



**STATE OF NEW HAMPSHIRE  
OFFICE OF THE GOVERNOR**

**CHRISTOPHER T. SUNUNU**  
Governor

March 13, 2023

Alejandro Mayorkas  
Secretary of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528

Re: Request to Enter into an I.C.E. Delegation Agreement Pursuant to Section 287(g)

Dear Secretary Mayorkas,

Thank you for speaking with me this weekend. I am glad we were able to discuss the pressing issues at our northern border. As you know, the State of New Hampshire shares a 51-mile international border with Canada that lies within the U.S. Border Patrol's Swanton Sector. On January 25, 2023, the U.S. Border Patrol issued a press release detailing the recent rise in their agents encountering and apprehending individuals illegally crossing the international border in this Sector.

While the recent announcement that 25 additional border patrol agents will be stationed in the Swanton Sector is a good first step, more can and should be done in collaboration with state and local authorities to address the alarming rise in border crossings. Over the last few months, the State of New Hampshire has attempted to assist the federal government in securing our northern border. These offers of assistance have been repeatedly rejected. The Biden Administration has cut funding and hindered the state's ability to assist in patrolling the northern border.

If the Biden Administration truly believes that securing the border is a priority, I hope you will partner with the State of New Hampshire to make this a reality.

On February 17, 2023, the State of New Hampshire formally offered to assist the federal government by requesting your Department delegate its authority to enforce certain specific federal immigration laws in a manner that is appropriately tailored to account for New Hampshire's unique circumstances – which would require no additional federal funds. That very same day, regional I.C.E. officers, who also fall under your Department, informed State officials that you have placed a nation-wide hold on entering into new delegation agreements since 2021. On or about February 19, 2023, a migrant from Mexico died in the Swanton Sector while trying to enter the county illegally from Canada.

During a follow-up meeting with regional I.C.E. officials, the State explained that the vast majority of our northern border is State-owned forest land with limited and remote access to

emergency medical services. As your Department acknowledged, due to the cold weather, rough terrain, and ill-equipped individuals, your agents have often been required to administer emergency medical aid to those individuals who have crossed the border illegally.

The State explained at that meeting that the unique circumstances and the urgency of the situation required the federal government to partner with State officials to respond to the northern border as soon as possible. While the regional officers were informative and helpful, they explained that their hands were tied and that the decision to indefinitely suspend these delegation agreements came from Washington.

I am now writing to request that you immediately lift the moratorium and enter into a customized agreement with the State of New Hampshire in order to train its law enforcement officers and to allow them to serve as a force multiplier in New Hampshire's North Country. Time is of the essence – New Hampshire is ready to act quickly to respond to this crisis. We strongly urge you to reconsider your current policy.

Secondly, but also importantly, New Hampshire for years has assisted in patrolling the northern border through a grant funded by F.E.M.A., yet another agency within your Department, by participating in what is known as Operation Stone Garden. Last year, the State requested your Department provide additional funding to pay for increased state and local participation in routine border patrols and to purchase additional all-terrain vehicles, which are necessary to patrol the vast network of forest roads abutting the international border. The Department declined to provide that additional funding for these efforts. I ask you to reconsider this decision as well.

It is imperative that we act quickly to respond to today's crisis with enhanced border security and prevent any further loss of life along our border. New Hampshire will not be waiting idly by while your Department decides whether or not to take action along the northern border. In my budget proposal this year, I have put forward \$1.4 million toward the creation of a Northern Border Alliance Program. If enacted, this program will establish a task force of state, county, and local law enforcement officers to patrol the roads, highways, and state forest land along the border to detect and deter illegal activity and to prevent any further escalation of the humanitarian crisis facing our borders.

As always, New Hampshire stands by ready to assist the hard-working U.S. Border Patrol and I.C.E. agents in your Department. Thank you for your time and attention to this urgent matter and I look forward to your response.

Sincerely,



Christopher T. Sununu  
Governor