



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION'S
OPEN-BORDERS POLICIES: THE CASE OF AN ILLEGAL ALIEN GANG
MEMBER WHO ASSAULTED A BORDER PATROL AGENT**

Interim Staff Report of the
Committee on the Judiciary
and
Subcommittee on Immigration Integrity, Security, and Enforcement
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EXECUTIVE SUMMARY

In less than four years, the Biden-Harris Administration has released into the United States more than 5.4 million illegal aliens,¹ with another 1.9 million illegal alien “gotaways” escaping into the country during the same time.² That chaos at the southwest border, created and incentivized by the radical policies of President Joe Biden and “border czar” Vice President Kamala Harris, has led to insecurity in the interior of the country. Too many of the illegal aliens allowed into the country by the Biden-Harris Administration commit crimes against Americans and other U.S. residents. While the Administration misleadingly claims that illegal aliens are fully screened for criminality at the border,³ former U.S. Border Patrol Chief Rodney Scott has admitted that the “vetting” process is the equivalent of checking aliens “against a blank sheet of paper.”⁴

Every community in the country suffers from the consequences of the Biden-Harris border crisis and the Biden-Harris Administration’s lack of immigration enforcement. With illegal aliens released by the Biden-Harris Administration committing crimes across the country, every American community has become a border community. In a recent transcribed interview before the Committee, one senior Immigration and Customs Enforcement (ICE) official admitted that instead of arresting illegal aliens who pose public safety threats and national security threats at the border, some ICE officers have been reassigned to tasks that facilitate illegal alien releases into the United States.⁵

The Biden-Harris Administration’s radical policies ensure that criminal illegal aliens can remain in the United States indefinitely, even after they have committed a crime. As the Committee documented in an April 2024 report, ICE has instructed its officers to first consider irrelevant factors such as an illegal alien’s high blood pressure, diabetes, caregiver status, and

¹ See H. Comm. on the Judiciary, Interim Staff Rep., *The Biden Border Crisis: New Data and Testimony Show How the Biden Admin. Opened the Sw. Border and Abandoned Interior Immigr. Enf’t*, at App’x 1 (Oct. 9, 2023); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2023*, U.S. DEP’T OF HOMELAND SEC. (last accessed Mar. 22, 2024); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed July 15, 2024); Camilo Montoya-Galvez, *Biden administration has admitted more than 1 million migrants into U.S. under parole policy Congress is considering restricting*, CBS NEWS (Jan. 22, 2024); *Latest UC Data, Total Monthly Discharges to Individual Sponsors Only*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Mar. 22, 2024); Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed July 15, 2024); U.S. Customs and Border Prot., *CBP Releases June 2024 Monthly Update*, U.S. DEP’T OF HOMELAND SEC. (July 15, 2024); Immigr. and Customs Enf’t, *Daily SWB Placemat*, U.S. DEP’T OF HOMELAND SEC. (Apr. 2023–June 2024) (on file with Comm.); Off. of Homeland Sec. Statistics, *Immigr. Enf’t and Legal Processes Monthly Tables – Feb. 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed June 25, 2024).

² Casey Harper, *Border crisis creates national security threat for U.S., observers say*, WASH. EXAMINER (Aug. 7, 2023); Bill Melugin (@BillMelugin_), X (June 20, 2024, 10:22 AM).

³ *Oversight of the Dep’t of Homeland Security: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. (2023) (statement of Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec.).

⁴ *The Biden Border Crisis: Part III: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 62 (2023) (statement of Rodney Scott).

⁵ See H. Comm. on the Judiciary, Interim Staff Rep., *Chauffeur at the Border, Concierge in the Interior: How the Biden Admin. Rewards Illegal Aliens on the Taxpayers’ Dime*, at 7-8 (July 3, 2024) [hereinafter July Interim Staff Rep.].

other “mitigating factors” before ever arresting a criminal alien.⁶ Consequently, the Biden-Harris Administration is removing from the country far fewer criminal aliens than the Trump Administration. For example, “in fiscal year 2023, ICE removed 41 percent fewer aliens with criminal convictions and criminal charges than in fiscal year 2020—and nearly 60 percent fewer than in fiscal year 2019.”⁷ As a result, the number of criminal aliens free in the United States totaled more than 617,000 by December 2023—and is likely growing daily because of the border crisis.⁸

Since February 2023, the Committee has requested information, including alien files (A-files)—DHS records that contain immigration case history about individual aliens—relating to illegal aliens who have committed serious and violent crimes in the United States during the Biden-Harris Administration. In some cases, due to the Administration’s refusal to disclose information about these criminal illegal aliens, the Committee has been forced to issue subpoenas. To date, DHS has provided the Committee with A-files relating to roughly 30 criminal aliens.

The information obtained by the Committee shows in stark terms the real-world consequences of the Biden-Harris Administration’s failure to secure the border and enforce immigration law. Taken as a whole, the Committee’s investigation into the criminal illegal aliens the Biden-Harris Administration has allowed to enter the United States exposes the widespread failure to adequately vet, apprehend, detain, and remove illegal aliens. In some cases, the illegal aliens had committed crimes in their home countries but were nevertheless released from DHS custody. In other cases, the illegal aliens had criminal records or were gang members and were still released into the United States. In all cases, the illegal aliens went on to commit crimes in American communities ranging from murder and robbery to brutal assault.

In 2017, then-Senator Kamala Harris asserted that “an undocumented immigrant is not a criminal”⁹ and mocked any plans to remove illegal aliens from the United States.¹⁰ Contrary to the border czar’s claims, many of the illegal aliens allowed to enter the United States under Vice President Harris’s watch are criminals who victimized Americans and terrorized U.S. communities. This interim staff report focuses on the case of one criminal illegal alien, Diego Ibarra, and highlights how the open-borders policies of the Biden-Harris Administration ensured his release into the United States. According to new, nonpublic information uncovered by the Committee, the Biden-Harris Administration released Diego Ibarra, an illegal alien from Venezuela, into the United States in April 2023, despite Ibarra allegedly having tattoos associated

⁶ See H. Comm. on the Judiciary, Interim Staff Rep., *How the Biden Admin.’s Lax Immigr. Enf’t Allows Dangerous Criminal Aliens to Run Free in American Communities*, at 10-13 (Apr. 16, 2024).

⁷ See H. Comm. on the Judiciary, Interim Staff Rep., *New Data Reveal Worsening Magnitude of the Biden Border Crisis and Lack of Interior Immigr. Enf’t*, at 9 (Jan. 18, 2024).

⁸ *Id.* at 9.

⁹ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:38 PM), <https://x.com/KamalaHarris/status/855566507526565888>.

¹⁰ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:39 PM), <https://x.com/KamalaHarris/status/855566707729027072>.

with the Venezuelan gang Tren de Aragua.¹¹ For unknown reasons, the Federal Bureau of Investigation (FBI) declined to pursue charges against Ibarra after he assaulted Border Patrol agents.¹²

¹¹ See *infra* notes 24, 37; Jennie Taer, *Violent El Tren de Aragua Venezuelan gang linked to over 100 criminal cases in US: report*, N.Y. POST (June 12, 2024, 7:12 PM), <https://nypost.com/2024/06/12/us-news/el-tren-de-aragua-gang-linked-to-100-us-criminal-cases-report/>.

¹² See *infra* notes 29-30.

THE CASE OF CRIMINAL ILLEGAL ALIEN DIEGO IBARRA

For more than three-and-a-half years, President Joe Biden and “border czar” Vice President Kamala Harris have orchestrated the largest mass release of illegal aliens into the country in American history. Well over 7 million illegal aliens are now in the United States because of the Biden-Harris Administration’s radical immigration policies.¹³ The results are all too predictable: cities overwhelmed, public services crushed, and communities shattered by the criminality of some illegal aliens.

Although the Biden-Harris Administration claims that illegal aliens are vetted before being released into the United States, the reality is much more disturbing. As one federal district court judge has observed, the checks that DHS currently performs on illegal aliens encountered at the southwest border should concern every American. As Judge Wetherell explained in 2023:

Although DHS says it is screening arriving aliens . . . to determine if they are a public safety threat, the more persuasive evidence establishes that DHS cannot reliably make that determination. Indeed, according to [the Administration’s] own witnesses, DHS has no way to determine if an alien has a criminal history in his home country unless that country reports the information to the U.S. government or the alien self-reports. Therefore, DHS is mainly only screening aliens at the border to determine if they have previously committed a crime in the United States, and because many of these aliens are coming to the United States for the first time, DHS has no idea whether they have criminal histories or not.¹⁴

Indeed, the biometric and biographic data of illegal aliens, including that of the millions of illegal aliens who have entered the U.S. during the Biden-Harris Administration, are only vetted against U.S. criminal databases, such as the National Crime Information Center (NCIC), and against INTERPOL information.¹⁵ Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.¹⁶ As a result, if there is derogatory information about an alien in that alien’s home country, the current checks are unlikely to reveal it. As former Border Patrol Chief Rodney Scott testified to the Subcommittee on Immigration Integrity, Security, and Enforcement in 2023, the U.S. government has “very, very minuscule data” available when an alien arrives at the southwest border because “[c]rimes committed by a foreign national outside the U.S. rarely appear in [U.S.] databases.”¹⁷

The consequences are dire, with illegal aliens committing crimes against Americans at an alarming rate. Since the beginning of the 118th Congress, Chairman Jim Jordan and

¹³ See *supra* notes 1-2.

¹⁴ *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

¹⁵ *The Biden Border Crisis: Part III: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 62 (2023) (statement of Rodney Scott).

¹⁶ *Id.*

¹⁷ *Terrorist Entry Through the Sw. Border: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 45 (2023) (statement of Rodney Scott).

Subcommittee Chairman Tom McClintock have requested files and information related to dozens of illegal aliens who have committed violent and serious crimes during the Biden-Harris Administration. This report focuses on just one of the millions of illegal aliens released by the Biden-Harris Administration: Diego Ibarra.

Illegal Alien Diego Ibarra, a Gang Member, Assaulted a Border Patrol Agent.

In February 2024, authorities charged Diego Ibarra, an illegal alien from Venezuela, “with possessing a fraudulent green card.”¹⁸ Ibarra, whose brother Jose allegedly murdered Georgia nursing student Laken Riley, “ha[d] been arrested three times by Athens[, Georgia,] law enforcement.”¹⁹ ICE also arrested Diego and Jose’s brother, Argenis, who entered the United States illegally in April 2023.²⁰

Based on these reports, on March 18, 2024, Chairman Jim Jordan and Subcommittee on Immigration Integrity, Security, and Enforcement Chairman Tom McClintock launched an investigation into Diego and Argenis and their release into the United States.²¹ The Committee sent a letter to the Department of Homeland Security requesting all case history information for Diego and Argenis, including their alien files (A-files).²² On June 21, 2024, DHS produced the A-files for Diego and Argenis Ibarra.²³

The Biden-Harris Administration Released Diego Ibarra into the United States in 2023 Despite His Apparent Gang Membership and Assault of a Border Patrol Agent.

The Committee’s review of Diego’s and Argenis’s A-files reveals that the Biden-Harris Administration released both brothers into the United States. Border Patrol agents apprehended Diego Ibarra, a Venezuelan national, on April 30, 2023, in the El Paso Border Patrol sector.²⁴ Diego allegedly “assault[ed] and attempt[ed] to bite [a Border Patrol] agent who tried to arrest him.”²⁵ Upon apprehension, Diego was placed in expedited removal proceedings, during which he claimed a fear of persecution.²⁶ Nonetheless, after being arrested by Border Patrol agents, Diego refused to answer basic questions about why he traveled to the United States, including

¹⁸ Press Release, *Undocumented Venezuelan Man Charged with Possessing Fake Green Card*, U.S. DEP’T OF JUSTICE (Feb. 23, 2024), <https://www.justice.gov/usao-mdga/pr/undocumented-venezuelan-man-charged-possessing-fake-green-card>.

¹⁹ *Id.*

²⁰ Sam Sachs, *3rd Ibarra brother in ICE custody, being held in West Georgia facility, officials confirm*, WSBTV.COM (Mar. 8, 2024, 3:01 PM), <https://www.wsbtv.com/news/local/clarke-county/3rd-ibarra-brother-ice-custody-officials-confirm/QN3PKH6O7NHTFED5YS2FYBUK5U/>.

²¹ Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Mar. 18, 2024) (on file with Comm.).

²² *Id.*

²³ Alien File of Diego Ibarra, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (June 21, 2024) (on file with Comm.) [hereinafter Diego Ibarra A-File]; Alien File of Argenis Ibarra, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (June 21, 2024) (on file with Comm.) [hereinafter Argenis Ibarra A-File].

²⁴ Diego Ibarra A-File, *supra* note 23, at 39, 47.

²⁵ Luke Barr, *Diego Ibarra, brother of University of Georgia murder suspect, to remain in federal custody*, ABC NEWS (Mar. 7, 2024, 3:32 PM), <https://abcnews.go.com/US/brother-university-georgia-murder-suspect-remain-federal-custody/story?id=107890018>.

²⁶ Diego Ibarra A-File, *supra* note 23, at 46, 48.

questions about why he departed his home country and, at least initially, whether he feared returning there.²⁷ He also refused to sign immigration documents.²⁸

Despite his assault of a Border Patrol agent, according to an email in Diego's A-file, "[a]fter speaking to the [Supervisory Border Patrol Agent] on Duty at the time of the assault on the agent(s)," the FBI "did not pursue prosecution for Diego Ibarra."²⁹ DHS redacted the reason for the FBI's failure to pursue prosecution of Diego.³⁰ By May 11, 2023, despite Diego's assault on a Border Patrol agent, he was enrolled in Alternatives to Detention with instructions to report to ICE's New York City field office on June 23, 2023.³¹ Diego listed an unknown brother in New York, potentially Jose Ibarra, as his U.S. point of contact.³²

Subject is not showing signs or symptoms of the Coronavirus or been around anyone showing signs of the Covid-19.

Subject was cleared to travel by the onsite medical staff.

DISPOSITION:

The FBI will not seek prosecution for Assault on an Agent, on Diego IBARRA due to his claimed _____ of _____.

The subject was processed as an Expedited Removal with credible fear and will be transferred to ICE/ERO for proper disposition.

US Point of Contact:

Signature _____

Title _____

Above: A document in Diego Ibarra's alien file reveals that the FBI did "not seek prosecution" of Ibarra for his alleged assault of a Border Patrol agent.

Although an initial records check on Diego from May 2023 "revealed no prior arrest data,"³³ Diego quickly accumulated arrests once he was in the United States, including on September 25, 2023, "for driving under the influence of alcohol and driving without a license"; on October 27, 2023, "for theft by shoplifting"; and on December 8, 2023, "for failure to appear for a fingerprintable [*sic*] offense."³⁴ For months after allegedly committing crimes, however, Diego remained at large in the United States. Finally, following his brother Jose's arrest for the alleged murder of Laken Riley in Athens, Georgia, ICE lodged an immigration detainer against Diego and issued a warrant for his arrest on February 24, 2024.³⁵ Diego was charged "with possessing a fraudulent green card."³⁶ Diego is also reportedly connected to Tren de Aragua, "a

²⁷ *Id.* at 11-12.

²⁸ *Id.* at 3, 11-12, 44, 54, 56.

²⁹ *Id.* at 32.

³⁰ *Id.*

³¹ Diego Ibarra A-File, *supra* note 23, at 38.

³² *Id.* at 58.

³³ *Id.* at 51.

³⁴ Press Release, *supra* note 18.

³⁵ Diego Ibarra A-File, *supra* note 23, at 1, 15.

³⁶ Press Release, *supra* note 18.

dangerous Venezuelan gang responsible for a terrifying wave of violence” in New York City and beyond, “based on his tattoos, attire[,] and use of gang signs in social media pictures.”³⁷

On the same day of Diego’s apprehension at the border, Border Patrol agents apprehended his brother Argenis Ibarra, also a Venezuelan national, near El Paso, Texas.³⁸ Argenis was ordered released on his own recognizance on May 4, 2023, “due to lack of space at the ICE El Paso Service Processing Center.”³⁹ He listed his U.S. point of contact as a friend in Harrisburg, Pennsylvania.⁴⁰ DHS instructed Argenis to report to an ICE office in York, Pennsylvania, on June 5, 2023.⁴¹ He was initially scheduled to appear before an immigration judge in Philadelphia on July 3, 2024, more than 14 months after he entered the United States.⁴² ICE arrested Argenis “the same weekend that Jose and Diego Ibarra were arrested in Athens.”⁴³

CONCLUSION

The disastrous immigration policies of the Biden-Harris Administration have had real-world consequences for American citizens. The effects of those policies will be felt for years to come, with criminal aliens in American neighborhoods harming families and hurting public safety across the country.

For 15 months, President Biden, Vice President Harris, and Senate Democrats have failed to consider the House-passed H.R. 2, the Secure the Border Act of 2023, despite rapidly deteriorating conditions both at the border and in the interior. To secure America, the Senate must pass, and President Biden must sign into law, H.R. 2. In the meantime, the Committee and Subcommittee will continue to conduct vigorous oversight to inform legislative reforms to address President Biden and Vice President Harris’s dangerous immigration policies.

³⁷ Ronny Reyes, *Laken Riley’s suspected killer linked to bloodthirsty Venezuelan gang behind terror in NYC: court docs*, N.Y. POST (Mar. 7, 2024, 8:18 AM), <https://nypost.com/2024/03/07/us-news/brother-of-laken-rileys-suspected-killer-has-ties-to-venezuela-gang-prosecutors/>; see also Taer, *supra* note 11.

³⁸ Argenis Ibarra A-File, *supra* note 23, at 2.

³⁹ *Id.* at 1, 5, 10.

⁴⁰ *Id.* at 14.

⁴¹ *Id.* at 1.

⁴² *Id.* at 2.

⁴³ See Sachs, *supra* note 20.