

Oct 10, 2023

Contact Kylie Mason

Phone (850) 245-0150



OFFICE OF THE
ATTORNEY GENERAL
STATE OF FLORIDA

Florida Attorney General's Office News Release

AG Moody Leads Multistate Coalition Taking Action to Force the Biden Administration to Secure the Border and Stop More Terrorists from Entering the U.S.



TALLAHASSEE, Fla.—Attorney General Ashley Moody is leading a coalition of 27 states taking action to force the Biden administration to secure the U.S. Border. The Biden administration’s intentional dismantling of border security has resulted in more than seven million inadmissible immigrants entering the U.S., including suspected terrorists. During fiscal year 2023, U.S. Customs and Border Protection identified 151 known terrorists at the Southwest border—264 since Biden took office.

With more than 1.5 million known gotaways, however, countless dangerous individuals could have clandestinely entered the country. Despite a court victory by Attorney General Moody against Biden’s catch-and-release policy, the administration continues to release inadmissible immigrants at the border—in violation of federal immigration law.

Attorney General Moody and the coalition are taking action to force DHS to amend its unlawful policies to expressly prohibit the mass release of inadmissible immigrants into the U.S., to secure the border and prevent even more terrorists from entering the country.

Attorney General Ashley Moody said, “The Biden administration must secure our border to protect our national security. The Biden administration has let more than 7 million illegal immigrants across the U.S. border—including more than 1.5 million gotaways and 264 suspected terrorists. Given the massive flood of unvetted migrants into the interior of our country, there is no way to know who is in the U.S. or if they plan to enact terror on Americans. Given the risks illustrated by what happened this weekend in Israel, I am leading a coalition of 27 attorneys general taking action to force the Biden administration to enact responsible rulemaking to ensure our nation’s security at our Southern Border.”

Attorney General Moody, leading the coalition of states, filed a Petition for Rulemaking demanding DHS amend its catch-and-release policies, stating that the policies are blatantly unlawful and have horrendous effects on the security of our nation. The petition states: “As the court found in Florida, DHS’s mass release policies have been ‘akin to posting a flashing ‘Come In, We’re Open’ sign on the southern border’...In August 2023, Border Patrol released 100,585 aliens under § 1226(a). Florida anticipates that the numbers in September will be even higher, especially given DHS’s decision to set release quotas for Border Patrol to meet. Even if the numbers merely remain the same, DHS is releasing aliens at a rate of over one million per year, and that does not include the aliens being released on parole under § 1182(d)(5).”

In addition to unlawfully releasing inadmissible immigrants into the U.S., DHS is giving the migrants released under the unlawful practices a court date many years in the future. DHS’s unlawful decisions are allowing millions of unauthorized immigrants to remain in the U.S. for 15 years or longer before ever appearing before an immigration judge.

Attorney General Moody and the coalition are urging DHS to amend its regulations to expressly prohibit the unlawful releases.

The petition states: “The purpose of this Petition to Initiate Rulemaking, 5 U.S.C. § 553(e); 6 C.F.R. §§ 3.1–3.9, is to demand that you fix the problem you created. Specifically, you should promulgate changes to your regulations to close the catch-and-release loophole that the Department of Homeland Security (DHS) is currently exploiting to implement its mass release policy at the Southwest Border... The amendment could be made to either 8 C.F.R. § 235 or § 236. And all the amendment needs to say is something to the effect of ‘aliens who are subject to § 1225(b) because they meet the definition of ‘applicant for admission’ in § 1225(a) may not be released under § 1226(a) because that provision does not apply to them’...In other words, the amendment should clarify that § 1225 and § 1226 do not overlap but ‘apply to different classes of aliens.’”

The attorneys general of the following states signed onto Attorney General Moody’s petition: Alabama, Alaska, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia and Wyoming.

To read the Petition for Rulemaking, click [here](#).

Since President Biden took office:

- [More than 7 million](#) illegal immigrants, including an estimated 1.5 million '[gotaways](#),' have surged across the border;
- U.S. Customs and Border Patrol agents seized [more than 50,000](#) pounds of fentanyl, enough to kill the U.S. population more than 35 times over; and
- CBP has identified [264 people](#) on the terrorist watch list at the Southwest border, including 151 in fiscal year 2023.

Florida beat the Biden administration in federal court earlier this year, obtaining a ruling that called the current border "[little more than a speed bump](#)," a ruling affirming what Attorney General Moody has said for years, that Biden's immigration policies are unlawful.

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