

“64 Times U.S. Government Undermined Border Security”

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WASHINGTON—“Since his first day in office, President Biden and his administration have worked to systematically undermine America’s border security,” House Speaker Mike Johnson said. “On more than 60 occasions, he has manipulated the federal bureaucracy to open our borders to illegal immigrants, human trafficking, fentanyl, and potential terrorists. The result is a humanitarian and national security catastrophe. The President must use his executive authority to repair what he has broken. I am calling on him to do so. ”

Below are 64 instances of the Biden Administration undermining border security policy and encouraging illegal immigration.

- Jan. 20, 2021: President Biden terminated the National Emergency at the Southwest border (Proclamation 9844), thereby halting emergency construction of a border wall.
- Jan. 20, 2021: President Biden issued an Executive Order (EO) further entrenching the unlawful Deferred Action for Childhood Arrivals (DACA) program. With his action, President Biden directed the Secretary of Homeland Security, in consultation with the Attorney General, “to preserve and fortify DACA,” signaling to illegal aliens that his Administration supports amnesty and that illegal aliens need not fear coming to the U.S. or worry about immigration enforcement.
- Jan. 20, 2021: President Biden unveiled the U.S. Citizenship Act, which would provide amnesty to millions of illegal aliens in the U.S., demonstrating intent to reward illegal border crossers with a path to citizenship.
- Jan. 20, 2021: President Biden revoked Trump-era Executive Order that was designed to ensure there was meaningful enforcement of U.S. immigration laws.
- Jan. 20, 2021: The Administration issued an Executive action ending limitations and restrictions against immigration from certain countries associated with terrorism.

- Jan. 20, 2021: The Biden Administration announced a 100-day moratorium on deportations and immigration enforcement, effectively providing amnesty to criminal and other removable aliens and sending the signal the Biden Administration would not enforce the law. The Administration also announced interim immigration enforcement guidelines that signaled to illegal aliens that they do not have to worry about the possibility of deportation.
- Feb. 1, 2021: The Department of Homeland Security (DHS) implemented Acting Secretary Pekoske's policy requiring a new "process [that] shall provide for assessments of alternatives to removal including, but not limited to, staying or reopening cases, alternative forms of detention, custodial detention, whether to grant temporary deferred action, or other appropriate action."
- Feb. 2, 2021: President Biden issued Executive Order (EO) 14010 and began processing asylum claims at the border. In the EO, the President also signaled an end to the Migrant Protection Protocols (which is known as "Remain in Mexico" or "MPP") while making other statements signaling an open border.
- Feb. 6, 2021: Secretary of State Antony Blinken suspended, and began termination procedures, for the Trump Administration's Asylum Cooperative Agreements with El Salvador, Guatemala, and Honduras. These agreements ensured aliens seeking asylum could do so in countries closer to their home country and in countries other than the United States.
- February 2021: The Biden Administration voluntarily stopped applying Title 42 expulsions to children across the board, setting off a major wave of unaccompanied alien children, family units, and illegal aliens generally heading to the U.S. border.
- Feb. 17, 2021: The Centers for Disease Control and Prevention (CDC) exempted unaccompanied alien children (UAC) from Title 42 expulsion requirements, thereby encouraging UACs to come to the U.S. and parents to pay cartels to smuggle their children to the U.S. border.
- Feb. 25, 2021: The Biden Administration sped up releases of UACs.
- March 2, 2021: According to news reports, the Biden Administration lost track of 20,000 unaccompanied alien children and President Biden was briefed on the need to expand detention to hold an additional 20,000 children who had illegally crossed the border.
- March 5, 2021: Faced with overwhelming numbers of UACs in federal custody, the CDC ignored its normal facilities guidance regarding COVID-19 and notified "facilities caring for migrant children that they can open back up to pre-Covid-19 levels, acknowledging 'extraordinary circumstances.'"
- March 10, 2021: Biden Administration announced reinstatement of the Central American Minors (CAM) program, an Obama-era parole program that allowed citizens and aliens—including illegal aliens—to bypass the family-

based immigration laws adopted by Congress and sponsor family members El Salvador, Guatemala, and Honduras to come to the United States.

■ March 16, 2021: DHS Secretary Mayorkas delivered remarks effectively explaining the border is open for illegal immigration by stating DHS's focus would be on "processing" illegal aliens—in other words catch-and-release and the creation of new "lawful pathways."

■ March 20, 2021: DHS began issuing illegal alien border crossers a Notice to Report (NTR) to U.S. Immigration and Customs Enforcement, as opposed to the standard Notice to Appear (NTA) in U.S. immigration court. The NTR policy allows illegal aliens to simply be released into the U.S. and relies on them to self-report to ICE at a later date.

■ March 30, 2021: Office of Refugee Resettlement (ORR) took drastic actions to expand detention space to house unaccompanied alien children in so-called "Influx Care Facilities," often using unlicensed facilities that lacked child welfare experience. In March, April, and May of 2021, ORR expanded capacity to house another 23,849, including 10,000 at Fort Bliss. DHS was also holding children for a longer period than allowed by law (between 30 and 40 days) and, because the flow of UACs across the border outpaced Health and Human Services' (HHS) ability to vet adults who can care for the children.

■ March 31, 2021: The Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) issued guidance rolling back requirements for background checks on adults in the household of a UAC sponsor.

■ April 30, 2021: The Biden Administration canceled further wall construction which was being led by the Department of Defense (DOD).

■ June 15, 2021: The Biden Administration announced expansion of the Central American Minors (CAM) program to broaden the list of illegal aliens who can sponsor family members through the program, including illegal aliens who claim asylum.

■ June 16, 2021: Attorney General Merrick Garland rescinded the Trump-era Decision In Matter of L-E-A-, thereby expanding asylum eligibility to allow nuclear or immediate familial relationships to be treated as a "particular social group."

■ June 16, 2021: Attorney General Merrick Garland rescinded the Trump-era Decision in Matter of A-B I and A-B II, thereby expanding asylum eligibility to include gender and domestic relationships as certain social groups, reverting to policy under in Matter of A-R-C-G.

■ July 2021: The United States Border Patrol (USBP or BP) released at least 50,000 aliens without giving them a "Notice to Appear" (a court date), instead advising them to self-report to ICE on their own. Unsurprisingly, 87 percent of aliens fail to report.

- Aug. 5, 2021: The USBP authorized the use of parole plus alternatives to detention (ATD) in the Del Rio Border Sector.
- Aug. 17, 2021: DHS announced an expansion of alternatives to detention (effectively reinstating and expanding catch and release) and announced the expansion of taxpayer-funded services to illegal aliens in removal proceedings.
- Aug. 31, 2021: The Biden administration released over 100,000 aliens into the United States between March 21, 2021 and August 31, 2021, without giving these aliens a "Notice to Appear," instead advising them to self-report to ICE on their own. Of those, nearly 50 percent of them did not check-in with ICE within the 60-day deadline.
- Sept. 24, 2021: The Administration falsely accused Border Patrol agents on horseback in Del Rio, Texas of whipping aliens at the border. President Biden condemned the agents, saying the aliens had been "strapped" and vowed "consequences." Vice President Harris piled on the false allegations, comparing them to oppression and slavery. In fact, DHS Secretary Mayorkas knew the claim was false and even though the agents were exonerated in July 2022, the Administration proposed punishment for the agents.
- Sept. 30, 2021: DHS Secretary Mayorkas issued a memorandum that states "the fact an individual is a removable [alien] should [not be the sole] basis of an enforcement action," effectively using prosecutorial discretion to give deportable aliens a pass to stay in the United States, thereby granting a form of amnesty to many illegal aliens.
- Fiscal year 2021: Throughout Fiscal Year 2021, the Biden Administration distributed more than \$300 million in federal law enforcement grants to Sanctuary Cities under SCAAP, Byrne, and COPS programs (amounting to 43 percent of total awards going to sanctuary cities), financially rewarding cities whose policies encourage illegal immigration.
- Oct. 8, 2021: DHS canceled another group of border wall contracts led by DHS related to the Laredo and Rio Grande Valley Border Sectors.
- Oct. 12, 2021: DHS effectively suspended large-scale worksite enforcement, a key tool to deter the hiring and employment of illegal aliens.
- Oct. 27, 2021: DHS Secretary Mayorkas issued a memorandum prohibiting enforcement of immigration laws in certain areas including schools, healthcare facilities, recreational areas, social service and emergency facilities, ceremonial locations (such as funerals and civil ceremonies) as well as at demonstrations and rallies.
- Oct. 29, 2021: DHS Secretary Mayorkas terminated the Migrant Protection Protocols (known as "MPP" or "Remain in Mexico").
- Nov 2021: The Biden Administration formally created a program that included alternatives to detention (ATD) plus parole, resulting in "catch and

release” for hundreds of thousands of aliens into the U.S. interior after they were encountered at the border (338,000 aliens were released in Fiscal Year 2022 alone) under this program.

- Dec. 17, 2021: Immigrations and Customs Enforcement (ICE) repurposed three detention centers previously used for family detention, thus encouraging greater illegal immigration of family units.
- January 2022: Between July 2021 and January 2022, the United States admitted more than 79,000 Afghan evacuees as part of Operation Allies Welcome after the Biden State Department and Department of Defense botched the nation’s withdraw from Afghanistan. The DHS OIG determined that DHS failed to fully vet the evacuees. Failure to vet refugees, signaled that the Administration might also apply lax vetting to asylum seekers, further encouraging asylum abuse.
- April 1, 2022: The Biden Administration announced intent to end Title 42. Federal District Court Judge from Louisiana temporarily blocks the action.
- April 3, 2022: ICE Principal Legal Adviser issued memorandum promoting termination of cases in immigration court and directing ICE Office of the Principal Legal Adviser (OPLA) trial attorneys to comb through their cases to determine whether aliens would be considered a “priority” for removal under the Biden “enforcement priorities.”
- Sept. 9, 2022: The Biden Administration reversed Trump-era public charge rule, allowing aliens who are likely to become a burden to taxpayers to receive immigration benefits—such as a visa, admission, or adjustment of status.
- Oct. 31, 2022: DHS finalized a rule to “fortify DACA,” which Declares DACA recipients as “lawfully present” and grants them employment documents despite ongoing litigation.
- Dec. 13, 2022: The Biden Department of Justice (DOJ) sued the State of Arizona in order to force Arizona to remove shipping containers placed to close gaps in the border wall.
- January 2023: CBP changed CBP One app to allow border crossers to schedule online appointments, expanding the number of aliens allowed into the United States.
- Jan. 6, 2023: The Biden Administration began abusing statutory parole authority under INA 212(d)(5) by creating a categorical parole program for nationals of Cuba, Haiti, Nicaragua, and Venezuela. Parole was intended by Congress to be used sparingly and only on a “case by case” basis, yet DHS continues to create and administer categorical parole programs to allow hundreds of thousands of illegal aliens to classes of aliens.

- Feb. 25, 2023: *The New York Times* reported data showing the Biden Department of HHS has lost track of 85,000 alien children over the prior two years. NYT exposes details of minor children working in factories in the United States.
- March 2023: ICE continued to ignore the need for deportations, allowing criminal aliens to stay in the U.S. ICE's non-detained docket grew to an estimated 5.3 million aliens, including 407,983 criminal aliens. Meanwhile, ICE arrests in Fiscal Year 2022 fell by 69 percent compared to Fiscal Year 2018 and arrests of convicted criminals fell 65 percent (to 36,322 in Fiscal Year 2022 from 105,140 in Fiscal Year 2018).
- March 25, 2023: Despite record numbers of illegal aliens arriving at the southern border, the Biden Administration proposed cutting detention beds by 25 percent as part of its Fiscal Year 2024 budget request.
- March 28, 2023: DHS Inspector General (IG), citing lax oversight, issued a report that identified misuse and fraud of federal emergency funds, resulting in up to \$110 million in funds appropriated in the American Rescue Plan and other legislation being awarded to pay for services to illegal aliens and not Americans suffering due to COVID.
- April 13, 2023: The Biden Administration announced DACA recipients would be eligible for Obamacare benefits and Medicaid, giving taxpayer-funded healthcare to illegal aliens.
- April 27, 2023: The State Department and DHS announced plans to end Title 42, expand CBP One app, and create additional unlawful categorical parole programs for aliens from El Salvador, Guatemala, Honduras and Colombia. The program violates the law and allows aliens to enter before they receive a green card and without a visa.
- April 30, 2023: The Biden Administration circulated guidance that waters down the vetting process for Chinese illegal aliens, requiring that interviews used to question a Chinese illegal alien consist of five basic questions. The media reported that Chinese illegal aliens "quickly adapted" to the new CBP guidelines and were "coached" to give "stories that are identical."
- May 5, 2023: CBP expanded appointment capability of the CBP One App. Through Nov. 2023, nearly 360,000 appointments had been scheduled on the app (43,000 in November alone). The CBP One app continues to be vulnerable to exploitation by the cartels.
- May 11, 2023: The Biden Administration terminated use of Title 42 policy expulsion authority.
- May 31, 2023: The Biden Administration ended the DNA testing program used to verify that adults who crossed the border with a child and claimed to be related to that child, are in fact related. Ending the program promotes not only illegal immigration, but also child exploitation and trafficking.

- July 7, 2023: The Biden Administration expanded unlawful parole programs to include individuals from Colombia, El Salvador, Guatemala, and Honduras.
- July 24, 2023: The Biden Department of Justice sued the State of Texas to remove newly placed floating barriers in the Rio Grande River.
- Aug. 10, 2023: The Biden Administration Office of Management and Budget requested nearly \$14 billion in emergency funding that perpetuates the Biden Administration's open borders policies. For example, \$600 million was requested for FEMA's Shelter and Services program, which provided airfare and hotels to illegal aliens. This is on top of the \$363.8 spent by the program in Fiscal Year 2023.
- Aug. 29, 2023: ICE scrambled after releasing into the U.S. more than a dozen Uzbek nationals with ties to an ISIS smuggler.
- Aug. 2023: DHS rebranded "Alternatives to Detention" as "Release and Reporting Management," effectively using ICE to provide social services to aliens instead of allowing ICE to function as a law enforcement agency.
- Sept. 8, 2023: The Biden Administration promulgated a proposed rule to reverse Trump-era policy and allow Immigration Judges to administratively close or dismiss removal proceedings without any action (something not allowed by statute), resulting in no Decision denying asylum.
- Oct. 4, 2023: The Biden Administration issued new rules on UACs that fails to prevent the release of illegal alien children to strangers, fails to facilitate age determinations, and fails to collect immigration information on sponsors. All of this will encourage trafficking of children, including by the cartels.
- Dec. 21, 2023: Biden Administration announced the creation of a new "juvenile" docket within immigration courts which is so expansive, it gives specialized treatment to 18, 19, and 20 year-old illegal aliens who should be deported through the expedited removal process.
- Dec. 28, 2023: Following a trip to Mexico by Secretary of State Blinken and DHS Secretary Mayorkas, the Mexican government reported that their discussions focused on "regularizing" status—i.e., amnesty—for "Hispanic migrants who have been undocumented . . . and DACA beneficiaries."
- Jan. 3, 2024: The Biden Administration sued the State of Texas for enforcing a recently enacted Texas state law that allow Texas judges and magistrates to order illegal aliens to return to the foreign nation from which they entered.