Sep 28, 2021

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Florida Attorney General's Office News Release

Attorney General Moody Sues Biden Administration as Border Crisis Intensifies



TALLAHASSEE, Fla.—Attorney General Ashley Moody is taking legal action against the Biden administration for ignoring federal immigration law as the crisis at the United States Southern Border intensifies. According to federal law, arriving immigrants, including those claiming asylum, are required by law to be detained while immigration courts determine if there is a valid basis to enter the United States. As a result of the Biden administration's illegal abdication of duty, U.S. Customs and Border Protection has already released more than 225,000 illegal border crossers this year.

Attorney General Ashley Moody said, "The Biden administration's brazen disregard for federal immigration law is jeopardizing the safety and security of our state and nation, all while costing Florida taxpayers. Biden's lax border policy is an open invitation to dangerous criminals, human traffickers and drug traffickers to enter the United States—creating a crisis at the Southern Border like we have never seen. Because Biden is not requiring those crossing the border to go through the legally mandated channels, they are coming into our country without being properly processed.

"The federal government cannot simply ignore federal laws because it does not agree with them politically. The Biden administration must implement the immigration policy required under federal law and we are asking the court to take swift action to reduce the harm caused by Biden's inaction."

Governor Ron DeSantis “Since President Biden took office—which has been less than one year—the Border Patrol has released nearly a quarter million illegal aliens into the United States. This executive order makes it clear that Florida resources will not be used to prop up the failed open border agenda enacted by this administration. Attorney General Ashley Moody has also filed a lawsuit against the Biden administration challenging its policy of catching and releasing the staggering number of illegal aliens apprehended at the border into the United States. We will continue to hold the federal government accountable for refusing to enforce the immigration laws of this country.”

According to the lawsuit, filed by Attorney General Moody today in the Northern District of Florida, the Biden administration claims its negligent response to the border crisis is due to a lack of resources and detention capacity to process the surge of migrants arriving at the border. However, the Biden administration is actively eliminating measures that increase its resources and detention capacity—such as the Migrant Protection Protocols, also known as the wait in Mexico policy, and even asked Congress to reduce the number of immigration detention beds available. These misguided policies are encouraging more migrants to make the dangerous journey to cross the Southern Border.

This policy is not just illegal, it is harmful to the safety and security of our state and nation. Some of those illegally crossing the border are serious criminals, such as human traffickers and drug traffickers—as made evident by the unprecedented amount of fentanyl being seized at the Southern Border. Thousands of the illegal immigrants that the Biden administration released are arriving or will soon arrive in Florida, forcing the state to incur millions of dollars in expenses. For example, the state of Florida’s prison system spends more than $100 million per year incarcerating individuals in the country illegally who are convicted of committing crimes in Florida—only a fraction of which is payed back by the federal government.

According to reports by CBP, in the entire month of December 2020, Border Patrol released 17 migrants into the U.S. interior following detention and service of notices to appear. By August 2021, that number rose to more than 40,000 (in a single month)—and the total number of unlawful aliens released by the Biden administration to more than 225,000.

Through today’s legal action, Attorney General Moody is demanding that the Biden administration at a minimum issue the required charging documents to arriving aliens and initiate removal proceedings.

To view a copy of the filed complaint, click here.