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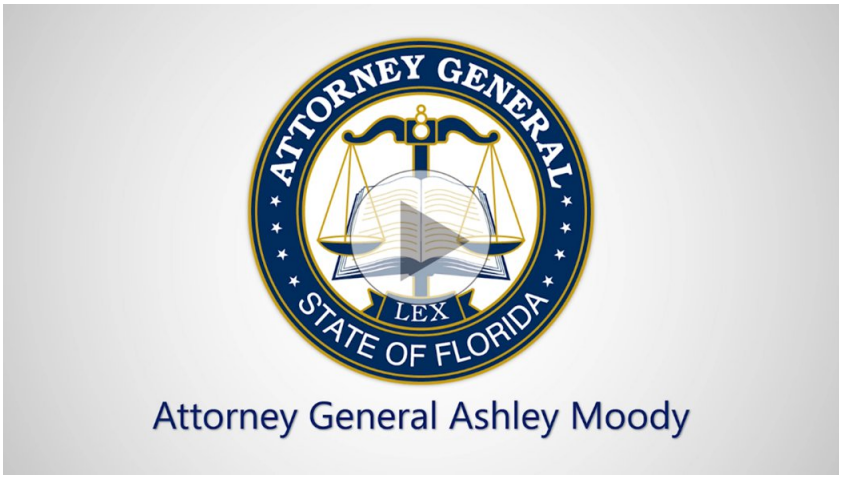
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OFFICE OF THE ATTORNEY GENERAL STATE OF FLORIDA

Florida Attorney General's Office News Release

U.S. Border Chief ADMITS Immigration Crisis



TALLAHASSEE, Fla.—Attorney General Ashley Moody continues to uncover damning evidence through ongoing legal efforts to hold President Joe Biden accountable for the crisis at the border. As part of ongoing litigation to force Biden to follow public safety immigration laws, Attorney General Moody's Chief Deputy deposed U.S. Border Patrol Chief Raul Ortiz. Under oath, Ortiz testified that the Biden administration purposely reduced detention capacity of U.S. Immigration and Customs Enforcement and narrowed removal pathways—increasing pressure on Border Patrol. Ortiz claimed these changes left the patrol with no other choice but to release hundreds of thousands of immigrants into the interior even though they were likely inadmissible into the United States.

During the deposition, Chief Ortiz agreed that Biden's policies caused the unprecedented surge at the border and release of thousands of immigrants into Florida and other states. Among other admissions, Chief Ortiz testified that the crisis is "making the border less safe for Americans and immigrants alike."

Attorney General Ashley Moody said, "After the Biden administration denied that they were engaged in catch-and-release, and that they were responsible for the historic surge at our southern border, Florida got the Chief of Border Patrol to admit, under oath, the truth. The Biden administration caused the surge, made the border less safe, and is flagrantly violating the very federal laws they swore to uphold. The Biden administration is putting hard-working border patrol agents in impossible and untenable positions—risking their lives and safety, and I want to thank Chief Ortiz for testifying truthfully at his deposition."

Last year, Attorney General Moody sued the Department of Homeland Security and other

agencies for failing to follow federal law and detaining inadmissible immigrants intercepted at the border until the aliens are repatriated to the country of their citizenship, as is required under the Immigration and Nationality Act. In the last full month of the Trump administration, Border Patrol released just 17 illegal immigrants into the U.S. pending resolution of immigration cases.

By July 2021, six months after Biden's inauguration, the Biden administration released more than 60,000 aliens in a single month. According to federal documents provided to Florida during discovery, DHS disclosed that more than 48,000 illegal immigrants, who indicated that they were traveling to Florida, failed to check in with ICE. The federal government now has no idea of their location or activity—even though most of them are legally inadmissible.

To view the amended complaint in the case, click here.

On July 28, Attorney General Moody's Chief Deputy took Chief Ortiz's deposition under oath as part of discovery in the case. To view additional portions of the deposition, click here.

A complete copy of the deposition is attached here.

The U.S. Border Patrol policy that is being challenged is copied here.

That U.S. Border Patrol policy was subsequently rescinded but replaced with a largely identical joint policy by Border Patrol and ICE, which is copied here.

Under that policy, illegal immigrants that are traveling as part of a family unit or single adults from certain countries are being released without full processing to report within a time period to an ICE facility for further processing, even though they are likely inadmissible.

In spring 2021, U.S. Customs and Border Protection issued a memorandum disclosing that immigration policies, in part, fueled the surge. View the memorandum here.

Florida's case, no. 3:21-cv-1066, is pending in the U.S. District Court for the Northern District of Florida. It is set for trial in January 2023.