth in section 236(a) of
18 such Act that permits, in certain circumstances, the
19 release of aliens arrested on an administrative war-
20 rant, in that Alejandro N. Mayorkas released aliens
21 arrested without a warrant despite their being sub-
22 ject to a separate applicable mandatory detention re-
23 quirement set forth in section 235(b)(2) of such Act.
24 Alejandro N. Mayorkas released such aliens by
25 retroactively issuing administrative warrants in an

1 attempt to circumvent section 235(b)(2) of such Act.
2 In *Florida v. United States*, No. 3:21-cv-1066-TKW-
3 ZCB (N.D. Fla. Mar. 8, 2023), the United States
4 District Court of the Northern District of Florida
5 noted that “[t]his sleight of hand – using an ‘arrest’
6 warrant as a de facto ‘release’ warrant – is adminis-
7 trative sophistry at its worst”. In addition, the court
8 concluded that “what makes DHS’s application of
9 [236(a)] in this manner unlawful...is that
10 [235(b)(2)], not [236(a)], governs the detention of
11 applicants for admission whom DHS places
12 in...removal proceedings after inspection”.

13 Alejandro N. Mayorkas’s willful and systemic refusal
14 to comply with the law has had calamitous consequences
15 for the Nation and the people of the United States, includ-
16 ing:

17 (1) During fiscal years 2017 through 2020, an
18 average of about 590,000 aliens each fiscal year
19 were encountered as inadmissible aliens at ports of
20 entry on the Southwest border or apprehended be-
21 tween ports of entry. Thereafter, during Alejandro
22 N. Mayorkas’s tenure in office, that number sky-
23 rocketed to over 1,400,000 in fiscal year 2021, over
24 2,300,000 in fiscal year 2022, and over 2,400,000 in
25 fiscal year 2023. Similarly, during fiscal years 2017

1 through 2020, an average of 130,000 persons who
2 were not turned back or apprehended after making
3 an illegal entry were observed along the border each
4 fiscal year. During Alejandro N. Mayorkas's tenure
5 in office, that number more than trebled to 400,000
6 in fiscal year 2021, 600,000 in fiscal year 2022, and
7 750,000 in fiscal year 2023.

8 (2) American communities both along the
9 Southwest border and across the United States have
10 been devastated by the dramatic growth in illegal en-
11 tries, the number of aliens unlawfully present, and
12 substantial rise in the number of aliens unlawfully
13 granted parole, creating a fiscal and humanitarian
14 crisis and dramatically degrading the quality of life
15 of the residents of those communities. For instance,
16 since 2022, more than 150,000 migrants have gone
17 through New York City's shelter intake system. In-
18 deed, the Mayor of New York City has said that "we
19 are past our breaking point" and that "[t]his issue
20 will destroy New York City". In fiscal year 2023,
21 New York City spent \$1,450,000,000 addressing
22 Alejandro N. Mayorkas's migrant crisis, and city of-
23 ficials fear it will spend another \$12,000,000,000
24 over the following three fiscal years, causing painful
25 budget cuts to important city services.

1 (3) Alejandro N. Mayorkas's unlawful mass re-
2 lease of apprehended aliens and unlawful mass grant
3 of categorical parole to aliens have enticed an in-
4 creasing number of aliens to make the dangerous
5 journey to our Southwest border. Consequently, ac-
6 cording to the United Nations's International Orga-
7 nization for Migration, the number of migrants in-
8 tending to illegally cross our border who have per-
9 ished along the way, either en route to the United
10 States or at the border, almost doubled during the
11 tenure of Alejandro N. Mayorkas as Secretary of
12 Homeland Security, from an average of about 700
13 a year during the fiscal years 2017 through 2020,
14 to an average of about 1,300 a year during the fiscal
15 years 2021 through 2023.

16 (4) Alien smuggling organizations have gained
17 tremendous wealth during Alejandro N. Mayorkas's
18 tenure as Secretary of Homeland Security, with
19 their estimated revenues rising from about
20 \$500,000,000 in 2018 to approximately
21 \$13,000,000,000 in 2022.

22 (5) During Alejandro N. Mayorkas's tenure as
23 Secretary of Homeland Security, the immigration
24 court backlog has more than doubled from about
25 1,300,000 cases to over 3,000,000 cases. The ex-

1 ploding backlog is destroying the courts’ ability to
2 administer justice and provide appropriate relief in
3 a timeframe that does not run into years or even
4 decades. As Alejandro N. Mayorkas acknowledged,
5 “those who have a valid claim to asylum...often wait
6 years for a...decision; likewise, noncitizens who will
7 ultimately be found ineligible for asylum or other
8 protection—which occurs in the majority of cases—
9 often have spent many years in the United States
10 prior to being ordered removed”. He noted that of
11 aliens placed in expedited removal proceedings and
12 found to have a credible fear of persecution, and
13 thus referred to immigration judges for removal pro-
14 ceedings, “significantly fewer than 20 percent...were
15 ultimately granted asylum” and only “28 percent of
16 cases decided on their merits are grants of relief”.
17 Alejandro N. Mayorkas also admitted that “the fact
18 that migrants can wait in the United States for
19 years before being issued a final order denying relief,
20 and that many such individuals are never actually
21 removed, likely incentivizes migrants to make the
22 journey north”.

23 (6) During Alejandro N. Mayorkas’s tenure as
24 Secretary of Homeland Security, approximately
25 450,000 unaccompanied alien children have been en-

1 countered at the Southwest border, and the vast ma-
2 jority have been released into the United States. As
3 a result, there has been a dramatic upsurge in mi-
4 grant children being employed in dangerous and ex-
5 ploitative jobs in the United States.

6 (7) Alejandro N. Mayorkas's failure to enforce
7 the law, drawing millions of illegal aliens to the
8 Southwest border, has led to the reassignment of
9 U.S. Border Patrol agents from protecting the bor-
10 der from illicit drug trafficking to processing illegal
11 aliens for release. As a result, during Alejandro N.
12 Mayorkas's tenure as Secretary of Homeland Secu-
13 rity, the flow of fentanyl across the border and other
14 dangerous drugs, both at and between ports of
15 entry, has increased dramatically. U.S. Customs and
16 Border Protection seized approximately 4,800
17 pounds of fentanyl in fiscal year 2020, approxi-
18 mately 11,200 pounds in fiscal year 2021, approxi-
19 mately 14,700 pounds in fiscal year 2022, and ap-
20 proximately 27,000 pounds in fiscal year 2023. Over
21 70,000 Americans died from fentanyl poisoning in
22 2022, and fentanyl is now the number one killer of
23 Americans between the ages of 18 and 45.

24 (8) Alejandro N. Mayorkas has degraded public
25 safety by leaving wide swaths of the border effec-

1 tively unpatrolled as U.S. Border Patrol agents are
2 diverted from guarding the border to processing for
3 unlawful release the heightening waves of appre-
4 hended aliens (many who now seek out agents for
5 the purpose of surrendering with the now reasonable
6 expectation of being released and granted work au-
7 thorization), and Federal Air Marshals are diverted
8 from protecting the flying public to assist in such
9 processing.

10 (9) During Alejandro N. Mayorkas's tenure as
11 Secretary of Homeland Security, the U.S. Border
12 Patrol has encountered an increasing number of
13 aliens on the terrorist watch list. In fiscal years
14 2017 through 2020 combined, 11 noncitizens on the
15 terrorist watchlist were caught attempting to cross
16 the Southwest border between ports of entry. That
17 number increased to 15 in fiscal year 2021, 98 in
18 fiscal year 2022, 169 in fiscal year 2023, and 49 so
19 far in fiscal year 2024.

20 Additionally, in *United States v. Texas*, 599 U.S. 670
21 (2023), the United States Supreme Court heard a case
22 involving Alejandro N. Mayorkas's refusal to comply with
23 certain Federal immigration laws that are at issue in this
24 impeachment. The Supreme Court held that States have
25 no standing to seek judicial relief to compel Alejandro N.

1 Mayorkas to comply with certain legal requirements con-
2 tained in the Immigration and Nationality Act. However,
3 the Supreme Court held that “even though the federal
4 courts lack Article III jurisdiction over this suit, other fo-
5 rums remain open for examining the Executive Branch’s
6 enforcement policies. For example, Congress possesses an
7 array of tools to analyze and influence those policies [and]
8 those are political checks for the political process”. One
9 such critical tool for Congress to influence the Executive
10 Branch to comply with the immigration laws of the United
11 States is impeachment. The dissenting Justice noted,
12 “The Court holds Texas lacks standing to challenge a fed-
13 eral policy that inflicts substantial harm on the State and
14 its residents by releasing illegal aliens with criminal con-
15 victions for serious crimes. In order to reach this conclu-
16 sion, the Court...holds that the only limit on the power
17 of a President to disobey a law like the important provi-
18 sion at issue is Congress’ power to employ the weapons
19 of inter-branch warfare...”. As the dissenting Justice ex-
20 plained, “Congress may wield what the Solicitor General
21 described as ‘political...tools’—which presumably means
22 such things as...impeachment and removal”. Indeed, dur-
23 ing oral argument, the Justice who authored the majority
24 opinion stated to the Solicitor General, “I think your posi-
25 tion is, instead of judicial review, Congress has to resort

1 to shutting down the government or impeachment or dra-
2 matic steps...”. Here, in light of the inability of injured
3 parties to seek judicial relief to remedy the refusal of
4 Alejandro N. Mayorkas to comply with Federal immigra-
5 tion laws, impeachment is Congress’s only viable option.

6 In all of this, Alejandro N. Mayorkas willfully and
7 systemically refused to comply with the immigration laws,
8 failed to control the border to the detriment of national
9 security, compromised public safety, and violated the rule
10 of law and separation of powers in the Constitution, to
11 the manifest injury of the people of the United States.

12 Wherefore Alejandro N. Mayorkas, by such conduct,
13 has demonstrated that he will remain a threat to national
14 and border security, the safety of the United States peo-
15 ple, and the Constitution if allowed to remain in office,
16 and has acted in a manner grossly incompatible with his
17 duties and the rule of law. Alejandro N. Mayorkas thus
18 warrants impeachment and trial, removal from office, and
19 disqualification to hold and enjoy any office of honor,
20 trust, or profit under the United States.

21 ARTICLE II: BREACH OF PUBLIC TRUST

22 The Constitution provides that the House of Rep-
23 resentatives “shall have the sole Power of Impeachment”
24 and that civil Officers of the United States, including the
25 Secretary of Homeland Security, “shall be removed from
26 Office on Impeachment for, and Conviction of, Treason,

1 Bribery, or other high Crimes and Misdemeanors”. In his
2 conduct while Secretary of Homeland Security, Alejandro
3 N. Mayorkas, in violation of his oath to well and faithfully
4 discharge the duties of his office, has breached the public
5 trust, in that:

6 Alejandro N. Mayorkas has knowingly made false
7 statements, and knowingly obstructed lawful oversight of
8 the Department of Homeland Security (hereinafter re-
9 ferred to as “DHS”), principally to obfuscate the results
10 of his willful and systemic refusal to comply with the law.
11 Alejandro N. Mayorkas engaged in this scheme or course
12 of conduct through the following means:

13 (1) Alejandro N. Mayorkas knowingly made
14 false statements to Congress that the border is “se-
15 cure”, that the border is “no less secure than it was
16 previously”, that the border is “closed”, and that
17 DHS has “operational control” of the border (as
18 that term is defined in the Secure Fence Act of
19 2006).

20 (2) Alejandro N. Mayorkas knowingly made
21 false statements to Congress regarding the scope
22 and adequacy of the vetting of the thousands of Af-
23 ghans who were airlifted to the United States and
24 then granted parole following the Taliban takeover

1 of Afghanistan after President Biden's precipitous
2 withdrawal of United States forces.

3 (3) Alejandro N. Mayorkas knowingly made
4 false statements that apprehended aliens with no
5 legal basis to remain in the United States were
6 being quickly removed.

7 (4) Alejandro N. Mayorkas knowingly made
8 false statements supporting the false narrative that
9 U.S. Border Patrol agents maliciously whipped ille-
10 gal aliens.

11 (5) Alejandro N. Mayorkas failed to comply
12 with multiple subpoenas issued by congressional
13 committees.

14 (6) Alejandro N. Mayorkas delayed or denied
15 access of DHS Office of Inspector General (herein-
16 after referred to as "OIG") to DHS records and in-
17 formation, hampering OIG's ability to effectively
18 perform its vital investigations, audits, inspections,
19 and other reviews of agency programs and oper-
20 ations to satisfy the OIG's obligations under section
21 402(b) of title 5, United States Code, in part, to
22 Congress.

23 Additionally, in his conduct while Secretary of Home-
24 land Security, Alejandro N. Mayorkas has breached the
25 public trust by his willful refusal to fulfill his statutory

1 “duty to control and guard the boundaries and borders
2 of the United States against the illegal entry of aliens”
3 as set forth in section 103(a)(5) of the Immigration and
4 Nationality Act. Alejandro N. Mayorkas inherited what his
5 first Chief of the U.S. Border Patrol called, “arguably the
6 most effective border security in our nation’s history”.
7 Alejandro N. Mayorkas, however, proceeded to abandon
8 effective border security initiatives without engaging in
9 adequate alternative efforts that would enable DHS to
10 maintain control of the border and guard against illegal
11 entry, and despite clear evidence of the devastating con-
12 sequences of his actions, he failed to take action to fulfill
13 his statutory duty to control the border. According to his
14 first Chief of the U.S. Border Patrol, Alejandro N.
15 Mayorkas “summarily rejected” the “multiple options to
16 reduce the illegal entries...through proven programs and
17 consequences” provided by civil service staff at DHS. De-
18 spite clear evidence of the devastating consequences of his
19 actions, he failed to take action to fulfill his statutory duty
20 to control the border, in that, among other things:

21 (1) Alejandro N. Mayorkas terminated the Mi-
22 grant Protection Protocols (hereinafter referred to
23 as “MPP”). In *Texas v. Biden*, 20 F.4th 928
24 (2021), the United States Court of Appeals for the
25 Fifth Circuit explained that “[t]he district

1 court...pointed to evidence that ‘the termination of
2 MPP has contributed to the current border
3 surge’...(citing DHS’s own previous determinations
4 that MPP had curbed the rate of illegal entries)”.
5 The district court had also “pointed out that the
6 number of ‘enforcement encounters’—that is, in-
7 stances where immigration officials encounter immi-
8 grants attempting to cross the southern border with-
9 out documentation—had ‘skyrocketed’ since MPP’s
10 termination”.

11 (2) Alejandro N. Mayorkas terminated con-
12 tracts for border wall construction.

13 (3) Alejandro N. Mayorkas terminated asylum
14 cooperative agreements that would have equitably
15 shared the burden of complying with international
16 asylum accords.

17 In all of this, Alejandro N. Mayorkas breached the
18 public trust by knowingly making false statements to Con-
19 gress and the American people and avoiding lawful over-
20 sight in order to obscure the devastating consequences of
21 his willful and systemic refusal to comply with the law and
22 carry out his statutory duties. He has also breached the
23 public trust by willfully refusing to carry out his statutory
24 duty to control the border and guard against illegal entry,

1 notwithstanding the calamitous consequences of his abdi-
2 cation of that duty.

3 Wherefore Alejandro N. Mayorkas, by such conduct,
4 has demonstrated that he will remain a threat to national
5 and border security, the safety of the American people,
6 and to the Constitution if allowed to remain in office, and
7 has acted in a manner grossly incompatible with his duties
8 and the rule of law. Alejandro N. Mayorkas thus warrants
9 impeachment and trial, removal from office, and disquali-
10 fication to hold and enjoy any office of honor, trust, or
11 profit under the United States.

