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Multistate Amicus Brief to Stop Biden Administration's Dangerous Immigration Policies



TALLAHASSEE, Fla.—Attorney General Ashley Moody is joining a coalition of 17 other states to stop the Biden administration's so-called interim guidance, which drastically and intentionally curtails immigration enforcement. The policy dramatically limits nearly all deportations and immigration-related arrests, including for those convicted of serious and even violent crimes, whom Congress has specifically directed the federal government to arrest and detain, but a federal judge recently ruled that the policy is unlawful. The coalition is asking the Fifth Circuit Court of Appeals to deny the Biden administration's request for a stay of that ruling pending appeal so that President Biden's illegal refusal to enforce the immigration laws will be halted while the administration's appeal is ongoing.

The legal theory in this case is substantially similar to one advanced by Florida in its own lawsuit challenging the Biden administration's reckless policies, which Attorney General Moody filed in March.

Attorney General Ashley Moody said, "Instead of following the direction of the court to enforce federal law, President Biden is seeking an emergency order to keep his illegal policies in place. Every day he ignores federal law, we become less safe. I am joining my colleagues from 17 other states in calling on the court to deny the Biden administration's motion to stay as soon as possible so we can end the chaos at our Southern Border and protect the American people."

In the amicus brief, the attorneys general detail how the interim guidance is fueling the border crisis and directly harming their states by imposing monetary costs and creating serious public safety risks. The interim guidance resulted in the U.S. Immigration and Customs Enforcement lifting detainers on criminals who, rather than being deported after completing their sentences, are released into our communities, without any warning to the public.

The attorneys general argue that the interim guidance is encouraging illegal border crossings because migrants know they will not be deported, even if they commit serious crimes. Since the policy's implementation in February, apprehensions along the Southern Border have increased every month. In July, the U.S. Border Patrol reported more than 200,000 encounters with migrants along the U.S.-Mexico Border—the highest figure in 21 years. In stark contrast, encounters numbered only around 78,000 in January, and 41,000 in July 2020. The U.S. Department of Homeland Security itself even recently admitted in a sworn declaration that it is "encountering record numbers of noncitizens...at the border," which has "strained DHS operations and caused border facilities to be filled beyond their normal operating capacity."

The amicus brief Attorney General Moody joined is also being filed on behalf of attorneys general from Alabama, Arizona, Arkansas, Georgia, Indiana, Kansas, Mississippi, Missouri, Montana, Nebraska, Ohio, South Carolina, South Dakota, Utah and West Virginia. The underlying lawsuit is being brought by Texas and Louisiana.

To view a copy of the coalition's amicus brief, click here.