

Jan 25, 2024

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Florida Attorney General's Office News Release

AG Moody in Court on Friday to Battle Federal Government as Biden Fights to Keep Catch and Release Going



TALLAHASSEE, Fla.—Attorney General Ashley Moody’s office will be in the United States Court of Appeals for the Eleventh Circuit Friday, as the Biden administration seeks reversal of a judgment obtained by Florida that directs U.S. Department of Homeland Security Secretary Alejandro Mayorkas to follow federal immigration laws. The Biden administration continues to catch and release millions of unvetted migrants into the interior of the country. Last year, Attorney General Moody won several federal court battles challenging Biden’s efforts to keep the Southern Border wide open. At that point, the Biden administration could have stopped its unlawful policies and detained and deported immigrants illegally entering the country, likely ending the border crisis. Instead, the Biden administration continues fighting for an unrestrained ability to parole those illegally crossing the border.

Attorney General Ashley Moody said, “Biden is ignoring the law and the opinion we obtained in federal court regarding his open border policies. He is wasting time and resources fighting Florida and Texas instead of doing his job and ending the border crisis. As a result, more than 8 million unvetted immigrants and hundreds of millions of deadly doses of fentanyl have flooded into our country with no signs of stopping as long as Biden is president.”

Attorney General Moody filed the case in March 2021. During the course of discovery and litigation, Florida forced the federal government to provide or disclose the following:

- A [deposition](#) of former U.S. Border Patrol Chief Raul Ortiz showing the Biden administration purposely reduced detention capacity of the U.S. Immigration and Customs Enforcement and narrowed removal pathways. Ortiz claimed these changes left Border Patrol with no other choice but to release hundreds of thousands of immigrants into the interior. Ortiz also agreed that Biden's policies caused the unprecedented surge at the border.
- A [memo](#) outlining the federal government's plan in the event immigrants overrun the border if Title 42 expires—the mass-release of migrants into the United States.
- [Testimony](#) and deposition of ICE Executive Associate Director for Enforcement and Removal Operations Corey Price confirming the Biden administration knew its immigration priorities would cut enforcement in half and still implemented them. Price also confirmed that ICE is removing more than seven times fewer inadmissible immigrants than in 2012, booking in roughly half the number of immigrants than the previous administration.
- ICE training [videos](#) showing officials discussing the logistical problems created when federal authorities intentionally released tens of thousands of immigrants without charging documents—a formal legal document requiring immigrants to appear before an immigration judge.

Uncovered DHS emails contained information that the Biden administration's destruction of the Trump administration's immigration structures left Border Patrol with no other options except to release almost all immigrants encountered. The messages, sent just eight days after Biden took office, stated that the surge of illegal immigrants caused by Biden's destructive immigration policies will "immediately overwhelm" federal detention capacity.

A federal judge ruled in favor of Florida on March 8, 2023. In that order, U.S. District Judge T. Kent Wetherell said, "The Court finds in favor of Florida because, as detailed below, the evidence establishes that Defendants have effectively turned the Southwest Border into a meaningless line in the sand and little more than a speedbump for aliens flooding into the country by prioritizing 'alternatives to detention' over actual detention and by releasing more than a million aliens into the country—on 'parole' or pursuant to the exercise of 'prosecutorial discretion' under a wholly inapplicable statute—without even initiating removal proceedings."

With regard to the Biden administration's claims that Congress has not granted them enough resources, Judge Wetherell said, "Thus, like a child who kills his parents and then seeks pity for being an orphan, it is hard to take Defendants' claim that they had to release more aliens into the country because of limited detention capacity seriously when they have elected not to use one of the tools provided by Congress in §1225(b)(2)(C) and they have continued to ask for less detention capacity in furtherance of their prioritization of "alternatives to detention" over actual detention."

To read that ruling, click [here](#).

This is one of two rulings the Biden administration is appealing, with the oral argument occurring Friday in the U.S. Court of Appeals for the 11th Circuit.

The appellate argument comes in wake of the [Biden administration once again doing everything they can](#) to prevent a state, Texas, from protecting Americans and enforcing the law at the border.

Last month, the Biden administration broke another [monthly record](#) with more than 302,000 migrants encountered. The highest monthly total ever recorded.

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