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Florida Attorney General's Office News Release

AG Moody, Rep. Posey Present Legislation to Give States Ability to Enforce Immigration Laws

TALLAHASSEE, Fla.—Frustrated by the border crisis and the federal government’s refusal to enforce its own laws, Attorney General Ashley Moody and Congressman Bill Posey today announced legislative efforts to give states more authority to combat illegal immigration. The congressional legislation, H.R. 7413, would allow state officials to demand the secretary of the Department of Homeland Security enforce federal immigration law in certain circumstances. DHS will then have the option to either enforce the law or deputize state officials to carry out the federal immigration duties.

The bill comes just days after President Joe Biden announced the termination of [Title 42](#), a pandemic-era rule that allows border agents to quickly expel migrants attempting to enter the U.S. who traveled from a country where a communicable disease is present. DHS estimates that there might already be [25,000](#) migrants waiting in shelters just south of the border for Title 42 to come to an end. There are also projections that customs and border patrol agents could see up to 18,000 migrants a day after the removal of the policy.

Attorney General Ashley Moody said, “In less than a year and a half, the Biden administration has obliterated our southwest border and it’s about to get even worse as the president prepares to end Title 42. We can no longer trust this administration to enforce the law. It is time for swift action to protect the American people. That is why, Representative Posey and I are taking this matter to Congress and asking the legislative branch to let the states protect our citizens by enforcing public-safety immigration laws when Biden won’t.”

Congressman Bill Posey said, “Maintaining operational control over our nation's borders is critical to our security and our ability to stop human traffickers, drug smugglers and other violent criminals and terrorists who mean to do our communities harm. When the federal government abdicates its role in protecting our nation’s borders and refuses to enforce immigration laws allowing millions of people to illegally cross into our country states should have authority to protect their citizens.”

Under H.R. 7413, the Immigration and Enforcement Partnership Act of 2022, if a state attorney general finds that DHS is not adequately fulfilling the non-discretionary duties under title II of the Immigration and Nationality Act, the attorney general may request in writing that the DHS secretary do so. Such duties include the arrest, detention and removal of criminal and arriving aliens. No later than 30 days after receiving a request, the secretary shall either ensure that the duties are adequately fulfilled by officers and employees of the DHS, or authorize state officials to enforce federal immigration law. If the secretary does not comply, the attorney general may file a civil action to enforce these requirements. The bill also requires the courts to expedite

proceedings on such action to the greatest extent practicable.

To read the bill, click [here](#).

U.S. Customs and Border Protection encounters with illegal migrants at the southwest border totaled more than 2 million since February 2021, with deportations down [70%](#) last year. Attorney General Moody and Congressman Posey are concerned that the federal government's seeming disinterest with enforcing immigration laws will exacerbate the opioid crisis and leave the door open for unmitigated drug and human trafficking.

It costs Florida more than \$100 million a year just to incarcerate illegal immigrants who commit crimes in the state. The cost to public safety is harder to calculate as the nation struggles with a deadly opioid crisis claiming 21 lives a day in Florida. The crisis is being exacerbated by fentanyl, a synthetic opioid 100 times stronger than morphine. According to CBP, since Biden took office, the amount of fentanyl seized at the border is enough to kill every man, woman and child in the nation more than seven times over.

According to recent reports, fentanyl is the number one killer of adults aged [18-45](#). The [Center for Disease Control and Prevention](#) projects that nearly 70,000 people nationwide have died from fentanyl overdose in the most recently recorded 12-month period. With Mexico being the number one source of fentanyl [imports](#) into the U.S., it is important that states be able to enforce the law when the federal government does not.

Attorney General Moody and Congressman Posey are also fighting to end human trafficking in Florida. The southwest border is a gateway for human smugglers to bring trafficking victims into the nation. Due to the chaos at the border, many are sneaking by enforcement officials. A former border patrol chief [estimates](#) more than 400,000 migrants evaded agents and crossed the border last year. The risk of being trafficked is higher with noncitizens who pay to be smuggled into the country. [U.S. Immigration and Customs Enforcement](#) officials state that dangerous human smuggling circumstances are encountered every day at the southwest border.

[CBP](#) reports arrests of individuals with criminal convictions increased more than 340% in the last fiscal year. There was an 450% increase of those previously convicted of illegal drug possession and trafficking, a 585% increase of illegal immigrants previously arrested for trafficking, and a 212% increase of those arrested for sexual offenses.

In [January](#), Attorney General Moody traveled to the southwest border in Texas to receive briefings from law enforcement officials about the dramatic overrun of the border brought on by President Biden's reckless immigration policies. Attorney General Moody joined attorneys general from across the nation for the security briefing.

Congressman Posey has been to the border and seen firsthand how open and dangerous it has been allowed to become. Congressman Posey has been a strong advocate in Congress for securing the borders and maintaining operational control over them, as well as fighting human trafficking, targeting fentanyl and other illegal drugs, deporting criminal aliens and rooting out fraud in our immigration system.