



DEPARTMENT OF HOMELAND SECURITY

Finding of Mass Influx of Aliens

On January 23, 2025, the Acting Secretary of Homeland Security issued a Finding of Mass Influx of Aliens. This finding went into effect immediately (on January 23, 2025) and remained in effect for 60 days (until March 23, 2025). The Acting Secretary's finding published in the *Federal Register* on January 29, 2025. *See* 90 FR 8,399. On March 21, 2025, I extended the January 23, 2025, Finding of Mass Influx for 180 days (until September 17, 2025). My decision extending the Finding of Mass Influx published in the *Federal Register* on March 25, 2025. *See* 90 FR 13,622. On September 17, 2025, I extended the March 23, 2025, Finding of Mass Influx for 180 days (until March 21, 2026). My decision extending the Finding of Mass Influx published in the *Federal Register* on September 22, 2025. *See* 90 FR 45,396. Upon review of the current situation at the border, I am extending that finding.

The Immigration and Nationality Act (INA), at 8 U.S.C. 1103(a), provides an expansive grant of authority, stating that in the event of a mass influx of aliens off the coast of the United States or a land border, the Secretary may authorize a State or local law enforcement officer, with the consent of the officer's superiors, to perform duties of immigration officers under the INA. In turn, section 65.83 of Title 28 of the Code of Federal Regulations allows the Secretary¹ to "request assistance from a State or local government in the administration of the immigration laws of the United States" under certain specified circumstances. Among those circumstances are when "[t]he [Secretary] determines that there exist circumstances involving the administration

¹ Although the regulations reference the "Attorney General," Congress has, since the publication of these regulations, transferred the authority and responsibility for administering and enforcing the immigration laws to the Secretary of Homeland Security. *See* Homeland Security Act of 2002 471, 6 U.S.C. 291 (abolishing the former Immigration and Naturalization Service); *id.* S 441, 6 U.S.C. 251 (transferring immigration enforcement functions from the Department of Justice to the Department of Homeland Security); Immigration and Nationality Act 103(a)(1), 8 U.S.C. 1103(a)(1) ("the Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens.")

of the immigration laws of the United States that endanger the lives, property, safety, or welfare of the residents of a State or locality.” 28 CFR 65.83(b).

In making such a determination, the Secretary may also determine that there is an “immigration emergency.” The regulations define an immigration emergency as “an actual or imminent mass influx of aliens which either is of such magnitude or exhibits such other characteristics that effective administration of the immigration laws of the United States is beyond the existing capabilities of [the Department of Homeland Security (DHS)] in the affected area or areas.” 28 CFR 65.83(d)(1) (using identical language as 8 U.S.C. 1103(a)(10)).

Such a determination is based on “the factors set forth in the definitions contained in” 28 CFR 65.81. Characteristics of an influx of aliens, other than magnitude, which may be considered in determining whether an immigration emergency exists include: the likelihood of continued growth in the magnitude of the influx; an apparent connection between the influx and increases in criminal activity; the actual or imminent imposition of unusual and overwhelming demands on law enforcement agencies; and other similar characteristics.

Upon review of the current data, I have determined that there continues to exist circumstances involving the administration of the immigration laws of the United States that endanger the lives, property, safety, or welfare of the residents of all 50 States and that an actual or imminent mass influx of aliens is arriving at the southern border of the United States and presents urgent circumstances requiring a continued federal response. I make this finding for the reasons discussed below.

First, over the last several years, our southern border has been overrun. As noted in Proclamation 10,888, *Guaranteeing the States Protection Against Invasion*, from 2020 to 2024, “at least 8 million illegal aliens were encountered along the southern border of the United States, and countless millions more evaded detection and illegally entered the United States.” DHS

continues to encounter thousands of aliens on a weekly basis attempting to enter the United States illegally via the Southwest border.²

Second, at this time, the ability of DHS to control an influx of aliens at the border has been hampered due to a federal court decision. On August 1, 2025, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision partially staying an order from the U.S. District Court for the District of Columbia enjoining the implementation of Proclamation 10888, *Guaranteeing the States Protection Against Invasion*, 90 Fed. Reg. 8333 (Jan. 20, 2025) (Invasion Proclamation). See *Refugee and Immigrant Center for Education and Legal Services (RAICES) v. Noem*, No. 25-5243 (D.C. Cir. Aug. 1, 2025). Because of this decision, DHS no longer directly repatriates apprehended aliens or relies upon expedited removal under INA § 212(f), but rather must process aliens for expedited removal pursuant to 8 U.S.C. 1225(b)(1). Given that DHS's use of the Invasion Proclamation, which previously contributed to low border encounters throughout much of 2025, has been limited, there is a continued need for a finding of mass influx.

Third, as stated in the previous notices, when border crossing numbers are high, much detention capacity is required of U.S. Immigration and Customs Enforcement (ICE). Mandatory detention of aliens apprehended at the border serves important public safety and national security purposes. Aliens who have not completed this process have not been effectively vetted for criminality or national security threats. Current databases still do not allow for comprehensive and rapid searching for foreign convictions or other public safety and national security risks of recent arrivals. As a result, when numbers at the border are such that DHS is effectively forced to engage in catch-and-release practices which thwart legally mandated screenings, there is a threat to public safety and national security. This does not account for so-called gotaways, of which there have been millions over the last several years, who are not screened in any manner.

² *Nationwide Encounters*, U.S. Customs and Border Protection (last modified Feb 19, 2026), available at <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

In addition, increased enforcement efforts in the interior have resulted in large numbers of aliens in custody. Many of these aliens are applicants for admission who are subject to mandatory detention pending removal proceedings under the INA. 8 U.S.C. 1225(b)(2)(A); *see Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) (holding that immigration judges lack authority to hear bond requests or grant bond to aliens present in the United States without admission and in removal proceedings, based on the plain language of 8 U.S.C. 1225(b)(2)(A)).

As mentioned in the prior findings of mass influx, without controls in place at the border to stem the influx, DHS loses its capacity to hold all aliens as required by the INA. *See, e.g.*, 8 U.S.C. 1225(b). As of March 12, 2026, ICE has a detention population of 63,482, with a maximum capacity of 78,000. ICE's facilities are currently nearly at 81% occupancy, and ICE's priority for detention space is removing aliens with criminal records, public safety risks, and national security risks. Similar to the explanation provided in the March and September 2025 Notices, should this finding not be extended, ICE would be hampered in this critical effort and be unable to detain a large number of aliens at the Southwest border despite these aliens being subject to mandatory detention. Additionally, should this finding not be extended, ICE would be required to use bed space on detaining some of these aliens apprehended at the Southwest Border at the expense of its interior enforcement priorities, which are designed to enhance and promote public safety.

Fourth, an influx of aliens presents significant concerns with respect to increased criminal activity. Between FY 2017 and 2019, ICE removed 485,930 aliens with criminal convictions or pending criminal charges. Between FY 2021 and FY 2023, ICE removed 158,931 aliens with criminal convictions or pending criminal charges. Between September 1, 2025, and March 11, 2026, ICE removed 128,889 aliens with criminal convictions or pending criminal charges, 663 known or suspected terrorists, and 2,847 gang members. Assuming that the crime rate of aliens has remained unchanged over the year, this 67% decrease (in removals) between FY 2019 and 2021 and FY 2021 and 2023 suggests that tens of thousands of criminal aliens remain in the

United States. Even if ICE were to continue to remove aliens at the same levels through the rest of this fiscal year, it would still fall short of the total number of aliens removed between FY 2017 and FY 2019, indicating the large, continued presence of criminal aliens in the United States.

Where there is an increase in criminal aliens, there is likely to be an increase in criminal activity.

This once again shows that ICE needs to continue to prioritize the need to remove criminal aliens rather than divert resources to detain aliens recently apprehended at the Southwest border.

Furthermore, there continues to be significant criminality present at the Southwest border. In January 2026, U.S. Customs and Border Protection's (CBP's) Office of Field Operations (OFO) and U.S. Border Patrol (USBP) encountered 399 criminal aliens. OFO made 788 criminal arrests, and USBP had 25 gang apprehensions. USBP referred 285 smuggling events for prosecution, and OFO referred 233 events for criminal prosecution. Officers and agents seized 16,528.65 pounds of illicit narcotics, including 767.16 pounds of deadly fentanyl. Officers and agents also seized 56 firearms and 42,849 rounds of ammunition, as well as \$808,223.72 in currency. These numbers are only likely to increase if encounter numbers increase.

Fifth, there have been high, unusual, and overwhelming demands on law enforcement officers and agencies, which continue to present significant danger to officers and agents. For example, in January 2026, CBP records indicate that 74 CBP officers/agents were assaulted. Even while encounter numbers were lower than average in January 2026, officers and agents at the border have consistent threats against them, and there are still too many assaults and use of force incidents on officers and agents. ICE records indicate that aliens assaulted or used force against 182 ICE Enforcement and Removal Operations (ERO) officers from the period of September 2025 to February 2026, representing an average of 30 per month. In February 2025, ICE records indicated that aliens assaulted or used force against 10 ICE ERO officers. This 300% increase indicates the increasing risk that ICE ERO officers face as they seek to arrest and detain aliens that entered during periods of loose border restrictions.

Additionally, there remains a strain on ICE resources, which takes ICE away from its mission to preserve national security and public safety. ICE has many aliens pending removal that entered during prior influxes at the Southwest border. Managing those removals requires a significant expenditure of ICE resources. As of March 13, 2026, there are 1,526,800 aliens on the ICE non-detained docket with final orders of removal. This number will only increase should this finding not be extended.

Between September 1, 2025, and March 11, 2026, ICE arrested 135,395 aliens with criminal convictions or pending criminal charges. Of these, 565 were known or suspected terrorists, and 3,193 were suspected gang members. Failure to extend this finding will impede the ability of ICE to properly enforce immigration laws and focus on public safety risks.

On the basis of the above facts, I find that these circumstances continue to endanger the lives, property, safety, and welfare of the residents of every State in the Union. The only way to effectively prevent this danger to the States is to maintain operational control of the border, which Congress defined to mean “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.” Secure Fence Act of 2006, Public Law No. 109-367, 2, 120 Stat. 2638 (2006); 8 U.S.C. 1701 note (stating that the Secretary of DHS “shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States”). Given that Congress directed DHS to prevent all unlawful entries, the thousands of aliens that DHS continues to encounter on a weekly basis attempting to enter the United States illegally via the Southwest border is an influx. Therefore, I find that there is currently an influx of aliens arriving across our entire southern border, which requires a federal response.

Accordingly, pursuant to the authorities under the INA, 8 U.S.C. 1101, *et seq.*, including the implementing regulations identified above, I find “that there exist circumstances involving the administration of the immigration laws of the United States that endanger the lives, property,

safety, or welfare of the residents” of all 50 States. I further find that an actual or imminent mass influx of aliens is arriving at the southern border of the United States and presents urgent circumstances requiring an immediate federal response. I therefore request the assistance of State and local governments in all 50 States.

The finding is effective immediately and expires in 180 days. This finding may expire sooner in the event I find that circumstances have changed. Such a finding would be published in the Federal Register.

Kristi Noem
Secretary of Homeland Security

Dated: March 21, 2026

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