

CABINET APPOINTEE: DEPARTMENT OF HOMELAND SECURITY

President-elect Biden is expected to nominate Alejandro Mayorkas to lead the Department of Homeland Security. Mr. Mayorkas previously served as Deputy Secretary of the United States Department of Homeland Security from December 23, 2013 to October 31, 2016.

Two members of Ballard Spahr's Government Relations and Public Policy Group—Ballard Spahr Special Counsel [Edward G. Rendell](#)—who served as governor of Pennsylvania and mayor of Philadelphia—and Of Counsel [Dennis K. Burke](#), a former U.S. Attorney for the District of Arizona—shared their insights about Mr. Mayorkas and what the near future may hold for him in this role.

How did you come to know Alejandro Mayorkas?

Governor Rendell: I got to know Mayorkas when I was governor. Pennsylvania took as much advantage as any state of the program known as EB5, which allowed people from abroad to get a green card if they invested a certain amount of money in a project that created a certain

number of jobs. It was a way to get capital in the country.

As governor, we used the EB5 program to expand the convention center and tons of hotels and large buildings. It was a very good program. The money would be loaned to developers at something like one percent, so it made a lot of cheap money available for economic development projects. He was in charge of the program, so over the next four or five years, I must have talked to him 15 or 20 times. Over that time, we became friends. He was a really great guy, a great professional servant.

Mr. Burke: I've known Ali for more than a decade. He's a former U.S. Attorney who then served in critical capacities at the Department

of Homeland Security (DHS). I had the opportunity to work with him directly when I was the U.S. Attorney for Arizona and he was at DHS. I oversaw the Obama/Biden Transition for the Department of Homeland Security on behalf of then Secretary Janet Napolitano, and she was involved in recruiting Ali to DHS. We have a lot in common and have run in the same circles for a long time.

Why do you think he was chosen? What makes him uniquely qualified for this position?

Gov. Rendell: Because of the work he did in DHS, he's an expert on the ins and outs of immigration and the issues he's going to face. He's a man of great patience and judgment, and I think both of those characteristics will serve him well.

Mr. Burke: Ali is a gifted leader. He works extremely well with others and has an exceptionally well-rounded background in public service focused on security. He has excelled at every position he has held and is an excellent communicator and effective manager who seeks out challenges and gets things done.

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In what ways will the Department's policies differ from those of the Trump Administration under his leadership?

Mr. Burke: Ali has solid reputation for a lot of reasons—chief among them, his integrity. First on his agenda I anticipate is restoring faith in that Department, both for the people who work there and the people who are served by it. He will exhibit an allegiance to the underlying statutory authority and policies of the Department and administer the mission with a deep sense of humanity. Ali appreciates that DHS policies have global implications and impacts the lives of millions of people and families. He knows that safety comes first, but that safety and compassion aren't mutually exclusive.

I also think it's important to note the message the appointment of a Cuban-American sends about how the

Biden Administration will prioritize diversity. DHS interacts so much with the Latin American community, so it's meaningful to have a man reflecting this diversity leading this Department. His appointment represents a symbolic shift, not just a policy shift.

What do you anticipate the biggest challenges being in his first year?

Gov. Rendell: Solving the DREAMER problem right away, followed by a creating a comprehensive immigration policy. The third thing will be how to have an effective enforcement agency. How is he going to turn ICE into a humane, effective enforcement agency? That's going to take quite a bit of work.

Mr. Burke: His biggest challenge will be restoring morale in the Department and re-aligning its mission. DHS has become a lost

ship at sea during the Trump Administration. For example, the use of DHS officers as state police in American cities during protests this summer was appalling and demoralizing to the people who work at DHS. That Department has wide breadth of services and responsibilities, but it's not a state police. Its mission is to prevent and protect us from exterior threats not create internal ones.

Individuals who enter the United States through our ports of entry first contact will be with employees of DHS after receiving authorization from the U.S. Citizenship and Immigration Services within DHS. As the former head of that agency, Ali knows better than anyone how important our ingress and egress system is and how much it has suffered from unpredictable policy changes during the Trump Administration.