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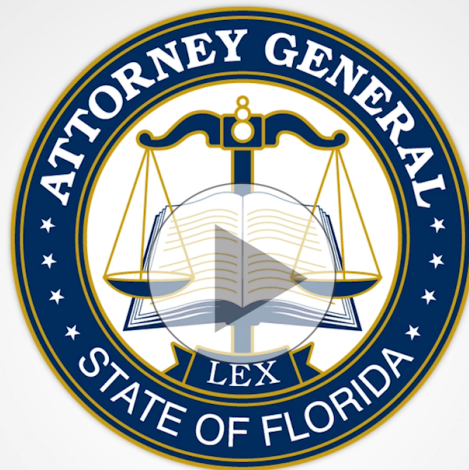
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OFFICE OF  
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— Stronger, Safer Florida —

## Attorney General Ashley Moody News Release

**VIDEO: AG Moody Uncovers and DOJ Confirms Disastrous Plan to Mass Release the Crush of Illegal Immigrants Rushing the Border as Title 42 Expires**



Attorney General Ashley Moody

TALLAHASSEE, Fla.—Attorney General Ashley Moody continues to uncover more information about the unprecedented failure of President Joe Biden’s immigration policies. As part of ongoing litigation to force the Biden administration to follow existing immigration law, the U.S. Department of Justice just confirmed to the Florida Attorney General’s Office that U.S. Border Patrol plans to implement a May 19, 2022 [memorandum](#) uncovered by Attorney General Moody last year—confirmed as authentic [through a thorough deposition](#) and cross examination at trial.

The memo directs Border Patrol to mass release an undisclosed number of illegal immigrants who are not entitled to enter the United States when Title 42 ends tomorrow—according to reports as many as [700,000 people](#) are awaiting entry. A DOJ official told Florida’s attorneys [in an email on May 9, 2023](#), that U.S. Department of Homeland Secretary Alejandro Mayorkas’s recent comments about use of alternatives to detention when Title 42 ends refers to that prior memorandum.

**Attorney General Ashley Moody** said, “We uncovered Biden’s disastrous plan almost a year ago, yet the corporate media ignored the overwhelming evidence that DHS plans to stand down as Title 42 expires and hundreds of thousands of migrants storm the Southwest Border. Americans need to know that this crisis is about to kick into overdrive, and it is because of the

deliberate dismantling of our public-safety immigration structures that Biden and Mayorkas have been attacking since day one in office.”

The Biden administration is ignoring a federal court judge’s order vacating its authority to release immigrants who are not entitled to remain in the country. On March 8, 2023, U.S. [District Court Judge T. Kent Wetherell, II vacated a DHS policy](#) that released illegal immigrants from the U.S. Southwest Border on “Alternatives to Detention” concluding that it was unlawful.

For a copy of the judgment click [here](#).

The court commented that the Biden administration had “effectively turned the Southwest Border into a meaningless line in the sand and little more than a speedbump for aliens flooding into the country.” DHS did not seek a stay of that judgment.

In the memorandum that DOJ confirmed is being operationalized, the Biden administration developed a policy to mass release people illegally entering the United States, when the U.S. Centers for Disease Control and Prevention’s Title 42 order repeal is effective—May 11, 2023. Currently, the Title 42 order is automatically returning almost half of the immigrants attempting to enter the country illegally. In a deposition from last year, Border Patrol Chief Raul Ortiz testified in his deposition that in his 31-year career that he had never seen an order like that before.

Typically, the Enforcement and Removal Operations Division of the U.S. Immigration Customs Enforcement is charged with taking custody of immigrants encountered by the Border Patrol. ERO detains, deports, and/or transports immigrants from the border. Under the May 19, 2022 memorandum, Border Patrol expected an overwhelming surge of immigrants across the Southern Border when the CDC’s Title 42 repeal goes into effect. Border Patrol believed that ERO would not be able to transport, detain and deport immigrants it encountered. If that occurred, the memorandum directed Border Patrol sectors to release immigrants, including inadmissible aliens, into the interior of the United States. The only limitations on Border Patrol under this floodgate release policy was that immigrants were not to be released late at night, in unpopulated areas, or in areas that pose safety risks. The immigrants released would not have been monitored or tracked.

In addition to successfully challenging the DHS’s unlawful actions in multiple cases, Attorney General Moody has called on Congress to impeach Secretary Mayorkas for not following federal law.

A copy of that letter is attached [here](#).

The operationalization of the May 19, 2022 memo is further evidence that Secretary Mayorkas’s is unfit for office and of the urgent need for his impeachment.

On July 28, 2022, Chief Deputy Attorney General John Guard took Chief Ortiz’s deposition as part of discovery in one of its immigration cases. To view portions of the deposition related to the memorandum, click [here](#).

A complete copy of the deposition is attached [here](#).