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Florida Attorney General's Office News Release

AG Moody Challenges President Biden's Unlawful, Fast-Track Asylum System

TALLAHASSEE, Fla.—Attorney General Ashley Moody, along with a coalition of 13 other states, is taking legal action against the Biden administration over yet another unlawful immigration rule. Attorney General Moody is challenging the Asylum Rule, which largely removes federal immigration judges from the asylum review process, and instead gives officers within the Department of Homeland Security unprecedented authority. The new policy not only violates federal laws and bypasses Congress, but also drastically erodes asylum integrity safeguards.

Attorney General Ashley Moody said, “Joe Biden continues his assault on common sense immigration policies with this push to eliminate a crucial safeguard in the asylum-seeking process—making it substantially easier for unauthorized, unvetted migrants to enter the country. I’m taking action, with 13 of my fellow attorneys general, to stop this disastrous plan.”

The Biden administration published the Asylum Rule in late March, which applies to new arrivals at U.S. borders who are making asylum claims. Federal law requires that immigration judges within the Department of Justice make the final determinations for migrants’ asylum claims. However, under the new rule, that power would be largely transferred to DHS asylum officers, a violation of federal law. This would eliminate immigration judges from the review process in most cases and replace them with individuals that are far more susceptible to political control within an administration, guaranteeing an increase in the rate of false asylum claims being granted.

The attorneys general argue that the Biden administration did not follow the Administrative Procedure Act when promulgating the rule by offering arbitrary and capricious reasoning, and changing the final rule so completely from the proposed rule as to deny the public a meaningful chance to comment on it before issuance. Indeed, the changes are so significant that more than 3,100 words are required to even summarize the changes, which include at least 23 significant amendments by the Biden administration’s own count.

To view a copy of the complaint, click here.

The attorneys general filed the complaint in the U.S. District Court for the Western District of Louisiana.

Along with Attorney General Moody, the attorneys general of the following states signed on to the complaint: Arizona, Arkansas, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma and South Carolina.