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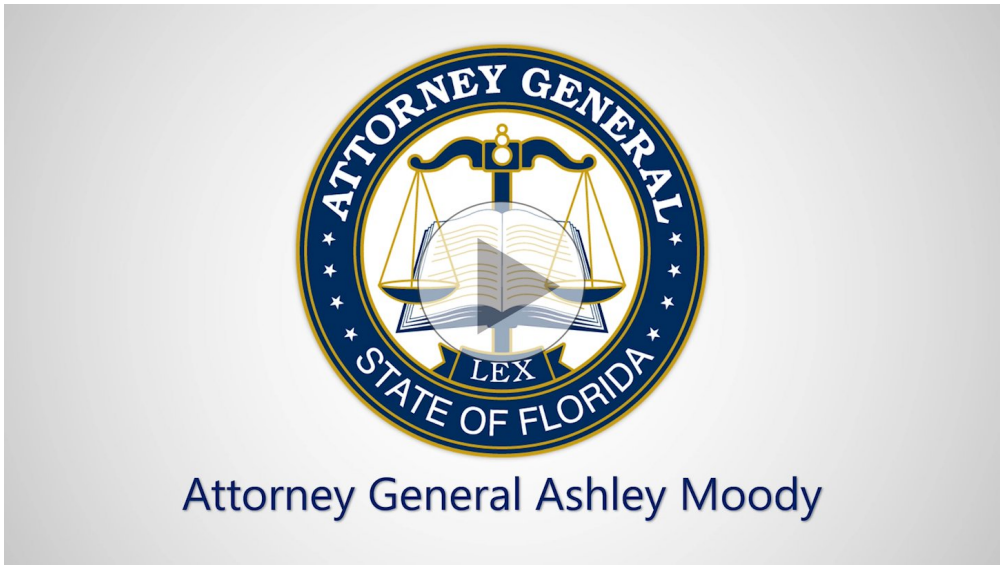
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OFFICE OF THE ATTORNEY GENERAL STATE OF FLORIDA

Florida Attorney General's Office News Release

VIDEO: OAG Reveals Plans to Release Waves of Illegal Immigrants into US



TALLAHASSEE, Fla.—Attorney General Ashley Moody continues to obtain devastating evidence of President Joe Biden's failed immigration policies. Through aggressive litigation efforts, Attorney General Moody's office obtained a memo outlining the federal government's plan in the event immigrants overrun the border once Title 42 is repealed—simply mass-release immigrants into the United States. During a Florida Attorney General's Office deposition of U.S. Border Patrol Chief Raul Ortiz, the chief testified that he had never before, during a 31-year career, seen or issued an order like the emergency memo.

Attorney General Ashley Moody said: "The Biden administration's failed immigration policies are disastrous. Expecting to be overrun, Biden's Border Patrol drafted a plan to hunker down and allow inadmissible immigrants to flood into the country. But for the efforts of our office and other responsibly-minded, public-safety oriented attorneys general, Title 42 would have been repealed and Biden would have released untold thousands of additional immigrants into the interior of our country—outrageous!"

In the emergency memo, dated May 19, Border Patrol predicted that an overwhelming surge of immigrants would come across the southern border if Title 42 was repealed—as the Biden administration intended until Florida and other states sued and won to prevent this catastrophe. Border Patrol also did not expect to be able to properly process or transport the illegal immigrants encountered in this case. If this occurred, the memo directed patrol sectors to release immigrants, including those inadmissible, into the country.

The only limitations the memo placed on Border Patrol under this open-the-floodgates policy is that immigrants were not to be released late at night, in unpopulated areas, or in areas of known safety risks. Florida and other states successfully obtained an injunction against Title 42's repeal, so Border Patrol never utilized this policy.

Last year, Attorney General Moody sued the U.S. Department of Homeland Security and other agencies for failing to follow federal law by detaining inadmissible immigrants intercepted at the border until the immigrants are repatriated to the country of citizenship—as is required under the Immigration and Nationality Act. In the last full month of the Trump administration, Border Patrol released 17 illegal immigrants into the U.S. pending resolution of immigration cases. By July 2021, six months after President Biden's inauguration, the federal government released more than 60,000 immigrants within a single month.

According to federal documents provided during discovery, DHS disclosed that more than 48,000 illegal immigrants, who indicated Florida as a destination, failed to check in with U.S. Immigration and Customs Enforcement. The federal government now has no idea of these individuals' location or activity—even though most are legally inadmissible.

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

To view a copy of the memo, click here.

In a separate action in the U.S. District Court for the Western District of Louisiana, Florida and 22 other states sued the Biden administration over the repeal of Title 42. On May 20, the day after the date of the memo, a federal district court enjoined the repeal of the Title 42 order. For a copy of the court's ruling, click here.

On July 28, Chief Deputy Attorney General John Guard took Chief Ortiz's deposition as part of discovery in one of the state's immigration cases. To view additional portions of the deposition related to the memorandum, click here.

A complete copy of the deposition is attached here.

Florida's case where the deposition was taken, 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.