

February 9, 2021

The Honorable Antony J. Blinken  
Secretary  
Department of State  
Washington, DC 20520

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

Dear Secretary Blinken and Secretary Mayorkas,

I write in regards to an unacceptable incident that recently occurred at Montana's northern border and to highlight the need for improvements to immigration-related information sharing agreements between the United States and Canada, specifically with respect to biometric queries and the implementation of these agreements.

On January 23, 2021, Customs and Border Protection (CBP) was alerted to three suspects potentially crossing into the U.S. near Eureka, Montana. Upon CBP's arrival to the location, a car with four passengers fled. Once apprehended, three of the four suspects were charged and the fourth asserted US citizenship, but was unable to be identified. He was released from custody in Whitefish, Montana. Sometime after being released, Canadian authorities notified the U.S. that they had identified the now-released suspect as a Canadian fugitive who is, according to an affidavit, a "high-ranking member of the Brother's Keepers gang" and that he is "the primary suspect in multiple gang-related homicides spanning two provinces."

Article 3 of the December 2012 *Agreement between the Government of Canada and the Government of the United States of America for the Sharing of Visa and Immigration Information* stipulates that "[t]he Parties shall provide each other with Query access to the data described in the non-legally binding implementing arrangements." A 2015 report on implementation of the agreement noted that "[a]s a result of the queries, the United States and Canada have identified individuals with immigration law violations, criminal concerns, and national security concerns who otherwise might have been missed" and that the parties had "successfully launched an automated biometric-based (fingerprint) query capability."

While it is clear there has been significant collaboration with the Canadian government, as the incident from January 23 shows, there still appear to be significant flaws either in the agreement itself, or in the implementation of the agreement. That a fugitive wanted for such egregious crimes was in custody and released without his identity being verified is both inconceivable and unacceptable. I urge you to take concrete steps going forward to improve collaboration with your Canadian counterparts or negotiate new agreements to prevent something like this from occurring again. I look forward to working with you to this end.

Sincerely,



STEVE DAINES  
United States Senator