

IMMIGRATION REPORT



FAIR Exposes the Truth: How Biden Policies Triggered Mass Movement from Venezuela

FAIR just released a groundbreaking report that shows all Americans the direct causes of the astounding 7,300 percent spike in illegal immigration from Venezuela. Before President Biden took office (in FY20), only 4,520 Venezuelan nationals were encountered by U.S. Customs and Border Protection (CBP) at the border. By last year, it exploded to 334,914.

This does not happen in a vacuum. But the reasons why can be obscure. Here is where FAIR comes in. This report, *Country Brief: Venezuela*, comes from FAIR's investigative Research department, where FAIR investigators dug deep into the major and minor Biden policy changes that triggered this tsunami of migration. The national security implications are also considered in depth. Examining the geopolitical conditions inside Venezuela, FAIR identified *no change* in the economic or political situation that would explain the sudden inflow: rather the entire blame can be laid at the feet of the Department of Homeland Security (DHS) and its erratic, inconsistent and damaging policy change. These variations encouraged Venezuelans to make dangerous trips through numerous countries to live, work and remain in the United States.

FAIR is placing this report in front of the nation's key policy makers and Congress to inform future legal and policy changes. Its release was widely covered in the media.

MORE DETAIL: The exponential growth of illegal migration from Venezuela mirrors the general increase of mass illegal immigration under the Biden administration. Since President Biden arrived, some 10 million people are known to have attempted to enter the country illegally, including nearly 2 million who were never apprehended and processed by CBP. More than half a million of these people are Venezuelans and nearly 58 percent of them entered in the last fiscal year alone.

The Biden administration has changed policy and broken laws to encourage this inflow. Practices at issue include resume catch-and-release; expand Alternatives to Detention (ATD); stunning parole abuse; and baseless expansion of Temporary Protected Status (TPS). Most of these Venezuelans had already been safely settled in other countries for years – completely undermining any claim for asylum.

Mass Movement from Venezuela

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The FAIR report raises serious concerns about the risks posed to U.S. national security by the surge of new illegal migrants with ties to a government that is, at best, an adversary of the United States. Venezuela's Marxist dictator, Nicolas Maduro, maintains close relationships with some of America's most implacable enemies and adversaries, including Iran, Russia and China.

Venezuela's government issues travel documents to individuals linked to terrorism. Additionally, the Maduro regime allows terrorists to operate with relative impunity and has increased its ties with the Islamic Republic of Iran, another notorious state sponsor of terrorism. Recent attacks on Americans and American interests in the Middle East and the Persian Gulf show this is no idle threat.

Among the key findings of the report:

- Venezuelans are now the second most encountered nationality of illegal aliens at the border.
- More than half a million Venezuelan illegal aliens have been encountered since January 2021.
- The number of Venezuelan nationals encountered increased 77 percent between Fiscal Years 2022-2023.

Since FY 2020, the increase in Venezuelan illegal immigration has been 7,309 percent.

- Executive Branch policies – especially parole, Temporary Protected Status and the mass release of migrants into the U.S. – have driven the dramatic increase in Venezuelan illegal immigration.
- The Biden administration's parole program allows Venezuelans and dual nationals of Venezuela to enter the U.S., even with an expired passport, with little or no vetting.
- Venezuela's government has supplied genuine Venezuelan travel documents to non-Venezuelans, including potential national security threats from countries like Iran. This is especially concerning given Venezuela's ties to state sponsors of terrorism.

FAIR In Action: The report also includes a detailed list of recommendations to slow the record influx of illegal aliens – not just from Venezuela, but from some 170 nationality groups that have responded to the Biden administration's de facto open-door policies.

The full report can be found on FAIR's website, www.fairus.org

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Immigration REPORT

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Congress Responds to FAIR Demands for Impeachment of Homeland Security Secretary Mayorkas

After months of fruitless efforts to get answers about serious national security threats posed by the collapse of border controls, the House of Representatives finally acceded to FAIR's demands and began impeachment proceedings against Homeland Security (DHS) Secretary Alejandro Mayorkas. Mayorkas has been the prime architect of the disastrous Biden Border Crisis that has resulted in some 10 million people crossing our borders illegally – including nearly 2 million who eluded apprehension – over the past three years.

In January, the House Homeland Security Committee, which has oversight authority over DHS, held two hearings detailing Mayorkas' failure to carry out the essential mission of his office. "This hearing is about the human costs of Secretary Mayorkas' egregious misconduct and failure to fulfill his oath of office," stated committee Chairman Mark Green (R-Tenn.). Committee members cited numerous instances, during the three years Mayorkas has been at the helm of DHS, where the secretary has misled Congress and failed to provide adequate answers or data when requested – playing what Chairman Green called "a cat and mouse game" with Congress.

FAIR was among the first to call for Mayorkas' impeachment because we flagged the magnitude of the misfeasance and its likely future implications. To bolster the case for removing him from office, FAIR prepared a comprehensive list of actions taken by the beleaguered cabinet official during the past three years that were in direct contravention to the law and designed to weaken border controls. That report, "Secretary Mayorkas: Betraying the American People," can be found on FAIR's website, www.fairus.org.

Mayorkas, himself, has lent credence to the charge that

he is in dereliction of his duty as DHS secretary. When asked, in early January, about reports that DHS was releasing more than 70 percent of the record numbers of migrants encountered at the border, he told Fox News, "It would not surprise me at all. I know the data." But even that was a low-ball estimate. In meetings with Border Patrol agents a few days later, Mayorkas was reported to have admitted that upwards of 85 percent of migrants encountered at the southern border are now being let into the country.

In dozens of previous appearances before congressional committees, Mayorkas has no answers for why his department has lost track of illegal aliens – including children – who have been released into the country.

Instead, he just demands a mass amnesty program to "fix" the immigration system, effectively forcing Congress to ratify and validate the tidal wave of illegal immigration he has allowed into the country.

"After our nearly year-long investigation and subsequent impeachment proceedings and having exhausted all other options to hold him accountable, it is unmistakably clear to all of us – and to the American people – that Congress must exercise its constitutional duty and impeach Secretary Mayorkas," Green concluded at the end of the impeachment hearings.

On February 6, the House failed to impeach Department of Homeland Security (DHS) Secretary Mayorkas by a vote of 214-216. However, the House is expected to reconsider the Secretary's impeachment when all majority members are present, providing another chance to hold Secretary Mayorkas accountable for his willful disregard of the law and breach of public trust. A second vote could happen as soon as next week.

Mayorkas Impeachment

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The failed impeachment vote offered drama for those watching Tuesday evening. Immediately before it began, Speaker Mike Johnson (R-La.) was seen huddled on the House floor with other members and staff while they stalled proceedings by holding a vote open a separate bill. Meanwhile, key aides conferred to ensure that Republicans had the votes needed to impeach the Secretary with an extremely narrow majority: 219 Republicans to 212 Democrats and four vacancies. That meant Republicans could only afford to lose three votes with all of their members present for impeachment to pass. Since Majority Leader Steve Scalise (R-La.) was absent due to health issues, the margin of error was even smaller for the House majority.

As expected, the vote was very close. Three GOP Congressmen – Tom McClintock (Calif.), Ken Buck (Colo.) and Mike Gallagher (Wis.) – voted against the impeachment, resulting in a one vote margin to impeach Mayorkas of 215-214. However, unexpectedly, Democrat Congressman Al Green (Texas), who had missed all previous votes on Tuesday, suddenly showed up to vote against the impeachment and tied the vote at 215-215. By rule, a tie vote loses in the House, and without the Majority Leader’s vote, House Republicans

had no way to break the tie.

Given the deadlock, House leadership advised GOP Conference Vice Chairman Blake Moore (R-Utah) to flip his vote to “nay.” That move allows House Republicans the option to introduce a motion to reconsider impeachment. Under House rules, a motion to reconsider bills can only be raised by a Member who voted on the prevailing side. Vice Chairman Moore accordingly flipped his vote to be a member of the “winning” side, giving him the ability to introduce a motion to vote again when Majority Leader Scalise is present and able to break the tie.

Following the vote, House Republicans quickly asserted that they are not abandoning the effort to impeach Mayorkas. The Speaker’s office noted within the hour that they “fully intend” to vote again on the articles of impeachment. Chairman of the House Homeland Security Committee Mark Green (R-Tenn.) also released a statement saying, “While I’m disappointed in the outcome of today’s vote, this is not the end of our efforts to hold Secretary Mayorkas accountable. I look forward to Leader Scalise’s return.”

Border Giveaway Fails in the Senate Republican Senators Reject Bill that Would Have Made a Bad Situation Worse

Some 10 million people have crossed our borders illegally since President Biden took office three years ago, including nearly two million who are known to have evaded Border Patrol agents. The ongoing crisis represents a grave threat to our national security and is imposing unsustainable burdens on states and local governments. Public opinion has turned decidedly against the Biden administration’s disastrous open-borders policies and, in January, 14 House Democrats joined with their Republican colleagues in approving

a resolution “denouncing the Biden administration’s open-borders policies, condemning the national security and public safety crisis along the southwest border, and urging President Biden to end his administration’s open-borders policies.”

In other words, Congress had its best opportunity to enact legislation that would force President Biden and Homeland Security Secretary Alejandro Mayorkas to assert control over the border and end the abuse of

our asylum laws, parole authority, and halt wholesale catch-and-release of illegal aliens. At the start of the year, the leadership of the House of Representatives reiterated their support for enacting H.R. 2, the Secure the Border Act, by including it as part of a foreign aid package for Israel, Ukraine and Taiwan.

However, as the House was pushing for enactment of real border security and immigration enforcement, a Senate ‘Working Group’ was meeting behind closed doors on its own version of ‘border security.’ Three days before a key Senate vote on the foreign aid package, the Working Group unveiled a 370-page proposal billed as a bipartisan compromise on border security.

Working late into the night, FAIR’s legislative analysts found that there was virtually nothing in those 370 pages that would curb illegal immigration, secure our borders, stop abuse of asylum, or rein in the administration’s abuse of parole authority. In reality, it would have ratified ongoing illegal immigration at historically high levels. Just a few of the Working Group’s terrible provisions included:

- Illegal aliens would have continued to be released into the United States. In fact, the Senate deal would have created a whole new, “claim-and-release” process for asylum-seekers that actually encouraged asylum abuse.
- Provided only limited authority to expel illegal aliens. Mandatory expulsions would not have kicked in until illegal entries reached 5,000 a day over a seven-day period, while exempting entire categories of illegal aliens from being counted toward the triggering total.

- The president would have been permitted to continue granting parole to inadmissible aliens who present themselves at ports of entry, or those who apply to come directly from their home countries.
- Appropriated billions of dollars to NGOs and Homeland Security to continue the administration’s open-borders policies.

Even as millions of new illegal aliens would be ushered into the country, the proposal also included giveaways to special interests. Spouses and children of H-1B workers would be given employment authorization, while 50,000 additional green cards would be provided every year for five years.

The only thing compromised in the Senate ‘compromise’ proposal was the interests of the American people.

The final product had the blessings of Senate Majority Leader Chuck Schumer and Minority Leader Mitch McConnell, who designated Sen. James Lankford (Okla.) as the Republicans’ chief negotiator. But even McConnell turned against it, as members of his own caucus mutinied over what they correctly saw as a sell-out. In the end, the Senate Working Group’s proposal failed on procedural vote, 50-49. Only four Republican members voted in favor.

The fiasco was a squandered opportunity to address a border and illegal immigration crisis that is now the top issue of concern for American voters. Nevertheless, FAIR will continue to work with members of Congress who are committed to passing real border and immigration reforms in the coming weeks and months.

Biden Looks to Mexico for Help, Gets Shaken Down

After sabotaging every existing cooperation agreement with nations south of our borders, President Biden is desperately pleading with Mexico to do more to curb the flow of migrants marching north.

Everything that President Biden and his Homeland Security Secretary Alejandro Mayorkas have done over the past three years indicates that this administration does not see mass illegal immigration as a problem.

Biden Looks to Mexico

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In fact, it is a design feature of the policies they have put in place. But the record levels of sustained illegal immigration present a huge *political* problem for the president in an election year. Polling indicates that the border crisis is one of Biden's weakest areas with the public.

Out of desperation, Biden dispatched Mayorkas and Secretary of State Anthony Blinken to Mexico City in late December to see if they could convince President Andres Manuel Lopez Obrador to do something about slowing the flow of migrants from some 170 different countries who are using Mexico as a conduit to the U.S. border. Sensing the upper hand, Lopez Obrador smiled and demanded astounding concessions for any cooperation.

In true form, AMLO (as he is called) demanded the U.S. give \$20 billion for Central American countries and *10 million* amnesty visas for aliens who have worked in the U.S. for ten years in exchange for helping the U.S. curb the flow of illegal migrants pouring into the U.S. The president of Mexico also demanded the Biden administration lift sanctions to reward communist Cuba and Venezuela.

Of course, there is no guarantee that paying what Sen. John Cornyn (R-Texas) described as “ransom,” would have the desired effect. Mexican voters are about to elect a new president of their own on June 2, and Lopez Obrador will be out of office by September 30.

Ironically, much of the cooperation that Mayorkas and Blinken were seeking from the Mexican government was already in place on the day Joe Biden came to office. Most notably, President Biden canceled the Migrant Protection Protocols (MPP), also known as the “Remain in Mexico” policy, that was effectively deterring migrants from all over the world from using Mexico as a gateway to the U.S. Under MPP, migrants were required to enter an asylum application before

entering the U.S. and had to demonstrate that there was a valid claim to pursue before being allowed to cross the border.

With MPP gone, Lopez Obrador also abandoned other forms of binational cooperation. He disbanded anti-cartel units within the police, refused to share drug seizure data with the U.S., urged Washington not to launch anti-cartel activities, and simply dismissed U.S. concerns when challenged about the strength of the cartels under his watch, even as deaths from narcotics crossing the border have resulted in tens of thousands of U.S. deaths each year.

MPP did not cost American taxpayers a dime. Under the previous administration, the arrangement was struck based on mutual interests. On the Mexican side, the interest was to prevent the imposition of tariffs on goods shipped to the U.S. In 2022, Mexico exported \$493.1 billion in goods and services to the U.S. and enjoyed a \$131.1 billion trade surplus with the United States. When the United States has, on several occasions in the past few months, closed legitimate cross-border traffic, temporarily halting Mexican products from entering the U.S., it harms Mexico's economic interests as much as our own.

Cooperation with Mexico and other governments would certainly be helpful in ending the disastrous border crisis that has raged for the past three years. But this cooperation is not reliable. The crisis was created by the Biden administration and it could end it under current law – if it wanted to. So long as the United States provides incentives for people to come here illegally the crisis will endure.

At FAIR, we believe the United States should control its own border and its own destiny. Relying on other countries to do what is ultimately our nation's essential components of defense and safety is a sign of weakness and a fool's errand.

Show Down at the Rio Grande

The Biden administration's open-borders policies, which have resulted in more than 300,000 illegal aliens crossing our borders every month, have pushed state and local governments all across the country to the brink. None more so than Texas, which has borne the brunt of the border crisis ever since President Biden took office.

Texas has been pushing back – most notably, busing illegal aliens to sanctuary jurisdictions around the country that claim to welcome them. But even that has not been enough to alleviate the crisis the Lone Star State has been facing. Finally, in December, Gov. Greg Abbott signed SB 4, a law that makes illegal entry a state crime. Under SB 4, Texas law enforcement may arrest illegal migrants for illegally entering the state and judges are authorized to issue orders to remove illegal aliens to their home countries.

The law does not go into effect until March. It also faces legal challenges from an assortment of illegal alien “rights” groups, the U.S. Department of Justice, and the government of Mexico. But while this litigation remains pending, the federal government's adamant refusal to stop mass illegal immigration has led to several other dust-ups between the State of Texas and the Biden administration.

Most recently, Texas erected barriers blocking the Border Patrol's access to Shelby Park in Eagle Pass, which is situated along the banks of the Rio Grande. The park is one of the areas where the state erected razor wire fencing intended to deter illegal aliens from crossing the dangerous river to reach the U.S. side.

In a strongly worded letter to the Department of Homeland Security, Texas Attorney General Ken Paxton openly defied the Department's demand that the state remove the barriers blocking the Border Patrol's access to Shelby Park. Paxton disputed DHS's claim that the state was preventing the Border Patrol

from rendering emergency assistance to individuals in need. He reminded DHS that back in 2023, it told Texas DPS that “federal personnel would not be present to administer aid unless Texas called for help.”

Paxton also rejected DHS's contention that its agents are entitled to access to the park. The law, he argued, only allows access “for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States.” The attorney general then pointed out the obvious: “President Biden has ordered your agency to do the exact opposite, in keeping with his open-borders campaign promise. There is not even a pretense that you are trying to prevent the illegal entry of aliens.”

The closure of Shelby Park and the other barriers put in place by Texas are the subjects of other battles between the state and the federal government. FAIR's legal affiliate, the Immigration Reform Law Institute, has filed amicus briefs in several of the lawsuits between Texas and the federal government supporting Texas' efforts to secure the border.

Sadly, the Biden administration's refusal to carry out its responsibility to secure our borders, enforce our immigration laws and protect the security of the nation has created a confrontation not with the people who violate our laws, but with state and local governments that are desperately trying to fill the void created by the inaction of the administration. The show down at the Rio Grande is yet another indication that Congress must act to rein-in the administration's discretion not to enforce our immigration laws.

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