



Written by [R. Cort Kirkwood](#) on April 26, 2024

## Lawsuit: Biden's ICE Not Naming Illegal-alien Criminals in News Releases

Immigration and Customs Enforcement (ICE) is refusing to release the names of deportable illegal-alien criminals that the agency arrests, a federal Freedom of Information Act lawsuit has alleged.

After it noticed a 30-percent drop in such identification from the Trump to the Biden administrations, on July 20, 2023 the Immigration Reform Law Institute (IRLI) filed a FOIA request for the paperwork regarding ICE's policy on naming illegals.

Almost a year later, ICE had not answered. So [IRLI sued](#).

But the true import of the lawsuit isn't just the effort to get the names. It shows that the administration is trying to disguise the full effect of its illegal policies that violate immigration law — notably the shutdown of deportations.



### U.S. Immigration and Customs Enforcement

"[@IRLILaw](#) is suing Immigration and Customs Enforcement (ICE) for withholding internal agency information regarding its policy to hide the identities of criminal illegal aliens..."<https://t.co/sRK7lQ99pe> via [@BreitbartNews](#) [@JxhnBxnder](#)

— Immigration Reform Law Institute (@IRLILaw) [April 26, 2024](#)

### Initial Report

In 2023, the [10-page lawsuit notes](#), IRLI "noticed what appeared to be a dramatic decline in [ICE's] press releases mentioning the names of foreign nationals who had been either arrested or deported."

The lawsuit points to [IRLI's damning report](#) on ICE's malfeasance under Homeland Security Secretary Alejandro Mayorkas, the [unindicted Cuban visa fixer](#).

Noting that ICE hadn't announced that it had changed policies regarding ICE news releases, the report drilled into the data on releases and found a disturbing trend. The identification of illegal-alien criminals had "dropped precipitously."

Of 208 releases that IRLI studied, just 140, only about 67 percent, identified the illegals. Not so during the last year of the Trump administration. Of 110 releases, 107, or 97 percent, named the illegals.

### [Continued IRLI:](#)

These numbers confirm a trend that IRLI began noticing in early 2023. We regularly track ICE, CBP [U.S. Customs and Border Protection] and USCIS [United States Citizenship and Immigration Services] press releases. Nearly every ICE arrest or deportation announcement



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issued in 2022 provided the name of the alien being discussed.

In addition, ICE seems to have virtually abandoned the Trump-era practice of noting in press releases whether an arrested alien was taken into custody in a so-called “sanctuary city.” During the Trump presidency, ICE [regularly detailed](#) in its press releases whether a foreign bad actor had interacted with state criminal courts; whether local law enforcement had refused to comply with an ICE detainer; and whether an alien had been released from state criminal custody only to commit more crimes.

IRLI identified 42 ICE press releases calling out sanctuary cities that were released during Trump’s last year in office. Specifically, these were press releases where the headline of the announcement noted a jurisdiction’s refusal to work with federal immigration authorities and the main body of the text listed pertinent details (refusal to notify ICE, refusal to honor an ICE detainer request, etc.) In the relevant time interval during the Biden Administration, a grand total of 0 press releases could be identified with such headlines.

So Biden is lying by omission to Americans about the danger of sanctuary and other policies.

### **Why Hide the Names?**

But IRLI also explained *why* ICE won’t name names: Because no one will know if any given illegal thug has been “convicted of a crime and/or deported,” the administration can “allow aliens arrested by ICE to remain in the United States, despite significant violations of U.S. immigration law.”

In other words, not naming names hides Mayorkas’ Biden-approved illegal activities.

In his notorious memorandum on deportations, “[Guidelines for the Enforcement of Civil Immigration Law](#),” Mayorkas essentially “told ICE to stop deporting anyone who hadn’t committed a violent felony, espionage or terrorist acts,” [IRLI observed](#).

But more than that, “the same memorandum also stated that, even where the INA [Immigration and Nationality Act] dictated mandatory detention and removal of an alien criminal, ICE would now assess ‘the individuality and the totality of the facts and circumstances’ surrounding the alien’s criminal conviction,” [IRLI continued](#):

In short, rather than complying with the law of the land, as set by Congress, ICE would now refrain from deporting any alien criminals whenever the Biden Administration arbitrarily determined that there were “mitigating factors that militate in favor of declining enforcement action.”

Those “mitigating factors” were so broadly drawn that virtually any illegal alien apart from a serial murderer could avoid deportation. Those factors are not in the [Immigration and Nationality Act](#) as an excuse not to deport an illegal. That means Mayorkas had no authority to issue his “guidelines.”

And so, [IRLI noted](#), “if ICE furnishes the names of subjects it has arrested, it becomes much easier for curious citizens, dedicated non-governmental watchdog organizations and intrepid journalists to determine whether an alien has been deported per the terms of the INA — or more importantly when an alien has not been removed from the U.S. in compliance with the law, and permitted to stay here in violation of the INA.”



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Mayorkas' "guidelines" were a reason the GOP-controlled [House impeached him](#).

## **The Lawsuit**

Thus did IRLI seek two things under the federal FOIA law: "all policies, rules and procedures" established between January 20, 2021 and July 20, 2023 on naming names, and all internal leadership emails during the same time that discuss the same.

Though ICE acknowledged the original request, which triggered a series of deadlines by which it had to provide the information, the agency provided nothing else. IRLI had also requested news media status and the fee waiver that goes with it.

Filed on April 18, the four-count [lawsuit accuses](#) ICE of breaking the law by failure to comply with it, unlawfully withholding records, refusing to grant IRLI news media status, and refusing to waive fees to produce the documents.

**H/T:** [Breitbart](#)



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