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Florida Attorney General's Office News Release

Deportation of Criminals in the U.S. Illegally



TALLAHASSEE, Fla.—Attorney General Ashley Moody filed a brief in the U.S. Supreme Court opposing the Biden administration's unlawful immigration policies. The brief supports the respondents in *United States v. Texas*, arguing that Congress, and not the Executive, establishes immigration policy and that a Biden administration policy allowing criminals to remain in the U.S. violates federal law. Congress mandated that the Department of Homeland Security should arrest and detain certain criminals here illegally, yet under the Biden administration, DHS has failed to do so.

Attorney General Ashley Moody said, "Biden's refusal to enforce federal immigration laws passed by Congress is jeopardizing public safety, and as Attorney General I will continue to fight in court to force this administration to do its job and protect the American people."

According to the brief, Florida spends more than $130 million a year incarcerating roughly 7,000 criminal illegal immigrants. Congress mandated that DHS arrest illegal immigrants with certain criminal convictions upon release from custody and detain them for removal proceedings. Yet, under the Biden administration, DHS directed immigration officials to dispense with the statutory categories Congress created. The brief states: "As a result, DHS has authorized immigration officials to violate their duty to arrest criminal aliens when Florida releases them from state custody, which forces Florida to expend resources on supervised release and policing recidivism for criminal aliens who should be in federal custody and removed from the United States."

The brief argues that the Southern District of Texas correctly vacated the DHS directive to not detain or deport those here illegally who commit crimes, and that Congress, under 8 U.S.C. § 1226(c), imposes on DHS a mandatory duty to arrest and remove certain criminal aliens.

To view the brief, click here.

Attorney General Moody previously filed a similar multistate action against President Biden for failing to enforce federal immigration law, arguing that the president is failing to perform the duties required by Congress by creating unlawful immigration enforcement priorities. This action is currently stayed pending the Supreme Court's decision in *United States v. Texas*.