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Attorney General Steve Marshall Calls on Biden Administration to Enforce Federal Law Prohibiting Reentry of Illegal Aliens

(MONTGOMERY) – Attorney General Steve Marshall joined a coalition of 15 attorneys general calling on the Biden administration to enforce a long-standing federal immigration statute that prohibits re-entry of illegal aliens into the United States.

The attorneys general wrote U.S. Attorney General Merrick Garland on Wednesday seeking written assurances that the U.S. Department of Justice (DOJ) will defend 8 U.S.C. § 1326, the federal law governing illegal reentry. The action follows a recent district court ruling in which the chief judge for the District of Nevada held the law unconstitutional and thus permitted an illegal alien to remain in the United States.

“The Biden administration has repeatedly disregarded its duty to enforce our laws and instead has engaged in ‘policymaking through strategic surrender’ in a number of court cases including in the immigration context,” Attorney General Marshall observed.

“Therefore, there is good reason to fear that the Biden administration will follow a similar course in not defending an important federal law prohibiting reentry of illegal aliens into this country. This is particularly concerning given the United States’ unprecedented border crisis. In July, the U.S. Border Patrol reported more than 200,000 encounters with migrants along the U.S.-Mexico border, the highest monthly figure in 21 years.”

Recently, Secretary of Homeland Security Alejandro Mayorkas acknowledged that the Department of Homeland Security (DHS) has lost control of the border, lamenting that the current situation is “unsustainable,” that it “cannot continue,” that the system is getting close to “breaking,” and that “we’re going to lose.”

Marshall and his attorney general colleagues warned the Biden administration of the dire consequences of our national border security if it fails to defend the immigration law.

“Given that border security had reached the breaking point before Chief Judge Du issued her opinion, just imagine what awaits if you announce your intent not to appeal – an announcement that would, in effect, tell already-deported aliens that they are free to try reentering again. Indeed, acquiescing in the district court’s opinion would be tantamount to announcing legalization of illegal reentry. Moreover, under the district court’s reasoning, the United States may well be unable to enforce any immigration laws, which by their nature disparately impact the many billions of people living outside of our borders.”

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Although the DOJ has filed a notice of appeal, that notice does not require the DOJ to ultimately appeal this monumentally incorrect ruling. The attorneys general requested that Attorney General Garland ensure them in writing by Friday, September 17, 2021, that the DOJ will faithfully defend the law.

Joining Attorney General Marshall are the attorneys general from the states of Arizona, Ohio, Arkansas, Florida, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Oklahoma, South Carolina, Texas and West Virginia.

The Attorneys General letter can be read [here](#).