



Written by [R. Cort Kirkwood](#) on August 22, 2023

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## Impeach Biden on His Immigration Policies

Professional conservatives and establishment Republicans can say all they want about the latest Biden scandal of the week. It might be the bribes arising out of the Biden-Burisma influence-peddling scheme; the letter from then-Vice President Biden to Hunter Biden's business pal, Devon Archer; the shameless sale of political appointments for those who buy Hunter Biden's laughable "art"; or the revelations that the Justice Department gave Hunter a sweetheart plea deal to escape prison time on illegal gun and tax-evasion charges.

The last two might be impeachable offenses, since these occurred during Biden's presidency. Yet, however impeachable they are, Biden has provided a better and indeed unimpeachable reason to impeach him and Homeland Security Secretary Alejandro Mayorkas.

From Day 1, his leftist administration has aided and abetted an illegal-alien invasion of the United States. Biden has illegally refused to enforce immigration laws and manufactured "policies" that supposedly override the statutes that govern who can enter the country.

Biden has ignored them all, and openly invited an invasion of the country. The reason: To alter its demography by importing new Democratic voters.

### What Biden Is Doing

Traitor Joe's motive aside, what he and Mayorkas have done for the past almost three years is tantamount to treason. Their border policies have no warrant in either law or custom.

As a practical matter, Biden has legalized illegal immigration by releasing millions of illegals caught at the border into the heartland. He's even created a smartphone application, CBP One Mobile, to permit illegals to apply for asylum before they leave home and present themselves at the border. As *The New American* has repeatedly reported, about 90 percent of asylum claims are bogus. "Migrants" are not invading the United States to escape persecution or "violence" back home. They're coming for jobs and free stuff, such as welfare, schooling, and healthcare.

Anyway, Biden's basic border policy is to release as many illegals into the country as he wants, with legal justification manufactured out of whole cloth and posted as public policy.

In February 2022, for instance, the Department of Homeland Security rewrote federal immigration law to stop deportations and permit just about anyone with a pulse and a sob story to apply for asylum.



AP Images

Point of contact: Eagle Pass, Texas, where Texas Governor Greg Abbott installed a floating buoy barrier in the Rio Grande, is a key target for invading illegal aliens.



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Aside from the mass release of illegals caught by the Border Patrol, DHS, via its subsidiary U.S. Customs and Border Protection, has done the following:

- worked with Mexican authorities to coordinate mass swims across the Rio Grande;
- set up a processing center in Eagle Pass, Texas, to help illegals avoid capture by the border force created by GOP Texas Governor Greg Abbott to stop the invasion; and,
- permitted a Missouri National Guardswoman to open a border barrier in Texas to allow the entry of illegals.

Those are three of Biden's most recent violations of the law. Before that, he created a "parole" that will free more than 300,000 Cubans, Haitians, Nicaraguans, and Venezuelans annually into the United States. When Biden and Mayorkas falsely accused border agents of "whipping" Haitian illegals who tried to cross the border, Mayorkas, in a bizarre act of contrition, simply freed 12,000 of the penniless "migrants" to colonize the heartland. Biden has also contracted with airlines and bus companies to transport and dump illegals into towns and cities without the knowledge or consent of local authorities. With help of "nongovernmental organizations," his border officials even released illegals infected with the China virus into Texas and Arizona.

All these illegals will establish a beachhead in the United States and drop "anchor babies" that hold citizenship, which in turn will make deporting them a practical impossibility.

Aside from the releases, Biden is refusing to deport illegals, including dangerous illegal-alien criminals. Those are the facts. They are public record. They are undisputed.

## **Immigration and Naturalization Act**

Understandably, the lawlessness of the Biden-Mayorkas Axis of Evil has wrecked morale among Border Patrol agents, their union said. Mayorkas, the union tweeted, is a "lying scoundrel" for what Tom Homan, the former director of Immigration and Customs Enforcement, called perjurious testimony before the U.S. House Judiciary Committee.

"He sits here under oath and tells Congress that illegal entries are down 50%. Well, he knows what he's doing," Homan told Fox News' Harris Faulkner. "He's taking thousands of people who enter illegally and pushing them through a port of entry through an unlawful program he created."

Mayorkas is "bringing thousands of illegal aliens to a port of entry that he knows don't qualify for asylum based on ten years of data," Homan explained.

But the union's and Homan's justifiable anger aside, just about everything Biden and Mayorkas have done vis-à-vis the southwest border *violates black-letter immigration law*.

Andrew Arthur of the Center for Immigration Studies has repeatedly explained what the Immigration and Naturalization Act (INA) requires in handling illegals and inadmissible aliens: detention and/or deportation. Or "removal," as deportation is now called.

Under section 235 of the law, "DHS has two options when it encounters aliens at the border who either entered illegally or sought admission at the ports without proper documents," Arthur wrote:

First, section 235(b)(1) of the INA enables DHS to process those illegal migrants for



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“expedited removal”, under which they can be removed without appearing before an immigration judge, unless the alien claims a fear of harm upon return or requests asylum.

If aliens in expedited removal do claim fear, they are interviewed by an asylum officer to determine whether they have a “credible fear” of return. If the asylum officer makes a positive credible fear finding (which usually happens, because the standard is low), the alien is placed into removal proceedings before an immigration judge to apply for asylum.

Alternatively, under section 235(b)(2) of the INA, DHS can skip expedited removal, charge those aliens with inadmissibility, and place them directly into removal proceedings.

No matter which option the government chooses, aliens *must be* “detained throughout the entire process — from apprehension to removal or admission.”

So the law does not allow mass “paroles” or simply releasing illegals into the country. The exception is releasing illegals “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.”



**Bring ‘em all in:** President Joe Biden has openly and proudly aided and abetted an illegal-alien invasion across the southwest border of the United States. (AP Images)

## Secure Fence Act

But the INA isn’t the only law Biden and Mayorkas have scrapped. Another is the Secure Fence Act, which requires the DHS secretary to establish “operational control” of the border.

Biden and Mayorkas, of course, argue that they have “operational control” with such actions as mass “parole,” and because they are “controlling” the invasion of illegals by *legalizing* them before they arrive with CBP One Mobile. That’s a lie. They are controlling nothing.

The act’s authors wisely didn’t stop with merely requiring the DHS chief to establish “operational control.” The law details exactly what the secretary must do and defines “operational control.”

The act “was rather exacting (and specific)” when it came to “fencing and security improvements” between the Gulf of Mexico and the Pacific Ocean, Arthur wrote. It “identified five different areas at the Southwest border where Congress required DHS to construct at least 2 layers of reinforced fencing,



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the installation of additional physical barriers, roads, lighting, cameras, and sensors,’ and specified two ‘priority areas’ for expedited attention.”

But infrastructure wasn’t the act’s point; the “border infrastructure was just a means to an end — not an end in itself. Congress’s end, identified in Section 2 of the bill, was ‘achieving operational control on the border.’”

And, helpfully, Congress didn’t leave “operational control” undefined or the subject of broad interpretation.

Wrote Arthur:

Section 2(b) of the act defines it as “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.”

Given the fact that Border Patrol agents at the Southwest border were so overwhelmed apprehending, processing, and caring for more than 1.659 million illegal migrants in FY 2021 (an all-time record) that more than a half-million others “got away” and entered the United States illegally, preventing the “unlawful entry” of any illegal migrant might seem like a purely aspirational pipe dream.

Thus, the act requires the DHS chief — again, Mayorkas — to “take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.”

Mayorkas, under orders from Biden, has done the opposite.

As well, Arthur explained, the act did not expire with a “sunset provision.”

Amusingly, Arthur observed that Traitor Joe should know all about the act. “He voted for it, as did 79 of his fellow senators, including then-Sens. Barack Obama (D-Ill.) and Hillary Clinton (D-N.Y.).”

That means Obama violated the law, too, by the way, in unilaterally declaring an administrative amnesty for illegals when the DREAM Act failed to pass Congress.

## **Aiding and Abetting**

Now, by releasing illegals, flying and busing them to parts unknown, and opening a border fence to let them enter the country, to name just three of his illegal acts, Biden violates yet another law: 8 U.S. Code § 1324 — “Bringing in and harboring certain aliens.”

That law mandates prison time for “any person who”

(i) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

(ii) knowing or in reckless disregard of the fact that an alien has come to, entered, or



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remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;

(iii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

(iv) encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law.

Biden, Mayorkas, and any underlings who helped them should face five to 20 years in prison. Or so the law says.

As it is, the GOP House majority's most important task right now is impeaching Biden, but not because the U.S. Senate will convict him. The Senate will almost certainly acquit him. Rather, impeachment sends the message that the party is trying to stop an invasion that will destroy what's left of the country.

As for Mayorkas, if the House doesn't at least impeach him, the GOP majority will prove to be as worthless as it was when it had a Republican president in Donald Trump.



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