



Written by [David Kelly](#) on July 21, 2023

Report Accuses Mayorkas of “Dereliction of Duty”

The House Committee on Homeland Security released an interim [report](#) Wednesday that accuses Homeland Security Secretary Alejandro Mayorkas of dereliction of duty in securing the nation’s border.

A press release [stated](#) that the “report provides evidence of Secretary Mayorkas’ refusal to enforce our nation’s laws, failure to discharge the duties of his office, reckless open-border policies, and repeated misleading statements to Congress and the American people.”

In June, committee Chairman Mark E. Green (R-Tenn.) heard testimony from former Department of Homeland Security (DHS) officials on Mayorkas’ dereliction of duty at the southwest border. The witnesses shared that Mayorkas “created our nation’s historic border crisis by implementing intentionally reckless policies, failing to enforce the laws passed by Congress, and ignoring the advice, recommendations, and warnings of experienced law enforcement.”

“Mayorkas is not an innocent bystander at the mercy of the federal bureaucracy, global events, or political opponents—he is the chief architect of the illegal immigration crisis that Americans have suffered through since January 2021,” the report declared.

Chairman Green noted in the report’s introduction that “Mayorkas’ dereliction of his duties as the leader of DHS is not surprising considering some of his actions in his prior role as the head of U.S. Citizenship and Immigration Services (USCIS) from 2009-2013.”

Back in 2015, the DHS Office of the Inspector General (OIG) found that Mayorkas exerted “improper influence” in the processing of applications and petitions in a program administered by USCIS. The investigation found at that time that he “used his influence to secure EB-5 visas for foreign investors after lower-ranking USCIS officials denied the applications, and after Mayorkas was lobbied by powerful Democratic officials to grant the requests.”

Green shared that the “OIG concluded that while Mayorkas’ actions did not break the law, he ‘created significant resentment in USCIS,’ created ‘an appearance of favoritism and special access,’ and acted in a way that USCIS officials perceived as ‘politically motivated.’ His actions led even the liberal media outlet Vox to call his behavior ‘extremely inappropriate.’”

The committee’s 111-page report highlights how “Mayorkas has abused his authority as DHS secretary by repeatedly disregarding multiple laws” and court orders, and documents his abuse of authority and



AP Images
Alejandro Mayorkas



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the way he has instructed the men and women of DHS to violate or ignore the laws.

Mayorkas has ignored immigration laws by “directing Customs and Border Protection (CBP) to mass-parole inadmissible aliens into the United States.” Under the [law](#), “the secretary may only grant parole on a case-by-case and temporary basis, for an urgent humanitarian reason or significant public benefit.”

However, the committee found that “Mayorkas has wantonly flouted the statute’s clear language by granting parole to hundreds of thousands of illegal aliens, creating and maintaining parole programs for certain nationality groups, and by using parole in a way inconsistent with the statute, as a means to relieve the Biden administration from the embarrassing optics of overcrowded Border Patrol facilities—facilities overwhelmed by his own policies.”

In 2021, a federal court found in [Texas v. Biden](#) that Mayorkas has not followed the statutory parole requirements. The court wrote:

The idea seems to be that DHS can simply parole every alien it lacks the capacity to detain. But that solves nothing: The statute allows only case-by-case parole. Deciding to parole aliens *en masse* is the opposite of *case-by-case* decisionmaking.... So the Government’s proposal to parole every alien it cannot detain is the opposite of the “case-by-case basis” determinations required by law.... And the same is true of DHS’s pretended power to parole aliens while ignoring the limitations Congress imposed on the parole power. That’s not *nonenforcement*; it’s *misenforcement*, suspension of the INA [Immigration and Nationality Act], or both. [Emphasis in original.]

Adding to the court’s findings, the report shared that former USCIS Acting Director Joseph Edlow wrote in June testimony to the committee, “Regardless of the plain language of the statute and the legislative history, parole has become a favorite tool of the Biden Administration.”

The comprehensive report builds the case supporting Mayorkas’ dereliction of duty with pages of facts, testimony, and court decrees.

The recent case [United States v. Florida](#) stands out, with District Court Judge T. Kent Wetherell criticizing Mayorkas’ actions in his decision, stating:

The evidence establishes that Defendants [the Biden administration] have effectively turned the Southwest Border into a meaningless line in the sand and little more than a speedbump for aliens flooding into the country by prioritizing “alternatives to detention” over actual detention and by releasing more than a million aliens into the country—on “parole” or pursuant to the exercise of “prosecutorial discretion” under a wholly inapplicable statute—without even initiating removal proceedings.

Regarding the number of illegal border crossings under Mayorkas’ leadership, the Homeland Security Committee’s report shared that, “Under the Biden administration, encounters at the Southwest border have exceeded 5.45 million, with total nationwide encounters totaling more than 6.45 million. Since FY21, CBP has recorded more than 1.5 million known gotaways, bringing total encounters, plus known gotaways, to at least 7.5 million in two-and-a-half years under the Biden administration.”

In conclusion, the report stated, the DHS secretary’s “actions are documented in the public record and



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are matters of objective fact. They are undeniable, and so is his dereliction of duty.”

Even with this report’s findings, Mayorkas is apparently untouchable and continues to lead the DHS without consequence. Nor is he bothered with being targeted by the GOP committee report’s accusations. As *The Epoch Times* [reported](#), “A DHS spokesperson said Mr. Mayorkas was ‘proud’ to have played a role in advancing the department’s ‘noble mission’ and support its workforce.”

The *Times* continued:

“The Department will continue to enforce our laws and secure our border, protect the United States from terrorism, and improve our cybersecurity, all while building a safe, orderly, and humane immigration system,” the spokesperson said in a statement, Fox News reported.

“Instead of pointing fingers and pursuing a baseless impeachment, Congress should work with the Department and pass comprehensive legislation to fix our broken immigration system, which has not been updated in decades,” the spokesperson said.



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