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Florida Attorney General's Office News Release

AG Moody Wins Major Immigration Case

TALLAHASSEE, Fla.—A federal judge sided with Florida Attorney General Ashley Moody today, ruling that President Joe Biden is responsible for the border crisis and claiming the president effectively turned the U.S. Southwest Border into “little more than a speedbump.” In a scathing 100-plus-page opinion, U.S. District Judge T. Kent Wetherell ruled that Biden’s catch-and-release policy is unlawful and gave the administration seven days to comply with federal immigration law.

Attorney General Ashley Moody said, “Today’s ruling affirms what we have known all along, President Biden is responsible for the border crisis and his unlawful immigration policies make this country less safe. A federal judge is now ordering Biden to follow the law, and his administration should immediately begin securing the border to protect the American people.”

The Final Order from Judge Wetherell of the U.S. District Court of the Northern District of Florida states: “The Court finds in favor of Florida because, as detailed below, the evidence establishes that Defendants have effectively turned the Southwest Border into a meaningless line in the sand and little more than a speedbump for aliens flooding into the country by prioritizing ‘alternatives to detention’ over actual detention and by releasing more than a million aliens into the country—on ‘parole’ or pursuant to the exercise of ‘prosecutorial discretion’ under a wholly inapplicable statute—without even initiating removal proceedings.”

This case gained national attention over the damning evidence Attorney General Moody uncovered concerning the Biden administration’s deliberate efforts to weaken border security. Attorney General Moody filed the case in March 2021. During the course of discovery and litigation, Florida forced the federal government to provide or disclose the following:

- A deposition of U.S. Border Patrol Chief Raul Ortiz showing 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 United States.
- 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.

The case went to trial in January and lasted a week. On day one of the trial, the Florida Attorney General's legal team presented bombshell evidence that the federal government wrongfully withheld until just before the trial. Uncovered U.S. Department of Homeland Security emails contained information that the Biden administration's destruction of the Trump administration's immigration structures left Border Patrol with no other options except to release almost all immigrants encountered. The messages, sent just eight days after Biden took office, stated that the surge of illegal immigrants caused by Biden's destructive immigration policies will "immediately overwhelm" federal detention capacity.

The Final Order also states: "Collectively, these actions were akin to posting a flashing 'Come In, We're Open' sign on the southern border. The unprecedented 'surge' of aliens that started arriving at the Southwest Border almost immediately after President Biden took office and that has continued unabated over the past two years was a predictable consequence of these actions….

"Thus, like a child who kills his parents and then seeks pity for being an orphan, it is hard to take Defendants' claim that they had to release more aliens into the country because of limited detention capacity seriously when they have elected not to use one of the tools provided by Congress in §1225(b)(2)(C) and they have continued to ask for less detention capacity in furtherance of their prioritization of "alternatives to detention" over actual detention."

To read the Final Order, click here.