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Florida Attorney General's Office News Release

Biden's Policies Creating Chaos at the SW Border



TALLAHASSEE, Fla.—In just a few days, Attorney General Ashley Moody's team of attorneys will be taking the Biden administration to court over unlawful immigration policies. Through months of intense discovery, lawyers for Florida uncovered evidence of Biden ignoring public-safety immigration laws allowing more than 1 million unvetted, inadmissible immigrants into the interior. The upcoming trial, beginning on Monday, is a culmination of efforts by Attorney General Moody's team, surviving motions to dismiss and summary judgment by opposing counsel, and will once again show that the Biden administration is threatening Americans' safety by intentionally weakening our nation's border security.

Attorney General Ashley Moody said, "Since President Biden took office, he has intentionally dismantled public-safety immigration structures, allowing chaos to reign at our nation's Southwest Border, and letting unvetted, inadmissible immigrants—along with dangerous individuals and deadly drugs like fentanyl—into our country. Biden's actions are beyond irresponsible and put Americans at risk. Now, because of our litigation, the president must defend his reckless actions and refusal to follow the law in a federal courtroom."

Last year, Attorney General Moody sued the U.S. Department of Homeland Security for failing to follow federal law and detaining inadmissible immigrants until the immigrants are repatriated to their home country, as is required under the Immigration and Nationality Act.

Attorney General Moody's case argues that 8 U.S.C. § 1225(b)(1)-(2), a federal law enacted in 1996, mandates that DHS detain applicants for admission, until it is adjudicated whether the immigrant is to be removed. Florida argues that soon after Biden took office, the federal government began systematically ignoring the mandatory detention language.

According to the complaint, since March 2021, U.S. Border Patrol has released approximately 1 million immigrants at the Southwest Border, including as many as 105,000 in a single month. Comparatively, in the last month of the Trump administration, only 17 were released.

During the course of the litigation, Attorney General Moody forced the federal government to provide or disclose the following:

- A deposition of U.S. Border Patrol Chief Raul Ortiz that shows the Biden administration purposely reduced detention capacity of the U.S. Immigration and Customs Enforcement and narrowed removal pathways. Ortiz claimed these changes left Border Patrol with no other choice but to release hundreds of thousands of immigrants into the interior. Ortiz also agreed that Biden's policies caused the unprecedented surge at the border.
- A memo outlining the federal government's plan in the event immigrants overrun the border if Title 42 expires—the mass-release of migrants into the U.S.
- Testimony and deposition of ICE Executive Associate Director for Enforcement and Removal Operations Corey Price confirming the Biden administration knew its immigration priorities would cut enforcement in half and still implemented them. Price also confirmed that ICE is removing more than seven times fewer inadmissible immigrants than in 2012, booking in roughly half the number of immigrants than the previous administration.
- ICE training videos showing officials discussing the logistical problems created when federal authorities intentionally released tens of thousands of immigrants without charging documents—a formal legal document requiring immigrants to appear before an immigration judge.

According to federal documents provided to Florida during discovery, DHS disclosed that it lost track of more than 48,000 illegal immigrants who it had released, who said they were traveling to Florida, after the immigrants failed to check in with ICE as required.

Border Patrol encountered a record 2.76 million illegal immigrants during the federal fiscal year ending in September 2022. Border Patrol encountered nearly 100 people on the terrorist watchlist in FY 2022, a 276% increase when compared to the past five years combined. Since February 2021, authorities seized nearly 23,000 pounds of illicit fentanyl, enough to kill every man, woman and child in the U.S. more than 15 times over—as overdose deaths skyrocket past 100,000 a year.

To view the amended complaint, click here.