



Written by [Luis Miguel](#) on April 7, 2021

Texas and Louisiana File Lawsuits Against Biden Administration for Refusing to Detain Illegals

The states of Louisiana and Texas are suing the Department of Homeland Security, accusing it of refusing to take criminal illegal aliens into custody in light of new rules that changed enforcement priorities.

“Federal law requires Defendants to take custody of many criminal aliens, including those with final orders of removal, those convicted of drug offenses, and those convicted of crimes of moral turpitude,” the [complaint](#) reads. “By refusing to take these criminal aliens into custody, Defendants have disregarded non-discretionary legal duties.”

The filing cites a January 20 memo that established “interim enforcement priorities,” creating three migrant categories on which it is focusing enforcement as far as detainment: those posing a national security risk, those who came to the United States after November 1, and those convicted of an “aggravated felony.”

That guidance was later [incorporated in a separate memo](#) by Immigration and Customs Enforcement (ICE). The Biden administration claims these guidelines will result in more efficiency and assure they will not exclude other illegal aliens from deportation. But critics say the White House is failing to prioritize other criminals.

The Biden administration had also attempted to place a moratorium on most deportations, with the exception of the above three categories, but was blocked by a Texas lawsuit.

The Tuesday complaint from the two states argues that the administration’s memo fails to prioritize illegal aliens who have a final order of removal, those with drug convictions, and those convicted of crimes of moral turpitude.

The states claim that the White House’s memos have caused immigration agencies to rescind detainers (the requests that local jails hold illegal aliens until ICE is able to detain them) and to even refrain from issuing them entirely.

“As a consequence, dangerous criminal aliens are being released into local communities,” the lawsuit reads.

Detainers were an issue during the Trump administration, when so-called sanctuary cities and sanctuary states refused to honor ICE detainers. The Trump White House tried to crack down on these



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jurisdictions, arguing that their refusal to cooperate with federal immigration law allowed dangerous criminals to enter American communities.

In a recent statement, Texas Attorney General Ken Paxton said the Biden administration's actions have fueled the border crisis, in which a massive surge in migration at the southern border has taken place in recent months.

"President Biden's outright refusal to enforce the law is exacerbating an unprecedented border crisis. By failing to take custody of criminal aliens and giving no explanation for this reckless policy change, the Biden Administration is demonstrating a blatant disregard for Texans' and Americans' safety," Paxton said in a statement.

The Texas AG added, "Law and order must be immediately upheld and enforced to ensure the safety of our communities. Dangerous and violent illegal aliens must be removed from our communities as required by federal law."

The lawsuit is representative of Republicans' recent efforts to get the Biden administration to take a tougher stance on border security.

Arizona Attorney General Mark Brnovich invited Kamala Harris to the border to see "firsthand" what is happening. Senator Bill Hagerty (R-Tenn.) on Monday called on Biden to increase funding for ICE, not defund it, as far-left members of the Democrat Party have urged.

After repeatedly ridiculing President Trump for referring to mass migration from Central America as a "border crisis," the mainstream media under Biden is accepting the characterization, but using it not to call for common-sense enforcement but for the relaxation of enforcement and to pave the way for an eventual amnesty.

Right now, the media is making much ado about a video depicting a young migrant boy crying at the border, reportedly abandoned in the Texas desert.

"Can you help me? It is that I was coming with a group and they abandoned me and I do not know where they are at," he was heard telling a border patrol agent in a video that has been circulating.

This week, around 200 migrants have been apprehended by border patrol near a small Texas town.

The Biden administration [now says](#) it may restart building some of the wall begun by President Trump.

Per the report, Homeland Security Secretary Alejandro Mayorkas told colleagues that Biden had frozen Department of Defense funding for the wall and said, "But that leaves room to make decisions as the administration, as part of the administration, in particular areas of the wall that need renovation, particular projects that need to be finished."



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