Apr 4, 2022

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Florida Attorney General's Office News Release

AG Moody Brings Multistate Action Against Biden's Unlawful Federal Immigration Policies

TALLAHASSEE, Fla.—Attorney General Ashley Moody is bringing a multistate action against President Joe Biden for failing to enforce federal immigration law. The attorneys general of Alabama and Georgia joined Attorney General Moody in a complaint for declaratory and injunctive relief, arguing that the president is failing to perform the duties required by Congress by continuing to operate under unlawful immigration enforcement priorities. Under these priorities, the Biden administration is refusing to detain and deport criminals in the country illegally—directly contrary to federal law.

The immigration enforcement priorities are also contrary to precedent set by presidents of both political parties. As Obama administration Solicitor General Donald Verrilli recognized, “Congress has told the Department of Homeland Security that it has to prioritize the removal of criminal aliens.”

Attorney General Ashley Moody said, “The Biden administration’s refusal to deport criminals here illegally after they complete their sentences makes us all less safe. Biden’s lax immigration policies are exacerbating the opioid crisis, facilitating human trafficking and further jeopardizing overall public safety. As Attorney General, I will continue fighting these unlawful immigration policies until the president is forced to do his job and secure the southwest border.”

The immigration priorities, as is nearly every immigration policy from the Biden administration, are designed to weaken border security. Through multiple acts of legislation, Congress instructed the executive branch to arrest, detain and remove criminal aliens due to concerns that those who are not detained continue to engage in crime and fail to appear for removal proceedings.

The complaint filed by Attorney General Moody states: “The Biden Administration seeks to ‘dispense with’ these acts of Congress. It claims the discretion to decide…which aliens should be arrested, detained and removed, even if its policy preferences directly conflict with the clear commands of Congress. And it has used the claimed discretion to allow illegal immigrants guilty of drug trafficking, burglary and other serious crimes to return to our communities upon release from state custody rather than arresting and removing them as federal law requires.”

Thus, Florida argues that Biden’s new immigration priorities are contrary to law because, as the Supreme Court has held, immigration officials “must arrest those aliens guilty of a predicate offense.”

The policy is also arbitrary and capricious. The Biden administration displayed no awareness

that the memo changes a longstanding position of the federal government, nor does the memo consider the substantial costs imposed on the states by ignoring the law.

States bear many of the consequences of unlawful immigration. According to the complaint, “Plaintiffs spend more than $100 million per year incarcerating illegal immigrants who commit crimes within their borders. They will spend more because of the criminals the Biden administration is releasing instead of arresting, detaining and removing…especially given the high recidivism rates among released prisoners. Plaintiffs will also expend more resources on the supervised release of aliens.”

The complaint asks the court to hold the immigration priorities unlawful, issue permanent injunctive relief prohibiting the Biden administration from enforcing the policy and compel the Department of Homeland Security to comply with the law.

The states of Alabama and Georgia are joining Florida in the action that is filed in the United States District Court in the Northern District of Alabama.

To view the full complaint, click here.